

JOURNAL
OF THE
House of Representatives
OF THE
REGULAR SESSION
OF THE
Eighty-Second Legislature
OF THE
STATE OF TEXAS

BEGUN AND HELD AT
THE CITY OF AUSTIN
JANUARY 11, 2011



VOLUME III

VOLUME III

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HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SEVENTY-FIRST DAY — SATURDAY, MAY 7, 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 834).

Present — Mr. Speaker; Aliseda; Allen; Alvarado; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Carter; Castro; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Deshotel; Driver; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Frullo; Geren; Gonzales, L.; Gonzales, V.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hochberg; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Lavender; Legler; Lewis; Lucio; Lyne; Madden; Margo; Martinez Fischer; McClendon; Miller, D.; Miller, S.; Morrison; Murphy; Naishtat; Nash; Orr; Otto; Parker; Patrick; Paxton; Phillips; 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; Vo; Weber; White; Woolley; Workman; Zedler; Zerwas.

Absent, Excused — Anchia; Garza; Giddings; Gonzalez; Lozano; Marquez; Reynolds.

Absent — Alonzo; Bohac; Callegari; Coleman; Davis, Y.; Dukes; Flynn; Gallego; Guillen; Gutierrez; Hernandez Luna; Hilderbran; Hopson; Johnson; King, T.; Laubenberg; Mallory Caraway; Martinez; Menendez; Miles; Muñoz; Oliveira; Peña; Perry; Pickett; Thompson; Turner; Veasey; Villarreal; Walle.

STATEMENT OF VOTE

After roll call was taken, I had requested to be excused because of family illness, but the excuse failed to be read out. I was at MD Anderson Hospital with my wife who was recovering from major surgery.

Hopson

The invocation was offered by Mark Beck, First Baptist Church Mixon, Troup, as follows:

Heavenly Father, I thank you for your love, mercy, and forgiveness. I thank you for the many blessings and resources that you have bestowed on the people of Texas. I thank you most of all for Jesus Christ, our Savior, who died for our sins and rose again so that we who bear his name may live forever with you in glory.

I pray for your blessings over our economy and businesses, public and private, large and small, all across Texas. I pray for the poor and needy and for those who are out of work and pray that you will give those of us who have been blessed with employment in these difficult times a heart of compassion for those who are less fortunate.

I pray for those affected by the fires and the storms that recently plagued our state and other areas in our nation. I ask that you'll provide comfort and healing as they strive to recover their losses and get on with their lives.

Lord, I pray for the safety of our men and women, sons and daughters, moms and dads in our armed forces and law enforcement across our state. I also pray for the safety of all the representatives and their staff as they travel home to celebrate Mother's Day with their families.

I ask you, Lord, this day to impart wisdom to these legislators as they go about the business of making our state an even better place to live, work, raise families, and worship. I ask that you would give us all a spirit of unselfishness as our elected officials work on balancing the budget and making tough cuts. Help us, Lord, to learn to use what we have been blessed with wisely.

Father, your word says, "Blessed is the nation whose God is the Lord." I pray, O God, that every eye will turn to you and see that you are the one true Lord of this land. In the name of Jesus, I pray. Amen.

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

(Y. Davis, Gallego, Guillen, T. King, Laubenberg, Miles, and Turner now present)

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for today because of important business in the district:

Anchia on motion of Lucio.

Callegari on motion of S. Miller.

Garza on motion of Phillips.

Hernandez Luna on motion of Lucio.

Lozano on motion of Gooden.

Reynolds on motion of White.

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

Gonzalez on motion of Patrick.

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

Marquez on motion of Raymond.

REGULAR ORDER OF BUSINESS SUSPENDED

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

HR 1768 - ADOPTED

(by Callegari)

Representative S. Miller moved to suspend all necessary rules to take up and consider at this time **HR 1768**.

The motion prevailed.

The following resolution was laid before the house:

HR 1768, Congratulating William A. Callegari III on his graduation from The Citadel.

HR 1768 was adopted.

LEAVE OF ABSENCE GRANTED

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

Perry on motion of Landtroop.

UNFINISHED BUSINESS

The following bill was laid before the house as unfinished business:

CSHB 400 ON SECOND READING

(by Eissler, Aycock, Crownover, Garza, et al.)

CSHB 400, A bill to be entitled An Act relating to flexibility for public schools to administer primary and secondary education efficiently.

CSHB 400 was read second time on May 6 and 26 amendments were offered and disposed of before that day's adjournment. A point of order was pending at the time of adjournment.

CSHB 400 - POINT OF ORDER DISPOSITION

The speaker sustained the point of order.

The ruling precluded further consideration of **CSHB 400**.

(Thompson now present)

GENERAL STATE CALENDAR

HOUSE BILLS

THIRD READING

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

(Alonzo now present)

HB 3473 ON THIRD READING
(by Gallego)

HB 3473, A bill to be entitled An Act relating to a defense to prosecution for a child younger than 14 years old for the offense of prostitution.

Amendment No. 1

Representative Gallego offered the following amendment to **HB 3473**:

Amend **HB 3473** on third reading by amending Article 62.001(5), Code of Criminal Procedure, as amended by Floor Amendment No. 1 by Menendez to **HB 3473**, to read as follows:

(5) "Reportable conviction or adjudication" means a conviction or adjudication, including an adjudication of delinquent conduct or a deferred adjudication, that, regardless of the pendency of an appeal, is a conviction for or an adjudication for or based on:

(A) a violation of Section 21.02 (Continuous sexual abuse of young child or children), 21.11 (Indecency with a child), 22.011 (Sexual assault), 22.021 (Aggravated sexual assault), or 25.02 (Prohibited sexual conduct), Penal Code;

(B) a violation of Section 43.05 (Compelling prostitution), 43.25 (Sexual performance by a child), or 43.26 (Possession or promotion of child pornography), Penal Code;

(B-1) a violation of Section 43.02 (Prostitution), Penal Code, if the offense is punishable under Subsection (c)(3) of that section;

(B-2) a violation of Section 43.03 (Promotion of prostitution), Penal Code, if the offense is punishable under Subsection (b)(2) of that section;

(B-3) a violation of Section 43.04 (Aggravated promotion of prostitution), Penal Code, if the offense is punishable as a felony of the second degree;

(C) a violation of Section 20.04(a)(4) (Aggravated kidnapping), Penal Code, if the actor committed the offense or engaged in the conduct with intent to violate or abuse the victim sexually;

(D) a violation of Section 30.02 (Burglary), Penal Code, if the offense or conduct is punishable under Subsection (d) of that section and the actor committed the offense or engaged in the conduct with intent to commit a felony listed in Paragraph (A) or (C);

(E) a violation of Section 20.02 (Unlawful restraint), 20.03 (Kidnapping), or 20.04 (Aggravated kidnapping), Penal Code, if, as applicable:

(i) the judgment in the case contains an affirmative finding under Article 42.015; or

(ii) the order in the hearing or the papers in the case contain an affirmative finding that the victim or intended victim was younger than 17 years of age;

(F) the second violation of Section 21.08 (Indecent exposure), Penal Code, but not if the second violation results in a deferred adjudication;

(G) an attempt, conspiracy, or solicitation, as defined by Chapter 15, Penal Code, to commit an offense or engage in conduct listed in Paragraph (A), (B), (C), (D), or (E);

(H) a violation of the laws of another state, federal law, the laws of a foreign country, or the Uniform Code of Military Justice for or based on the violation of an offense containing elements that are substantially similar to the elements of an offense listed under Paragraph (A), (B), (B-1), (B-2), (B-3), (C), (D), (E), (G), or (J), but not if the violation results in a deferred adjudication;

(I) the second violation of the laws of another state, federal law, the laws of a foreign country, or the Uniform Code of Military Justice for or based on the violation of an offense containing elements that are substantially similar to the elements of the offense of indecent exposure, but not if the second violation results in a deferred adjudication; or

(J) a violation of Section 33.021 (Online solicitation of a minor), Penal Code.

(Gutierrez now present)

Amendment No. 1 was adopted.

(Peña now present)

HB 3473, as amended, was passed by (Record 835): 111 Yeas, 5 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Deshotel; Driver; Dutton; Eissler; Elkins; Farrar; Frullo; Gallego; Geren; Gonzales, L.; Gonzales, V.; Gooden; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hochberg; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Laubenberg; Lavender; Legler; Lewis; Lucio; Lyne; Madden; Margo; McClendon; Miles; Miller, D.; Morrison; Murphy; Naishtat; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pitts; Price; Quintanilla; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Vo; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Anderson, C.; Fletcher; Landtroop; Miller, S.; Sheffield.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Callegari; Garza; Giddings; Gonzalez; Hernandez Luna; Lozano; Marquez; Perry; Reynolds.

Absent — Bohac; Castro; Coleman; Davis, Y.; Dukes; Eiland; Farias; Flynn; Guillen; Hilderbran; Hopson; Johnson; Mallory Caraway; Martinez; Martinez Fischer; Menendez; Muñoz; Oliveira; Pickett; Raymond; Veasey; Villarreal; Walle.

STATEMENTS OF VOTE

When Record No. 835 was taken, I was in the house but away from my desk. I would have voted yes.

Y. Davis

When Record No. 835 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

When Record No. 835 was taken, I was in the house but away from my desk. I would have voted yes.

Guillen

I was shown voting no on Record No. 835. I intended to vote yes.

Landtroop

When Record No. 835 was taken, I was in the house but away from my desk. I would have voted yes.

Martinez Fischer

When Record No. 835 was taken, I was in the house but away from my desk. I would have voted yes.

Muñoz

When Record No. 835 was taken, I was in the house but away from my desk. I would have voted yes.

Raymond

HB 2197 ON THIRD READING

(by **Rodriguez**)

HB 2197, A bill to be entitled An Act relating to the purchase of property as part of a homestead land bank program.

(Hilderbran now present)

HB 2197 was passed by (Record 836): 72 Yeas, 44 Nays, 1 Present, not voting.

Yeas — Alonzo; Alvarado; Burkett; Burnam; Button; Carter; Chisum; Cook; Craddick; Crownover; Davis, J.; Davis, S.; Deshotel; Driver; Dutton; Eiland; Eissler; Elkins; Farrar; Gallego; Gonzales, L.; Gonzales, V.; Hamilton; Hancock; Hardcastle; Hartnett; Hochberg; Howard, D.; Huberty; Hunter; Isaac; Keffer; King, S.; King, T.; Kleinschmidt; Kuempel; Larson; Lewis; Lucio; Lyne; Madden; Margo; McClendon; Miles; Miller, D.; Murphy; Naishtat; Nash; Otto; Parker; Patrick; Peña; Phillips; Pitts; Quintanilla; Riddle; Rodriguez; Schwertner; Scott; Smith, W.; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Turner; Vo; Weber; Woolley; Workman; Zerwas.

Nays — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Cain; Christian; Creighton; Darby; Fletcher; Frullo; Geren; Gooden; Gutierrez; Harless; Harper-Brown; Hilderbran; Howard, C.; Hughes; Jackson; King, P.; Kolkhorst; Landtroop; Laubenberg; Lavender; Legler; Miller, S.; Orr; Paxton; Price; Ritter; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smithee; Truitt; White; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Callegari; Garza; Giddings; Gonzalez; Hernandez Luna; Lozano; Marquez; Perry; Reynolds.

Absent — Allen; Bohac; Castro; Coleman; Davis, Y.; Dukes; Farias; Flynn; Guillen; Hopson; Johnson; Mallory Caraway; Martinez; Martinez Fischer; Menendez; Morrison; Muñoz; Oliveira; Pickett; Raymond; Veasey; Villarreal; Walle.

STATEMENTS OF VOTE

When Record No. 836 was taken, I was in the house but away from my desk. I would have voted yes.

Y. Davis

When Record No. 836 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

When Record No. 836 was taken, I was in the house but away from my desk. I would have voted yes.

Guillen

I was shown voting no on Record No. 836. I intended to vote yes.

Gutierrez

I was shown voting yes on Record No. 836. I intended to vote no.

Isaac

When Record No. 836 was taken, I was in the house but away from my desk. I would have voted yes.

Martinez Fischer

When Record No. 836 was taken, I was in the house but away from my desk. I would have voted yes.

Muñoz

I was shown voting yes on Record No. 836. I intended to vote no.

Patrick

When Record No. 836 was taken, I was in the house but away from my desk. I would have voted yes.

Raymond

I was shown voting yes on Record No. 836. I intended to vote no.

Weber

**GENERAL STATE CALENDAR
SENATE BILLS
THIRD READING**

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

**SB 1680 ON THIRD READING
(Murphy - House Sponsor)**

SB 1680, A bill to be entitled An Act relating to certain evidence in a prosecution of fraud or theft involving Medicaid or Medicare benefits and to certain criminal procedures involving offenses in general.

SB 1680 was passed by (Record 837): 116 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Callegari; Garza; Giddings; Gonzalez; Hernandez Luna; Lozano; Marquez; Perry; Reynolds.

Absent — Bohac; Castro; Coleman; Davis, Y.; Dukes; Farias; Flynn; Guillen; Gutierrez; Hopson; Johnson; Mallory Caraway; Martinez; Martinez Fischer; Menendez; Muñoz; Oliveira; Pickett; Raymond; Turner; Veasey; Villarreal; Walle.

STATEMENTS OF VOTE

When Record No. 837 was taken, I was in the house but away from my desk. I would have voted yes.

Y. Davis

When Record No. 837 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

When Record No. 837 was taken, I was in the house but away from my desk. I would have voted yes.

Guillen

When Record No. 837 was taken, I was in the house but away from my desk. I would have voted yes.

Martinez Fischer

When Record No. 837 was taken, I was in the house but away from my desk. I would have voted yes.

Muñoz

When Record No. 837 was taken, I was in the house but away from my desk. I would have voted yes.

Raymond

**SB 1104 ON THIRD READING
(W. Smith and Legler - House Sponsors)**

SB 1104, A bill to be entitled An Act relating to the operation, powers, and duties of ship channel districts.

SB 1104 was passed by (Record 838): 120 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Carter; Castro; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Dutton; Eiland; Eissler; Elkins; Farrar; Fletcher; Frullo; Gallego; Geren; Gonzales, L.; Gonzales, V.; Gooden; Guillen; Gutierrez; Hamilton; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hochberg; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lucio; Lyne; Madden; Margo; Martinez Fischer; McClendon; Miles; Miller, D.; Miller, S.; Morrison; Murphy; Naishtat; Nash; Orr; Otto; Parker; Patrick; Paxten; Peña; Phillips; Pitts; Price; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Vo; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Callegari; Garza; Giddings; Gonzalez; Hernandez Luna; Lozano; Marquez; Perry; Reynolds.

Absent — Bohac; Coleman; Davis, Y.; Deshotel; Dukes; Farias; Flynn; Hancock; Hopson; Johnson; Mallory Caraway; Martinez; Menendez; Muñoz; Oliveira; Pickett; Veasey; Villarreal; Walle.

STATEMENTS OF VOTE

When Record No. 838 was taken, I was in the house but away from my desk. I would have voted yes.

Y. Davis

When Record No. 838 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

When Record No. 838 was taken, I was in the house but away from my desk. I would have voted yes.

Muñoz

SB 1341 ON THIRD READING (Elkins - House Sponsor)

SB 1341, A bill to be entitled An Act relating to the participation by a taxing unit in a suit to compel an appraisal review board to order a change in an appraisal roll.

SB 1341 was passed by (Record 839): 118 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anderson, C.; Anderson, R.; Beck; Berman; Brown; Burkett; Burnam; Button; Cain; Carter; Castro; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dutton; Eiland; Eissler; Elkins; Farrar; Frullo; Gallego; Geren; Gonzales, L.; Gonzales, V.; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hochberg; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lucio; Lyne; Madden; Margo; Martinez Fischer; McClendon; Miles; Miller, D.; Miller, S.; Morrison; Murphy; Naishtat; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pitts; Price; Quintanilla; Raymond; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Vo; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Callegari; Garza; Giddings; Gonzalez; Hernandez Luna; Lozano; Marquez; Perry; Reynolds.

Absent — Aycock; Bohac; Bonnen; Branch; Coleman; Dukes; Farias; Fletcher; Flynn; Hopson; Johnson; Mallory Caraway; Martinez; Menendez; Muñoz; Oliveira; Pickett; Rodriguez; Veasey; Villarreal; Walle.

STATEMENTS OF VOTE

When Record No. 839 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

When Record No. 839 was taken, I was in the house but away from my desk. I would have voted yes.

Muñoz

POSTPONED BUSINESS

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

**CSHB 1629 ON SECOND READING
(by Anchia)**

CSHB 1629, A bill to be entitled An Act relating to energy efficiency goals and programs, public information regarding energy efficiency programs, and the participation of loads in certain energy markets.

CSHB 1629 was read second time on May 3, postponed until May 6, and was again postponed until 2:10 p.m. May 6.

Representative Strama moved to postpone consideration of **CSHB 1629** until 7 a.m. Tuesday, May 10.

The motion prevailed.

**SB 132 ON THIRD READING
(Flynn - House Sponsor)**

SB 132, A bill to be entitled An Act relating to registration with the Selective Service System of certain applicants for a driver's license or personal identification certificate.

SB 132 was read third time on May 6 and was postponed until 2:30 p.m. May 6.

Amendment No. 1

Representative Alonzo offered the following amendment to **SB 132**:

Amend **SB 132** (house committee report) in SECTION 1 of the bill, in proposed Section 521.147(a), Transportation Code (page 1, line 11), between "certificate" and "is submitted", by inserting "is made available to all persons who are subject to this section and".

(Muñoz now present)

Amendment No. 1 was withdrawn.

Amendment No. 2

Representative Burnam offered the following amendment to **SB 132**:

Amend **SB 132** (second reading engrossment) as follows:

(1) On page 2, line 1, between "(c)" and "The", insert "An application under this section must give written notice to an applicant that information regarding alternative service options for applicants who object to conventional military".

service for religious or other conscientious reasons is available from the department upon request. The department shall make information regarding alternative service options available to an applicant upon request.

(d)".

(2) On page 2, line 17, strike "(d)" and substitute "(e)".

(3) On page 2, line 17, strike "notification" and substitute "notifications".

(4) On page 2, line 18, strike "Subsection (b) [(a)]" and substitute "Subsections (b) and (c) [Subsection (a)]".

(5) On page 2, line 22, strike "notification" and substitute "notifications".

(6) On page 2, line 23, strike "(e)" and substitute "(f)".

(7) On page 2, line 23, strike "(c)" and substitute "(d)".

Amendment No. 3

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

Amend **SB 132** (second reading engrossment) as follows:

(1) On page 2, line 1, between "(c)" and "The", insert "An application under this section must give written notice to an applicant that information regarding alternative service options for applicants who object to conventional military service for religious or other conscientious reasons is available from the department upon request.

(d)".

(2) On page 2, line 17, strike "(d)" and substitute "(e)".

(3) On page 2, line 17, strike "notification" and substitute "notifications".

(4) On page 2, line 18, strike "Subsection (b) [(a)]" and substitute "Subsections (b) and (c) [Subsection (a)]".

(5) On page 2, line 22, strike "notification" and substitute "notifications".

(6) On page 2, line 23, strike "(e)" and substitute "(f)".

(7) On page 2, line 23, strike "(c)" and substitute "(d)".

Amendment No. 3 was adopted.

Amendment No. 2, as amended, was adopted.

SB 132, as amended, was passed by (Record 840): 120 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Button; Cain; Carter; Castro; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dutton; Eiland; Eissler; Elkins; Farrar; Fletcher; Frullo; Gallego; Geren; Gonzales, L.; Gonzales, V.; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hochberg; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lucio; Lyne; Madden; Margo; Martinez Fischer; McClendon; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pitts; Price; Quintanilla; Raymond; Riddle; Ritter; Rodriguez;

Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Vo; Weber; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Callegari; Garza; Giddings; Gonzalez; Hernandez Luna; Lozano; Marquez; Perry; Reynolds.

Absent — Aliseda; Alvarado; Bohac; Burnam; Coleman; Dukes; Farias; Flynn; Hopson; Johnson; Mallory Caraway; Martinez; Menendez; Oliveira; Pickett; Veasey; Villarreal; Walle; White.

STATEMENTS OF VOTE

When Record No. 840 was taken, I was in the house but away from my desk. I would have voted yes.

Alvarado

When Record No. 840 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

When Record No. 840 was taken, I was in the house but away from my desk. I would have voted yes.

White

SB 887 ON SECOND READING (Riddle, V. Taylor, and Carter - House Sponsors)

SB 887, A bill to be entitled An Act relating to the penalty for theft of an automated teller machine or the contents or components of an automated teller machine.

SB 887 was considered in lieu of **CSHB 922**.

SB 887 was read second time and was passed to third reading.

CSHB 922 - LAID ON THE TABLE SUBJECT TO CALL

Representative Riddle moved to lay **CSHB 922** on the table subject to call.

The motion prevailed.

CSHB 3308 ON SECOND READING (by Rodriguez)

CSHB 3308, A bill to be entitled An Act relating to the operation of plug-in electric motor vehicles.

CSHB 3308 was read second time on May 5, postponed until May 6, and was again postponed until 7 a.m. today.

Representative Rodriguez moved to postpone consideration of **CSHB 3308** until 7 a.m. Monday, May 9.

The motion prevailed.

(Martinez now present)

MOTION TO SUSPEND RULES

Representative Hunter moved to suspend all necessary rules to set **HB 274**, **HB 12**, **HB 272**, and **HB 400** at the beginning of Monday's calendar.

The motion was withdrawn.

MOTION TO ADJOURN

Representative Y. Davis moved that the house adjourn until 10 a.m. Monday, May 9.

The motion was lost by (Record 841): 6 Yeas, 96 Nays, 1 Present, not voting.

Yeas — Burnam; Davis, Y.; Gallego; Gutierrez; Hochberg; Martinez Fischer.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Callegari; Garza; Giddings; Gonzalez; Hernandez Luna; Lozano; Marquez; Perry; Reynolds.

Absent — Allen; Alonzo; Alvarado; Bohac; Coleman; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Flynn; Gonzales, V.; Guillen; Hopson; Howard, D.; Johnson; Laubenberg; Mallory Caraway; Martinez; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Paxton; Pickett; Quintanilla; Raymond; Rodriguez; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

STATEMENTS OF VOTE

When Record No. 841 was taken, I was temporarily out of the house chamber. I would have voted no.

Alvarado

When Record No. 841 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

When Record No. 841 was taken, I was in the house but away from my desk. I would have voted yes.

McClendon

(Marquez now present)

SB 977 ON SECOND READING
(Torres - House Sponsor)

SB 977, A bill to be entitled An Act relating to the imposition and use of the municipal hotel occupancy tax by certain eligible central municipalities.

SB 977 was considered in lieu of **HB 1316**.

SB 977 was read second time.

Amendment No. 1

Representative Murphy offered the following amendment to **SB 977**:

Amend **SB 977** (senate engrossment) as follows:

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

SECTION _____. Section 2303.5055, Government Code, is amended by adding Subsection (f) to read as follows:

(f) Notwithstanding any other law, the comptroller shall deposit eligible taxable proceeds that were collected by or forwarded to the comptroller, and to which the qualified hotel project is entitled according to an agreement under this section, in trust in a separate suspense account of the project. A suspense account is outside the state treasury, and the comptroller may make a rebate, refund, or payment authorized by this section without the necessity of an appropriation. The comptroller shall rebate, refund, or pay to each qualified hotel project eligible taxable proceeds to which the project is entitled under this section at least quarterly.

SECTION _____. Section 151.429(h), Tax Code, is amended to read as follows:

(h) Notwithstanding the other provisions of this section, the owner of a qualified hotel project shall receive a rebate, refund, or payment of 100 percent of the sales and use taxes paid or collected by the qualified hotel project or businesses located in the qualified hotel project pursuant to this chapter and 100 percent of the hotel occupancy taxes paid by persons for the use or possession of or for the right to the use or possession of a room or space at the qualified hotel project pursuant to the provisions of Chapter 156 during the first 10 years after such qualified hotel project is open for initial occupancy. The comptroller shall deposit the taxes in trust in a separate suspense account of the qualified hotel project. A suspense account is outside the state treasury, and the comptroller may make a rebate, refund, or payment authorized by this section without the necessity of an appropriation. The comptroller shall rebate, refund, or pay to each qualified hotel project eligible taxable proceeds to which the project is entitled under this section at least monthly.

SECTION _____.

Amendment No. 1 was adopted.

SB 977, as amended, was passed to third reading by (Record 842): 91 Yeas, 9 Nays, 1 Present, not voting.

Yeas — Aliseda; Alvarado; Anderson, C.; Anderson, R.; Beck; Bonnen; Branch; Brown; Burkett; Button; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Frullo; Gonzales, L.; Gonzales, V.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hochberg; Howard, C.; Huberty; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lucio; Lyne; Madden; Margo; Martinez; Miller, D.; Morrison; Murphy; Nash; Orr; Otto; Patrick; Paxton; Peña; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Weber; White; Woolley; Workman; Zerwas.

Nays — Aycock; Berman; Cain; Geren; Hilderbran; Hughes; Miller, S.; Sheffield; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Callegari; Garza; Giddings; Gonzalez; Hernandez Luna; Lozano; Perry; Reynolds.

Absent — Allen; Alonzo; Bohac; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Flynn; Gallego; Guillen; Gutierrez; Hopson; Howard, D.; Johnson; King, T.; Mallory Caraway; Marquez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Parker; Pickett; Quintanilla; Raymond; Rodriguez; Turner; Veasey; Villarreal; Vo; Walle.

A verification of the vote was requested and was not granted.

STATEMENTS OF VOTE

I was shown voting no on Record No. 842. I intended to vote yes.

Cain

When Record No. 842 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

I was shown voting no on Record No. 842. I intended to vote yes.

Hughes

When Record No. 842 was taken, I was in the house but away from my desk. I would have voted yes.

Martinez Fischer

When Record No. 842 was taken, I was in the house but away from my desk. I would have voted yes.

McClendon

I was shown voting yes on Record No. 842. I intended to vote no.

White

I was shown voting no on Record No. 842. I intended to vote yes.

Zedler

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for the remainder of today because of important business in the district:

Y. Davis on motion of Turner.

Martinez on motion of Castro.

Muñoz on motion of Castro.

Vo on motion of D. Howard.

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

Walle on motion of Castro.

The following members were granted leaves of absence for the remainder of today because of important business:

McClendon on motion of Turner.

Oliveira on motion of Raymond.

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

Menendez on motion of Guillen.

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

Farias on motion of Castro.

PARLIAMENTARY INQUIRY

REPRESENTATIVE L. TAYLOR: With that last list of excused absences, do we still have a quorum?

SPEAKER STRAUS: Mr. Taylor, it appears that we would not.

L. TAYLOR: Mr. Speaker, is the body aware that we tried to work with the democrats on how to handle some bills today, and they refused that? And that we've also tried to work with them on how to deal with bills on Monday, and they refused that? I just think that folks need to be aware that we are here, we're ready to work, and we're not being offered that opportunity to work with our colleagues from the democrats' side.

And also, a number of members, who I believe are actually here and didn't vote on that last—so, how does that work on the quorum, and those types of things? I have a list of two, four, six, eight, probably 12, 13 names that are here that didn't vote. How does that work? In violation of the rules—machine malfunctions, I'm hearing. Can we get the machines corrected so we can carry on and get some business done?

Under Rule 5, Section 44, failure and refusal of vote, any member who is present and fails or refuses to vote after being requested by the speaker shall be recorded as present, but not voting, and should be counted for the purpose of making a quorum. Can we have a reconsideration of vote, or verify the vote?

REMARKS ORDERED PRINTED

Representative Sheffield moved to print remarks between Representative L. Taylor and the speaker.

The motion prevailed.

(Pickett now present)

MOTION TO GRANT LEAVES OF ABSENCE

Representative Lucio moved to grant Representative Johnson leave of absence for the remainder of today because of important business.

Representative Castro moved to grant Representatives Quintanilla and Veasey leaves of absence for the remainder of today because of important business in the district.

The motion to grant leaves of absence was lost by (Record 843): 18 Yeas, 89 Nays, 2 Present, not voting.

Yeas — Alvarado; Bonnen; Deshotel; Eiland; Gonzales, V.; Guillen; Hochberg; Howard, D.; King, T.; Laubenberg; Lucio; Martinez Fischer; Peña; Pickett; Rodriguez; Strama; Thompson; Turner.

Nays — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Branch; Brown; Burkett; Button; Cain; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Frullo; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Patrick; Paxton; 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.

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

Absent, Excused — Anchia; Callegari; Davis, Y.; Farias; Garza; Giddings; Gonzalez; Hernandez Luna; Lozano; Martinez; McClendon; Menendez; Muñoz; Oliveira; Perry; Reynolds; Vo; Walle.

Absent — Allen; Alonzo; Bohac; Burnam; Coleman; Dukes; Dutton; Farrar; Flynn; Gallego; Gutierrez; Hilderbran; Hopson; Johnson; Mallory Caraway; Marquez; Miles; Naishtat; Parker; Quintanilla; Raymond; Veasey; Villarreal.

STATEMENTS OF VOTE

When Record No. 843 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

When Record No. 843 was taken, my vote failed to register. I would have voted no.

Hilderbran

EMERGENCY CALENDAR HOUSE BILLS SECOND READING

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

CSHB 274 ON SECOND READING

(by Creighton, Aliseda, Kleinschmidt, Jackson, Sheets, et al.)

CSHB 274, A bill to be entitled An Act relating to the reform of certain remedies and procedures in civil actions.

CSHB 274 - POINT OF ORDER

Representative Castro raised a point of order against further consideration of **CSHB 274** under Rule 6, Section 6 and Rule 13, Section 1 of the House Rules.

(Menendez and Walle now present)

The speaker overruled the point of order.

CSHB 274 - MOTION TO SUSPEND RULES

Representative Hartnett moved to suspend all necessary rules for second reading consideration of **CSHB 274**.

The outcome of the motion to suspend all necessary rules could not be determined (a quorum not being present) by (Record 844): 82 Yeas, 15 Nays, 1 Present, not voting.

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

Nays — Eiland; Hamilton; Hochberg; Howard, D.; King, T.; Lucio; Martinez Fischer; Menendez; Peña; Pickett; Raymond; Riddle; Simpson; Strama; Thompson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Callegari; Davis, Y.; Farias; Garza; Giddings; Gonzalez; Hernandez Luna; Lozano; Martinez; McClendon; Muñoz; Oliveira; Perry; Reynolds; Vo.

Absent — Allen; Alonzo; Alvarado; Bohac; Burnam; Castro; Coleman; Deshotel; Dukes; Dutton; Eissler; Farrar; Flynn; Gallego; Gonzales, V.; Guillen; Gutierrez; Hopson; Johnson; Keffer; Laubenberg; Legler; Mallory Caraway; Marquez; Miles; Miller, S.; Naishtat; Nash; Parker; Paxton; Quintanilla; Rodriguez; Turner; Veasey; Villarreal; Walle.

STATEMENTS OF VOTE

When Record No. 844 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

When Record No. 844 was taken, my vote failed to register. I would have voted yes.

S. Miller

When Record No. 844 was taken, my vote failed to register. I would have voted yes.

Nash

MOTION TO ADJOURN

Representative Martinez Fischer moved that the house adjourn until 10 a.m. Monday, May 9.

The motion was lost by (Record 845): 10 Yeas, 93 Nays, 1 Present, not voting.

Yeas — Hochberg; Howard, D.; King, T.; Lucio; Martinez Fischer; Menendez; Pickett; Raymond; Strama; Thompson.

Nays — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Button; Cain; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eiland; Eissler; Elkins; Fletcher; Frullo; Geren; Gonzales, L.; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Howard, C.; Huberty; Hughes; 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; Patrick; Peña; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Callegari; Davis, Y.; Farias; Garza; Giddings; Gonzalez; Hernandez Luna; Lozano; Martinez; McClendon; Muñoz; Oliveira; Perry; Reynolds; Vo.

Absent — Allen; Alonzo; Alvarado; Bohac; Burnam; Castro; Coleman; Deshotel; Dukes; Dutton; Farrar; Flynn; Gallego; Gonzales, V.; Gutierrez; Hopson; Johnson; Mallory Caraway; Marquez; Miles; Naishtat; Parker; Paxton; Quintanilla; Rodriguez; Smith, T.; Turner; Veasey; Villarreal; Walle.

CSHB 274 - (consideration continued)

CSHB 274 - MOTION FOR PREVIOUS QUESTION

Representative Creighton moved the previous question on **CSHB 274**.

The motion was seconded.

The motion for the previous question prevailed by (Record 846): 86 Yeas, 11 Nays, 3 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Button; Cain; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Driver; Eissler; Elkins; Fletcher; Frullo; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hilderbran; 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; Patrick; Paxton; Peña; Phillips; Pitts; Price; Riddle; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Workman; Zedler; Zerwas.

Nays — Eiland; Hartnett; Hochberg; Hughes; King, T.; Martinez Fischer; Pickett; Ritter; Simpson; Strama; Thompson.

Present, not voting — Mr. Speaker(C); Davis, S.; Woolley.

Absent, Excused — Anchia; Callegari; Davis, Y.; Farias; Garza; Giddings; Gonzalez; Hernandez Luna; Lozano; Martinez; McClendon; Muñoz; Oliveira; Perry; Reynolds; Vo.

Absent — Allen; Alonzo; Alvarado; Bohac; Burnam; Castro; Coleman; Deshotel; Dukes; Dutton; Farrar; Flynn; Gallego; Gonzales, V.; Guillen; Gutierrez; Hopson; Howard, C.; Howard, D.; Johnson; Lucio; Mallory Caraway; Marquez; Menendez; Miles; Naishtat; Parker; Quintanilla; Raymond; Rodriguez; Turner; Veasey; Villarreal; Walle.

STATEMENTS OF VOTE

When Record No. 846 was taken, I was absent because of illness in the family. I was at MD Anderson Hospital with my wife who was recovering from major surgery. I would have voted yes.

Hopson

When Record No. 846 was taken, I was in the house but away from my desk. I would have voted no.

Menendez

When Record No. 846 was taken, I was in the house but away from my desk. I would have voted no.

Raymond

CSHB 274 was passed to engrossment by (Record 847): 89 Yeas, 12 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Button; Cain; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Frullo; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hilderbran; 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; Patrick; Paxton; Peña; Phillips; Pitts; Price; Riddle; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Eiland; Gallego; Guillen; Hochberg; Hughes; King, T.; Martinez Fischer; Pickett; Ritter; Simpson; Strama; Thompson.

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

Absent, Excused — Anchia; Callegari; Davis, Y.; Farias; Garza; Giddings; Gonzalez; Hernandez Luna; Lozano; Martinez; McClendon; Muñoz; Oliveira; Perry; Reynolds; Vo.

Absent — Allen; Alonzo; Alvarado; Bohac; Burnam; Castro; Coleman; Deshotel; Dukes; Dutton; Farrar; Flynn; Gonzales, V.; Gutierrez; Hopson; Howard, D.; Johnson; Lucio; Mallory Caraway; Marquez; Menendez; Miles; Naishtat; Parker; Quintanilla; Raymond; Rodriguez; Turner; Veasey; Villarreal; Walle.

STATEMENTS OF VOTE

When Record No. 847 was taken, I was absent because of illness in the family. I was at MD Anderson Hospital with my wife who was recovering from major surgery. I would have voted yes.

Hopson

When Record No. 847 was taken, I was in the house but away from my desk. I would have voted no.

Menendez

When Record No. 847 was taken, I was temporarily out of the house chamber. I would have voted yes.

Parker

When Record No. 847 was taken, I was in the house but away from my desk. I would have voted no.

Raymond

**MAJOR STATE CALENDAR
HOUSE BILLS
SECOND READING**

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

**CSHB 272 ON SECOND READING
(by Smithee, Chisum, Hancock, Margo, Sheets, et al.)**

CSHB 272, A bill to be entitled An Act relating to the operation of the Texas Windstorm Insurance Association and to the resolution of certain disputes concerning claims made to that association; providing penalties.

CSHB 272 - POINT OF ORDER

Representative Gallego raised a point of order against further consideration of **CSHB 272** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

ADJOURNMENT

Representatives Gallego and S. Miller moved that the house adjourn until 10 a.m. Monday, May 9.

The motion prevailed.

The house accordingly, at 2:28 p.m., adjourned until 10 a.m. Monday, May 9.

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

May 6

Corrections - **HB 3764**

County Affairs - **HB 1878**

Culture, Recreation, and Tourism - **HCR 84, HCR 130, SB 258, SB 932, SB 1518, SCR 10**

Energy Resources - **HB 3328, HB 3595**

Environmental Regulation - **HB 405, HB 695, SB 329**

Government Efficiency and Reform - **HB 3166**

Homeland Security and Public Safety - **HB 19, HB 584, HB 647, HB 1377, HB 1391, HB 1457, HB 1583, HB 1743, HB 2178, HB 2613, HB 2756, HB 3107**

Human Services - **HB 1709, HB 1784, HB 2299**

Insurance - **HB 2093, HB 2102, HB 3150**

Land and Resource Management - **HB 214, HB 524, SB 402**

Licensing and Administrative Procedures - **HB 1692, HB 3079**

Natural Resources - **SB 332, SB 430, SB 1140**

Pensions, Investments, and Financial Services - **HB 237, HB 1592, HB 2982, HB 3139, HB 3373**

Public Education - **HB 1114, HB 1336**

Public Health - **HB 2414, HB 2546, HB 3369, HB 3387, HB 3611**

State Affairs - **HB 1656, SB 1693**

Transportation - **HR 680, SB 743, SB 816, SB 1311**

Urban Affairs - **HB 1372, HB 3388**

Ways and Means - **HB 1234, SB 349**

ENGROSSED

May 6 - HB 122, HB 577, HB 595, HB 654, HB 673, HB 753, HB 762, HB 777, HB 783, HB 807, HB 818, HB 826, HB 872, HB 970, HB 971, HB 1033, HB 1071, HB 1080, HB 1090, HB 1111, HB 1135, HB 1178, HB 1226, HB 1315, HB 1335, HB 1354, HB 1456, HB 1500, HB 1502, HB 1517, HB 1604, HB 1610, HB 1616, HB 1619, HB 1649, HB 1678, HB 1749, HB 1772, HB 1821, HB 1834, HB 1839, HB 1840, HB 1930, HB 1931, HB 1960, HB 1983, HB 1985, HB 1988, HB 2038, HB 2042, HB 2048, HB 2052, HB 2061, HB 2100, HB 2109, HB 2127, HB 2136, HB 2160, HB 2172, HB 2173, HB 2195, HB 2205, HB 2220, HB 2284, HB 2285, HB 2295, HB 2367, HB 2374, HB 2396, HB 2477, HB 2549, HB 2576, HB 2577, HB 2584, HB 2604, HB 2636, HB 2651, HB 2655, HB 2699, HB 2703, HB 2723, HB 2742, HB 2784, HB 2810, HB 2872, HB 2882, HB 2899, HB 2903, HB 2947, HB 2972, HB 2993, HB 3002, HB 3071, HB 3078, HB 3085, HB 3090, HB 3109, HB 3116, HB 3117, HB 3134, HB 3135, HB 3145, HB 3161, HB 3197, HB 3269, HB 3278, HB 3298, HB 3329, HB 3337, HB 3391, HB 3396, HB 3457, HB 3582, HB 3689, HB 3722, HB 3724, HB 3771, HB 3796, HB 3807, HB 3808, HB 3811, HB 3846, HJR 63

ENROLLED

May 6 - HB 558, HB 600, HB 801, HB 1551, HB 1944, HCR 148

SENT TO THE GOVERNOR

May 6 - HB 558, HB 600, HB 801, HB 1551, HB 1944, HCR 148

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SEVENTY-SECOND DAY — MONDAY, MAY 9, 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 848).

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; 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.; Gonzalez; Gooden; Guillen; 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; Weber; White; Woolley; Workman; Zedler; Zerwas.

Absent — Coleman; Gonzales, V.; Gutierrez; Walle.

The invocation was offered by Greg Bland, lead pastor, Pedernales River Fellowship, Spicewood, as follows:

Heavenly Father, I pray for every member of the Texas House of Representatives to experience your grace, wisdom, strength, and perseverance. I pray that their discourse, decisions, and actions will be guided by your spirit and be pleasing to you. I pray that you give them a unified vision and discernment of what is right, the resolve and conviction to follow where you clearly lead, and the courage to stay the course you mark out for them. I pray that the business conducted today by this body would be honorable and full of integrity and will ultimately lead to policies and actions that reflect your heart.

Lord, I pray for the families of those who serve in this body. I ask that you protect them, bless and uphold their marriages and their children. May each family represented here know your unmistakable presence and experience the fullness of your joy.

Together, we all pray for our state, for your favor and blessing on all our citizens, for growth in our economy, for the jobless to find employment, and for the helpless to be protected. Father, we are asking that your kingdom come and your will be done on earth, and specifically in Texas, as it is in heaven. Direct the decisions of this body to move Texas and its people toward the life and future you dream for us to enjoy. Forgive us all where we fall short. I pray all this in Jesus' name. Amen.

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

REGULAR ORDER OF BUSINESS SUSPENDED

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

CAPITOL PHYSICIAN

The speaker recognized Representative Kleinschmidt who presented Dr. Kanaka Paladugu of Bastrop as the "Doctor for the Day."

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

(S. Miller in the chair)

HCR 139 - PREVIOUSLY ADOPTED (by Beck, Coleman, and Thompson)

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

HCR 139, In memory of former Texas secretary of state Myra McDaniel.

On motion of Representatives Thompson and Dutton, the names of all the members of the house were added to **HCR 139** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Beck who introduced family members of Myra McDaniel.

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. 24).

HR 1753 - ADOPTED**(by Hardcastle)**

Representative Hardcastle moved to suspend all necessary rules to take up and consider at this time **HR 1753**.

The motion prevailed.

The following resolution was laid before the house:

HR 1753, Congratulating Neil Evan Rinehart on his 60th birthday.

HR 1753 was adopted.

HR 1770 - ADOPTED**(by Branch)**

Representative Branch moved to suspend all necessary rules to take up and consider at this time **HR 1770**.

The motion prevailed.

The following resolution was laid before the house:

HR 1770, Honoring His Holiness the Dalai Lama on the occasion of his visit to Southern Methodist University in Dallas on May 9, 2011.

HR 1770 was adopted.

LEAVE OF ABSENCE GRANTED

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

Coleman on motion of Beck.

(Speaker in the chair)

RESOLUTIONS ADOPTED

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 1776 - HR 1778**.

The motion prevailed.

The following resolutions were laid before the house:

HR 1776 (by Dutton), Congratulating Jailen Malcolm Palmer of Houston on his graduation from Jack Yates High School.

HR 1777 (by Dutton), Congratulating Tralen Markuss Palmer of Houston on his graduation from Jack Yates High School.

HR 1778 (by Dutton), Congratulating Reginald Emmanuel Hebert, Sr., Rhanel Yvette Johnson, Aidsand F. Miles, Sr., and Aubry Louis Knight on their graduation from Kingdom Builders Bible Seminary.

The resolutions were adopted.

(Gutierrez now present)

UNFINISHED BUSINESS

The following bill was laid before the house as unfinished business:

CSHB 272 ON SECOND READING
(by Smithee, Chisum, Hancock, Margo, Sheets, et al.)

CSHB 272, A bill to be entitled An Act relating to the operation of the Texas Windstorm Insurance Association and to the resolution of certain disputes concerning claims made to that association; providing penalties.

CSHB 272 was read second time on May 7. A point of order was pending at the time of adjournment.

The point of order was withdrawn.

Representative Smithee moved to postpone consideration of **CSHB 272** until 7 p.m. today.

The motion prevailed.

EMERGENCY CALENDAR
HOUSE BILLS
THIRD READING

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

HB 274 ON THIRD READING
(by Creighton, Aliseda, Kleinschmidt, Jackson, Sheets, et al.)

HB 274, A bill to be entitled An Act relating to the reform of certain remedies and procedures in civil actions.

(Walle now present)

HB 274 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE LUCIO: Representative Creighton, I haven't had an opportunity to speak to you about my one—well, I have many concerns—but my specific concern with this bill. A majority of the law I practice—and I am a practicing attorney—is family law. I believe it's your intention to not include the provisions of this bill in the Family Code; however, you have been very detailed and very thorough in how this bill will be implemented, and I would only ask you if we could have a conversation about amending your bill to exclude it from the Family Code. And the reason for it is, Representative Creighton, the family law process, the divorce process, is extremely different, in my opinion, than the rest of the litigation world. It's very passionate. We've done a great deal of things in our work here in Austin to change the structure of it and to allow help in that through para-facilitation, family mediators, whatever it may be. I think the process works very well, and I'm afraid that if it is somehow misunderstood—that some of the provisions of your bill be included in the family law process—it would change drastically our ability to get through a very emotional process. Could we at all talk about removing this from the Family Code?

REPRESENTATIVE CREIGHTON: Representative Lucio, we've got a provision in the bill where the supreme court may not adopt rules under this subsection that conflict with any provision of the Family Code. And then also under the interlocutory appeals section of the bill, where at the trial court level, if there is an interim question, and based on application from the parties, the judge can send it on up to get an answer at the appellate level for that question that's an issue. The reason why we have that trial court trigger, or gatekeeper provision, in there is for those exact situations. So, if that's not answering your question, give me some more specifics on what provision of the bill conflicts or—

LUCIO: I'm not sure what could potentially happen at the trial court level that would need to be addressed—that would cause concern and need to be addressed at the family law, in the family law. If you understand how family law case works—

CREIGHTON: I had a conversation on the floor right before we called the bill up with Representative Phillips regarding the same thing, and once we visited about that interlocutory appeals section and the gatekeeper provision in there on Family Code, he was more comfortable with that. So that's why I brought that up, but—

LUCIO: So, when you say trial court—I'm not—I don't know what you mean by trial court being a gatekeeper.

CREIGHTON: Tell me what—again—conversely, tell me what provision of the bill you're concerned about with regard to the Family Code.

LUCIO: The motion to dismiss, loser-pays, any of those things and how they apply, those are my concerns, not necessarily the appeal process.

CREIGHTON: Okay, well, that was my—

LUCIO: Because family law cases don't get—I mean—

CREIGHTON: That was my first answer to you. In the provision of the bill that deals with instructing the supreme court to promulgate rules for motion to dismiss practice, we have Civil Practice and Remedies Code, the Family Code, the Property Code, and the Tax Code outlined there that they're not—

LUCIO: Earlier you said the supreme court could not adopt rules that would be contradictory to the existing Family Code?

CREIGHTON: The expedited civil action, and the provisions for motion to dismiss, will not apply to—

LUCIO: Right. Because we said it takes 60 days for us before we can even grant a divorce, so that wouldn't apply.

CREIGHTON: If your intention was to get intent—

LUCIO: And what was the other expedited—what was the other?

CREIGHTON: The provisions that are covered, that are excluded from that? Is that what you're asking?

LUCIO: Yes. So, settlement offers, loser pays—would that apply to the Family Code under your bill?

CREIGHTON: Look, the only situation in Rule 12(b)(6), your motion to dismiss, where a nonprevailing party would possibly pay is if the judge allowed that. It's permissive, and it's only in the small number of cases where the case would actually be dismissed because there's no remedy at law whatsoever to govern the case. So, if you have a family law case where there is no law whatsoever that would be a remedy to the dispute which, I would assume, you hardly ever bring a case where there is no remedy at law. It's not even applicable to what you're talking about.

LUCIO: So, for instance, if we have a property—community property lawsuit as well as custody of children lawsuit, custody of children—I don't believe you can create a loser-pays structure based on who is granted custody of the children. But let's say the community property has a dollar value, and I am the petitioner and the defendant offers me \$150,000 monetary value, and that encompasses the house, the cars, retirement, so on and so forth. I decline that \$150,000 because I think I'm owed more, or my client is owed more, based on how the retirement structure is, the value of the home, so on and so forth, and it comes back that I'm only awarded \$135,000 by the jury. Would your bill affect that scenario to where I would have to pay attorneys' fees because there was a settlement offer on the community portion of a family law matter?

CREIGHTON: Representative Lucio, Chapter 42 excludes the Family Code and offers settlement.

LUCIO: Okay, so, what instances would your bill apply to the Family Code for intent purposes?

CREIGHTON: The only mention of Family Code is in excluding under the expedited claims section. Four different sections of codes, we have med mal, we have Family Code, we have Property Code, and Tax Code.

LUCIO: So, it's your intent to not affect the family law litigation process?

CREIGHTON: We're not making any changes to the current law other than the few specific changes that we've made here. Motion to dismiss practice—

LUCIO: Would that apply to the family law practice?

CREIGHTON: We don't stipulate one way or the other. We're going to rely on the supreme court to make suggested rules and guidelines for a motion to dismiss practice, and what we're doing is establishing what 42 other states in the federal courts enjoy successfully today.

LUCIO: So, which other states apply your intent for motion to dismiss in the family law sections—in their family law practices?

CREIGHTON: I don't have an answer to what other states do, but I'm not as much concerned with the other states and how they stipulated it. We're going to rely on the Texas Supreme Court to make those recommendations, and then after that branch of government makes those recommendations, if we have issues with their decisions, then this legislative branch can speak to those issues. Then I've

got some legislative intent that Representative Eiland and I are going to go through that I think will ease some of your concerns as we direct the supreme court.

REMARKS ORDERED PRINTED

Representative Lucio moved to print remarks between Representative Creighton and Representative Lucio.

The motion prevailed.

Amendment No. 1

Representative Creighton offered the following amendment to **HB 274**:

Amend **HB 274** as follows:

(1) In SECTION 2.01 of the bill, between "civil actions" and "in which" (page 2, lines 1-2), insert ". The rules shall apply to civil actions in district courts, county courts at law, and statutory probate courts".

(2) In SECTION 2.01 of the bill, strike "is more than \$10,000 but" (page 2, line 5).

(3) Strike SECTION 4.02 of the bill and renumber subsequent SECTIONS appropriately.

(4) In SECTION 5.02 of the bill, after "CONTRACTS." (page 5, line 3), delete "The" and insert "Unless otherwise provided in a written contract, the".

(5) In SECTION 5.03 of the bill, between "owed" and "must" (page 5, line 16), insert ", if any,".

Amendment No. 2

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

Amend Floor Amendment No. 1 to **HB 274** (house committee printing) on page 1, line 9, between "action" and "that", by inserting "and defenses".

Amendment No. 2 was adopted.

AMENDMENT NO. 1 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE EILAND: Mr. Creighton, as you have referenced, I do have some legislative intent language that I want to discuss. But first, you and I met on this bill, both with yourself and outside lawyers of your choosing to go through it, right?

REPRESENTATIVE CREIGHTON: Yes.

EILAND: And I had several amendments to the bill that were not acceptable, correct? That you were going to fight and not accept.

CREIGHTON: You had one amendment that was acceptable, and from there—you know, I'm doing my best, through working with many stakeholders, through subcommittees and committees, and all through this session to keep this bill as clean as possible so the senate can have a good bill to work with. And from there, I didn't accept any more than that one you and I visited on.

EILAND: Right, and you know that one of the concerns is, unlike back in 2003, on **HB 3** and **HB 4**, where we set up the offered settlement section of the code in Chapter 42 of the Civil Practice Remedies Code, in 42.005, we gave lots of legislative intent. We don't need to ask any questions about that, but one of the concerns about your bill, whereas back at that time we did give some specific legislative intent on the offer of settlement. In your bill, under section one, we basically give an instruction to the supreme court, "go make up a motion to dismiss practice," and give no restrictions, no guidelines, no limitations, right?

CREIGHTON: That's correct. This bill is obviously not of the magnitude that **HB 4** was in 2003, but you and I are going to be going through some intent now, and I think that will ease some of your concerns.

EILAND: Right, and so, one of the things is, unlike the federal rules of civil procedure, especially after the U.S. Supreme Court case of *Trombley*, we have a notice pleading under Chapter 45 of the Texas Rules of Civil Procedure and it's your intent that nothing in this bill be construed to change or impact the notice pleading requirements of Texas Rules of Civil Procedure 45, correct?

CREIGHTON: Correct, I don't have any intention to change any of the pleading requirements under Texas Rules of Civil Procedure 45.

EILAND: And the supreme court has previously set up a rules advisory committee which usually, before they adopt any rules, they will either propose a rule to the rules advisory committee or ask the rules advisory committee to propose a rule. And there's not a requirement in your bill that that be done, but as I understand, it is your intent that the supreme court will utilize and refer any proposed rule to the Supreme Court Advisory Committee?

CREIGHTON: That's correct. That is my intention, and I'm assuming from the legislative branch to the supreme court—asking the supreme court to promulgate these rules, they'll use the Supreme Court Advisory Committee anyway. Yes, that's my intention.

EILAND: And then, since we give no guidelines, there was consideration, as I understand it, adopting the California rules, the New York rules, or something similar to the federal rules. While that has not been placed into your bill, it's your intent that the supreme court consider the California rules, the New York rules, and the federal rules, since they have established a body of law, and practitioners know how to operate under them?

CREIGHTON: Yes.

EILAND: And then, I had an amendment that would exempt out from this motion to dismiss area, the Tax Code, the Family Code, the Subtitle A, Title 5 of the Labor Code, which is the workers' comp. laws, and Chapter 21 of the Property Code which is eminent domain and class actions. Because all of those items or codes have their own internal mechanisms, and that amendment was not acceptable, however, it is your intent that when the supreme court adopts these

rules, they not preempt existing law that provides for the process to be followed in the bringing of a suit, such as the Tax Code, the Family Code, workers' comp., eminent domain, and class action, correct?

CREIGHTON: Yes, I don't anticipate any conflict there with the rules that they promulgate. I'm comfortable with expressing intent to not conflict with the following.

EILAND: And then, Chairman Smithee had an amendment in the same area, because there's no real guideline to the supreme court about motion to dismiss and I believe there are two of his elements that are agreed to with regard to the intent, and that is motion to dismiss must be filed—no, I think the only one y'all agree to is that the non-movement must have an opportunity to re-plead, if re-pleading can cure the issue, is that correct?

CREIGHTON: That's correct. If it's determined by either party that there is no remedy at law, counsel should understand that by accepting the case, and there should be no problem at all requiring that to be the first responsive motion.

EILAND: Okay, and finally, an area that I brought to you as a concern, is a concern of mine in cases where money is not the only object, like libel, or slander, or false imprisonment, or a suit for money and specific performance, suit for money where the author would include a confidentiality clause. You could not agree with any intent as it relates to those items, correct?

CREIGHTON: Is your question there based on re-pleading to cure an issue that's outstanding?

EILAND: No, I'm sorry about that. Now, I'm moving over to section five where we talk about the shifting of the cost and the loser pays or the offer of settlement area. And I had concerns that we discussed, and I expressed about when it's not just about money and somebody would have to pay, and we could not agree to any intent language in that area.

CREIGHTON: I don't really want to speak to any intent on the offer of settlement provision itself. I mean we're simply making one small change there that levels the playing field for both parties, and I'd like to rely on the supreme court there, Representative Eiland.

REMARKS ORDERED PRINTED

Representative Eiland moved to print remarks between Representative Creighton and Representative Eiland.

The motion prevailed.

REMARKS ORDERED PRINTED

Representative Hughes moved to print remarks on **HB 274**.

The motion prevailed. [Please refer to the supplement to today's journal for the text of the debate on **HB 274**.]

Amendment No. 1, as amended, was adopted.

Amendment No. 3

Representative Eiland offered the following amendment to **HB 274**:

Amend **HB 274** by inserting on page 1 a preamble before Article 1 to include the following, "This act may be referred to as the Loser Pays and Sometimes Winners Pay Act."

(V. Gonzales now present)

Amendment No. 3 was withdrawn.

Amendment No. 4

Representative Lucio offered the following amendment to **HB 274**:

Amend **HB 274** on third reading as follows:

(1) On page 1, line 11, after the period, insert the following "Rules adopted under this subsection do not apply to an action under the Family Code."

(2) On page 1, line 20, after the period, insert the following "This section does not apply to an action under the Family Code."

(3) On page 2, line 20, after the period, insert the following "This section does not apply to an action under the Family Code."

Representative Creighton moved to table Amendment No. 4.

The motion to table prevailed by (Record 849): 80 Yeas, 65 Nays, 1 Present, not voting. (The vote was reconsidered later today, and Amendment No. 4 was adopted.)

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

Nays — Allen; Alonzo; Alvarado; Anchia; Berman; Burkett; Burnam; Castro; Cook; Davis, Y.; Deshotel; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Harless; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Howard, D.; Hughes; Hunter; Johnson; King, T.; Larson; Lozano; Lucio; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; Menendez; Miles; Muñoz; Naishtat; Oliveira; Peña; Pickett; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Scott; Simpson; Smith, T.; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Dukes; McClendon; Torres.

STATEMENTS OF VOTE

When Record No. 849 was taken, I was temporarily out of the house chamber. I would have voted no.

Dukes

I was shown voting yes on Record No. 849. I intended to vote no.

Kuempel

When Record No. 849 was taken, I was temporarily out of the house chamber. I would have voted no.

McClendon

When Record No. 849 was taken, I was temporarily out of the house chamber. I would have voted no.

Torres

Amendment No. 5

Representative Lewis offered the following amendment to **HB 274**:

Amend **HB 274** as follows:

(1) Insert the following **ARTICLE 7** and renumber subsequent **ARTICLES** appropriately:

ARTICLE 7. DESIGNATION OF RESPONSIBLE THIRD PARTIES

SECTION 7.01. Section 33.004(e), Civil Practice and Remedies Code, is repealed.

(2) In **SECTION 7.02(b)** of the bill (as renumbered), replace "and (6)" (page 8, line 16) with "(6), and (7)".

Amendment No. 5 was adopted by (Record 850): 100 Yeas, 45 Nays, 1 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; Geren; Gonzales, L.; Gonzalez; 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; Orr; Otto; Parker; Patrick; Paxton; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Burnam; Elkins; Peña.

STATEMENT OF VOTE

I was shown voting no on Record No. 850. I intended to vote yes.

Castro

Amendment No. 6

Representative Hilderbran offered the following amendment to **HB 274**:

Amend **HB 274** (house committee report) by adding the following:

SECTION _____. Title 6, Civil Practice and Remedies Code, is amended by adding Chapter 148 to read as follows:

CHAPTER 148. APPLICATION OF FOREIGN LAWS; SELECTION OF FOREIGN FORUM

Sec. 148.001. DEFINITION. In this chapter, "foreign law" means a law, rule, or legal code of a jurisdiction outside of the states and territories of the United States.

Sec. 148.002. DECISION BASED ON FOREIGN LAW. A ruling or decision of a court, arbitrator, or administrative adjudicator on a matter arising under the Family Code may not be based on a foreign law if the application of that law would violate a right guaranteed by the United States Constitution or the constitution or a statute of this state.

Sec 148.003. CHOICE OF FOREIGN LAW OR FORUM IN CONTRACT.
(a) A contract provision providing that a foreign law is to govern a dispute arising under the Family Code is void to the extent that the application of the foreign law to the dispute would violate a right guaranteed by the United States Constitution or the constitution of this state.

(b) A contract provision providing that the forum to resolve a dispute arising under the Family Code is located outside the states and territories of the United States is void if the foreign law that would be applied to the dispute in that forum would, as applied, violate a right guaranteed by the United States Constitution or the constitution of this state.

SECTION _____. (a) Section 148.002, Civil Practice and Remedies Code, as added by this Act, applies only to a ruling or decision that becomes final on or after the effective date of this Act. A ruling or decision that becomes final before the effective date of this Act and any appeal of that ruling or decision are governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(b) Section 148.003, Civil Practice and Remedies Code, as added by this Act, applies only to a contract entered into on or after the effective date of this Act. A contract entered into before the effective date of this Act is governed by the law in effect immediately before that date, and that law is continued in effect for that purpose.

SECTION _____. This Act takes effect September 1, 2011.

Amendment No. 6 was adopted by (Record 851): 112 Yeas, 31 Nays, 2 Present, not voting.

Yeas — Aliseda; Anchia; 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; Eiland; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hilderbran; Hopson; Howard, C.; 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; Margo; Menendez; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Perry; Phillips; Pickett; Pitts; Price; Raymond; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Villarreal; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Allen; Alvarado; Burnam; Castro; Davis, Y.; Deshotel; Dukes; Dutton; Farias; Farrar; Gallego; Gonzales, V.; Gonzalez; Gutierrez; Hernandez Luna; Howard, D.; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Miles; Muñoz; Naishtat; Quintanilla; Reynolds; Rodriguez; Turner; Veasey; Vo; Walle.

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

Absent, Excused — Coleman.

Absent — Alonzo; Giddings; Hochberg; Peña.

STATEMENTS OF VOTE

I was shown voting no on Record No. 851. I intended to vote yes.

Castro

I was shown voting no on Record No. 851. I intended to vote yes.

Gallego

I was shown voting no on Record No. 851. I intended to vote yes.

Gonzalez

I was shown voting yes on Record No. 851. I intended to vote no.

Lozano

I was shown voting no on Record No. 851. I intended to vote yes.

Muñoz

I was shown voting no on Record No. 851. I intended to vote yes.

Quintanilla

Amendment No. 7

Representative Gutierrez offered the following amendment to **HB 274**:

Amend **HB 274** on third reading on page 4, by striking lines 25 through 27 and substituting the following:

(6) killed or injured stock;

(7) a sworn account; or

(8) an appeal to the court under Section 11.43, Tax Code, or an appeal to the court of a determination of an appraisal review board on a motion filed under Section 11.45, Tax Code [~~an oral or written contract~~].

Amendment No. 8

Representative Gutierrez offered the following amendment to Amendment No. 7:

Amend the Gutierrez amendment to **HB 274**, on third reading, by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE _____. CONTESTED TAX APPRAISAL COSTS

SECTION _____. In an action contesting a tax appraisal a tax payer who prevails is entitled to an award of costs and attorney's fees. If the appraisal district or taxing authority prevails the appraisal district or taxing authority is not entitled to costs and attorney fees.

Amendment No. 8 was adopted.

Representative P. King moved to table Amendment No. 7, as amended.

The motion to table was lost by (Record 852): 62 Yeas, 80 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Beck; Berman; Branch; Burkett; Button; Cain; Carter; Christian; Cook; Creighton; Crownover; Davis, J.; Davis, S.; Driver; Eissler; Fletcher; Flynn; Frullo; Gonzales, L.; Gooden; Hancock; Hardcastle; Harless; Hilderbran; Hopson; Hunter; Isaac; Jackson; King, P.; King, S.; Kleinschmidt; Landtroop; Larson; Laubenberg; Lewis; Lyne; Madden; Margo; Morrison; Nash; Orr; Paxton; Perry; Pitts; Price; Riddle; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smithee; Taylor, L.; Taylor, V.; Torres; Woolley; Zerwas.

Nays — Alonzo; Alvarado; Anchia; Aycoc; Bohac; Bonnen; Brown; Burnam; Callegari; Castro; Craddick; Darby; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Farias; Farrar; Gallego; Garza; Geren; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hamilton; Harper-Brown; Hartnett; Hernandez Luna; Hochberg; Howard, C.; Howard, D.; Huberty; Hughes; Johnson; King, T.;

Kolkhorst; Kuempel; Lavender; Legler; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Muñoz; Murphy; Naishtat; Oliveira; Otto; Parker; Patrick; Phillips; Pickett; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Smith, W.; Solomons; Strama; Thompson; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Allen; Chisum; Keffer; Miller, S.; Peña; Workman.

Amendment No. 7, as amended, was adopted by (Record 853): 100 Yeas, 45 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Aycock; Beck; Bohac; Bonnen; Branch; Brown; Burnam; Callegari; Castro; Chisum; Christian; Craddick; Darby; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Farias; Farrar; Gallego; Garza; Geren; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hamilton; Harless; Hartnett; Hernandez Luna; Hochberg; Howard, C.; Howard, D.; Huberty; Hughes; Johnson; Keffer; King, S.; Kolkhorst; Kuempel; Larson; Lavender; Legler; Lozano; Lucio; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Muñoz; Murphy; Naishtat; Oliveira; Orr; Otto; Parker; Patrick; Perry; Phillips; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Sheffield; Simpson; Smith, T.; Smith, W.; Solomons; Strama; Thompson; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Workman; Zedler; Zerwas.

Nays — Aliseda; Anderson, C.; Anderson, R.; Berman; Burkett; Button; Cain; Carter; Cook; Creighton; Crownover; Davis, J.; Driver; Eissler; Fletcher; Flynn; Frullo; Gonzales, L.; Gooden; Hancock; Hardcastle; Hilderbran; Hopson; Hunter; Isaac; Jackson; King, P.; Kleinschmidt; Landtroop; Laubenberg; Lewis; Lyne; Morrison; Nash; Paxton; Price; Schwertner; Scott; Sheets; Shelton; Smithee; Taylor, L.; Taylor, V.; Torres; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Harper-Brown; King, T.; Peña.

STATEMENTS OF VOTE

I was shown voting no on Record No. 853. I intended to vote yes.

Aliseda

I was shown voting no on Record No. 853. I intended to vote yes.

R. Anderson

I was shown voting no on Record No. 853. I intended to vote yes.

Creighton

I was shown voting no on Record No. 853. I intended to vote yes.

Eissler

When Record No. 853 was taken, I was in the house but away from my desk. I would have voted yes.

Harper-Brown

I was shown voting no on Record No. 853. I intended to vote yes.

Hilderbran

When Record No. 853 was taken, I was in the house but away from my desk. I would have voted yes.

T. King

I was shown voting no on Record No. 853. I intended to vote yes.

Sheets

I was shown voting yes on Record No. 853. I intended to vote no.

Villarreal

Amendment No. 4 - Vote Reconsidered

Representative Sheets moved to reconsider the vote by which Amendment No. 4 was tabled.

The motion to reconsider prevailed.

Amendment No. 4 was adopted.

Amendment No. 9

Representative Dutton offered the following amendment to **HB 274**:

Amend **HB 274** (house committee printing) as follows:

(1) On page 1, line 8, strike "shall" and substitute "may".

(2) On page 1, line 11, after the period, insert the following:

Notwithstanding Section 22.003 and this section, any rules adopted by the supreme court under this subsection do not take effect until approved by the legislature.

Representative Creighton moved to table Amendment No. 9.

The motion to table prevailed by (Record 854): 95 Yeas, 51 Nays, 1 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; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; 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; 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; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Huberty; Hughes; Johnson; King, T.; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Simpson; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Hardcastle; Peña.

Amendment No. 10

Representative Dutton offered the following amendment to **HB 274**:

Amend **HB 274** (house committee printing) as follows:

(1) On page 1, line 23, strike "Subsection (h)" and substitute "Subsections (h) and (i)".

(2) On page 1, line 24, strike "shall" and substitute "may".

(3) On page 2, between lines 14 and 15, insert the following:

(i) Notwithstanding Section 22.003 and this section, any rules adopted by the supreme court under Subsection (h) do not take effect until approved by the legislature.

Representative Creighton moved to table Amendment No. 10.

The motion to table prevailed by (Record 855): 97 Yeas, 50 Nays, 1 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; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; 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; 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; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Hughes; Johnson; King, T.; Lozano; Lucio; Mallory Caraway; Marquez; Martinez;

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Peña.

Amendment No. 11

Representative Dutton offered the following amendment to **HB 274**:

Amend **HB 274** (house committee printing) as follows:

(1) On page 6, line 15, strike "or" and substitute "[øɾ]".

(2) On page 6, line 17, between "court" and the period, insert the following:

; or

(7) an action under Chapter 21, Labor Code

Representative Creighton moved to table Amendment No. 11.

The motion to table prevailed by (Record 856): 96 Yeas, 50 Nays, 1 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; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; 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; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; 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; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Hughes; Johnson; King, T.; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Simpson; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Peña; Riddle.

HB 274, as amended, was passed by (Record 857): 96 Yeas, 49 Nays, 3 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; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; 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; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Hughes; Johnson; King, T.; 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); Hartnett; Solomons.

Absent, Excused — Coleman.

Absent — Peña.

STATEMENT OF VOTE

When Record No. 857 was taken, I was temporarily out of the house chamber. I would have voted yes.

Peña

REASON FOR VOTE

Although I agree with the intent of **HB 274** and its many good provisions, I voted present, not voting on the third reading adoption of the bill by the house because the bill, as currently drafted with the elimination of CPRC 42.004(d)(g), appears to allow a prevailing party to a legitimate lawsuit (i.e. you win) to still be responsible to pay the losing side's attorney fees along with paying your own attorney's fees. Furthermore, the jury to such a case would not be allowed to know if there has been a settlement offer that was reasonable and adjust a verdict accordingly to prevent such an occurrence. The practical and real consequences of this could have a devastating effect on individuals, small business owners, and others having legitimate disputes over the payment of damages. It is my hope that the house author and senate sponsor will address this issue that is presented in the proposed legislation.

Solomons

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Judiciary and Civil Jurisprudence, during lunch recess today, Desk 35, for a formal meeting, to consider pending business.

Public Education, during lunch recess today, Desk 56, for a formal meeting, to consider pending business.

Public Health, during lunch recess today, Desk 90, for a formal meeting, to consider pending business.

Environmental Regulation, during lunch recess today, Desk 105, for a formal meeting, to consider **SB 615** and pending business.

RECESS

At 1:39 p.m., the speaker announced that the house would stand recessed until 2:40 p.m. today.

AFTERNOON SESSION

The house met at 2:40 p.m. and was called to order by the speaker.

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. 24).

HR 1661 - ADOPTED (by Workman)

Representative Workman moved to suspend all necessary rules to take up and consider at this time **HR 1661**.

The motion prevailed.

The following resolution was laid before the house:

HR 1661, Welcoming the members of the Rotary District 5870 and Rotary District 1650 Group Study Exchange program to the State Capitol.

HR 1661 was adopted.

GENERAL STATE CALENDAR SENATE BILLS THIRD READING

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

SB 887 ON THIRD READING (Riddle, Gallego, V. Taylor, and Carter - House Sponsors)

SB 887, A bill to be entitled An Act relating to the penalty for theft of an automated teller machine or the contents or components of an automated teller machine.

SB 887 was passed by (Record 858): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Driver; Dukes; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; 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; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; 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; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Deshotel; Dutton; Giddings; Miles; Peña; Turner.

STATEMENT OF VOTE

When Record No. 858 was taken, I was temporarily out of the house chamber. I would have voted yes.

Miles

SB 977 ON THIRD READING (Torres - House Sponsor)

SB 977, A bill to be entitled An Act relating to the imposition and use of the municipal hotel occupancy tax by certain eligible central municipalities.

SB 977 was passed by (Record 859): 130 Yeas, 12 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Branch; Brown; Burkett; Burnam; Button; Callegari; Castro; Chisum; Christian; Cook; Craddick; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; 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; Lewis; Lozano; Lucio; Lyne; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Morrison; Muñoz; Murphy; Naishtat; Nash; Orr; Otto; Parker;

Patrick; Paxton; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Veasey; Villarreal; Vo; Walle; Woolley; Workman; Zedler; Zerwas.

Nays — Berman; Bohac; Bonnen; Cain; Creighton; Legler; Madden; Miller, S.; Sheffield; Simpson; Weber; White.

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

Absent, Excused — Coleman.

Absent — Carter; Deshotel; Giddings; Peña; Turner.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 859. I intended to vote no.

Paxton

When Record No. 859 was taken, I was temporarily out of the house chamber. I would have voted yes.

Peña

POSTPONED BUSINESS

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

SB 250 ON SECOND READING

(Anchia, Gallego, and Hartnett - House Sponsors)

SB 250, A bill to be entitled An Act relating to protective orders for stalking victims.

SB 250 was considered in lieu of **CSHB 825**.

SB 250 was read second time and was passed to third reading.

CSHB 825 - LAID ON THE TABLE SUBJECT TO CALL

Representative Anchia moved to lay **CSHB 825** on the table subject to call.

The motion prevailed.

CSHB 3308 ON SECOND READING

(by Rodriguez)

CSHB 3308, A bill to be entitled An Act relating to the operation of plug-in electric motor vehicles.

CSHB 3308 was read second time on May 5, postponed until May 6, postponed until May 7, and was again postponed until 7 a.m. today.

Amendment No. 1

Representative Chisum offered the following amendment to **CSHB 3308**:

Amend **CSHB 3308** (house committee printing) as follows:

(1) On page 1, lines 6 and 16, strike "plug-in electric" and substitute "alternative fuels".

(2) On page 1, line 13, strike "PLUG-IN ELECTRIC" and substitute "ALTERNATIVE FUELS".

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

(6) is propelled:

(A) to a significant extent by an electric motor that draws electricity from a battery that:

(i) has a capacity of not less than 4 kilowatt hours; and

(ii) is capable of being recharged from an external source of electricity; or

(B) using compressed natural gas; and

(4) On page 2, lines 13 and 20, strike "plug-in electric" and substitute "alternative fuels".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Fletcher offered the following amendment to **CSHB 3308**:

Amend **CSHB 3308**, in SECTION 1 of the bill, in proposed Section 224.153(e), Transportation Code (Committee Printing, page 1, line 10), by striking "impair the receipt of federal funds" and substituting "violate federal transit or highway funding restrictions".

Amendment No. 2 was adopted.

CSHB 3308, as amended, was passed to engrossment by (Record 860): 78 Yeas, 67 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Bohac; Branch; Burnam; Cain; Castro; Chisum; Christian; Cook; Craddick; Darby; Davis, J.; Davis, Y.; Dukes; Dutton; Eiland; Eissler; Farias; Farrar; Flynn; Gallego; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hancock; Harless; Hernandez Luna; Howard, D.; Huberty; Hughes; Hunter; Johnson; Keffer; King, P.; King, T.; Laubenberg; Lozano; Lucio; Madden; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Morrison; Muñoz; Naishtat; Oliveira; Otto; Peña; Phillips; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Rodriguez; Scott; Sheets; Smithee; Strama; Taylor, L.; Thompson; Torres; Turner; Veasey; Vo; Walle.

Nays — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Brown; Burkett; Button; Callegari; Carter; Creighton; Crownover; Davis, S.; Deshotel; Driver; Elkins; Fletcher; Frullo; Garza; Geren; Hamilton; Harper-Brown; Hartnett; Hochberg; Hopson; Howard, C.; Isaac; Jackson; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Lavender; Legler; Lewis; Lyne; Margo; Miller, S.; Murphy; Nash; Orr; Parker; Patrick; Paxton; Perry; Price; Riddle; Ritter; Schwertner; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Solomons; Taylor, V.; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Hardcastle; Hilderbran; Villarreal.

STATEMENTS OF VOTE

I was shown voting no on Record No. 860. I intended to vote yes.

Aliseda

When Record No. 860 was taken, I was in the house but away from my desk. I would have voted no.

Hilderbran

I was shown voting yes on Record No. 860. I intended to vote no.

Laubenberg

I was shown voting yes on Record No. 860. I intended to vote no.

Morrison

I was shown voting no on Record No. 860. I intended to vote yes.

Nash

I was shown voting no on Record No. 860. I intended to vote yes.

Paxton

CSHB 3790 ON SECOND READING (by Pitts)

CSHB 3790, A bill to be entitled An Act relating to certain state fiscal matters; providing penalties.

CSHB 3790 was read second time on May 3, postponed until May 4, postponed until May 5, and was again postponed until 8 a.m. today.

Representative Pitts moved to postpone consideration of **CSHB 3790** until 8 a.m. tomorrow.

The motion prevailed by (Record 861): 124 Yeas, 22 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Deshotel; Driver; Dukes; Eiland; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lucio; Lyne; Madden; Mallory Caraway; Margo; McClendon; Menendez; Miller, D.; Miller, S.; Morrison; Murphy; Naishtat; Nash; 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; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Villarreal; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Burnam; Castro; Davis, Y.; Dutton; Farias; Farrar; Gallego; Gonzalez; Gutierrez; Hernandez Luna; Lozano; Marquez; Martinez; Martinez Fischer; Miles; Muñoz; Oliveira; Reynolds; Rodriguez; Veasey; Vo; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Christian; Huberty.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 861. I intended to vote no.

Anchia

I was shown voting yes on Record No. 861. I intended to vote no.

D. Howard

When Record No. 861 was taken, I was in the house but away from my desk. I would have voted yes.

Huberty

I was shown voting yes on Record No. 861. I intended to vote no.

Strama

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).

CSHB 3640 ON SECOND READING

(by Pitts)

CSHB 3640, A bill to be entitled An Act relating to the remittance and allocation of certain taxes and fees.

CSHB 3640 was read second time on May 3, postponed until May 4, postponed until May 5, and was again postponed until 8 a.m. today.

Representative Pitts moved to postpone consideration of **CSHB 3640** until 8 a.m. tomorrow.

The motion prevailed.

CSHB 3665 ON SECOND READING

(by Otto)

CSHB 3665, A bill to be entitled An Act relating to state fiscal matters related to general government.

CSHB 3665 was read second time on May 3, postponed until May 4, postponed until May 5, and was again postponed until 8 a.m. today.

Representative Otto moved to postpone consideration of **CSHB 3665** until 8 a.m. tomorrow.

The motion prevailed.

CSHB 3639 ON SECOND READING
(by Pitts and Aycock)

CSHB 3639, A bill to be entitled An Act relating to state fiscal matters related to public and higher education.

CSHB 3639 was read second time on May 3, postponed until May 4, postponed until May 5, and was again postponed until 8 a.m. today.

Representative Pitts moved to postpone consideration of **CSHB 3639** until 8 a.m. tomorrow.

The motion prevailed.

HB 3648 ON SECOND READING
(by Otto)

HB 3648, A bill to be entitled An Act relating to state fiscal matters related to the judiciary.

HB 3648 was read second time on May 3, postponed until May 4, postponed until May 5, and was again postponed until 8 a.m. today.

Representative Otto moved to postpone consideration of **HB 3648** until 8 a.m. tomorrow.

The motion prevailed.

CSHB 3418 ON SECOND READING
(by Darby)

CSHB 3418, A bill to be entitled An Act relating to certain state fiscal matters related to natural resources or the environment.

CSHB 3418 was read second time on May 3, postponed until May 4, postponed until May 5, and was again postponed until 8 a.m. today.

Representative Darby moved to postpone consideration of **CSHB 3418** until 8 a.m. tomorrow.

The motion prevailed.

CSHB 2963 ON SECOND READING
(by Crownover)

CSHB 2963, A bill to be entitled An Act relating to deadlines for the Railroad Commission of Texas to review certain applications for surface coal mining operation permits.

CSHB 2963 was read second time on May 3, postponed until May 6, and was again postponed until 8 a.m. today.

Representative Crownover moved to postpone consideration of **CSHB 2963** until 6 p.m. today.

The motion prevailed.

HB 1250 ON SECOND READING
(by Frullo)

HB 1250, A bill to be entitled An Act relating to the use of facsimile signatures for certain documents involving certain municipalities.

HB 1250 was read second time on April 26, postponed until May 3, postponed until May 6, and was again postponed until 9 a.m. today.

Representative Frullo moved to postpone consideration of **HB 1250** until 9 a.m. Wednesday, May 11.

The motion prevailed.

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, postponed until May 2, and was again postponed until 9:05 a.m. today.

Representative Menendez moved to postpone consideration of **HB 1089** until 8 a.m. Wednesday, May 11.

The motion prevailed.

SB 1082 ON SECOND READING
(Laubenberg - House Sponsor)

SB 1082, A bill to be entitled An Act relating to strategic partnerships for the continuation of certain water districts annexed by a municipality.

SB 1082 was considered in lieu of **HB 1979**.

SB 1082 was read second time.

(Keffer in the chair)

Amendment No. 1

Representative Elkins offered the following amendment to **SB 1082**:

Amend **SB 1082** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) Section 43.0751, Local Government Code, is amended by adding Subsection (f-1) read as follows:

(f-1) A strategic partnership agreement may not provide for the regulation of fireworks within the boundaries of the district.

SECTION _____. Section 43.0751(f-1), Local Government Code, as added by this Act, apply only to a strategic partnership agreement entered into on or after the effective date of this Act.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Elkins offered the following amendment to **SB 1082**:

Amend **SB 1082** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 43.0751, Local Government Code, is amended by adding Subsection (k-1) to read as follows:

(k-1) A strategic partnership agreement may not provide for the imposition of a sales tax without voter approval within the boundaries of the district.

SECTION _____. Section 43.0751(k-1), Local Government Code, as added by this Act, applies only to a strategic partnership agreement entered into on or after the effective date of this Act.

Amendment No. 2 was adopted.

SB 1082, as amended, was passed to third reading.

HB 3132 ON SECOND READING
(by Geren)

HB 3132, A bill to be entitled An Act relating to the membership, powers, and duties of the State Preservation Board.

HB 3132 was read second time on May 3, postponed until May 4, postponed until May 5, postponed until May 6, and was again postponed until 10 a.m. today.

Representative Geren moved to postpone consideration of **HB 3132** until 8 a.m. tomorrow.

The motion prevailed.

CSHB 2233 ON SECOND READING
(by Huberty, Rodriguez, et al.)

CSHB 2233, A bill to be entitled An Act relating to certain contracts entered into by school districts for another entity to provide food services at one or more district schools.

CSHB 2233 was read second time on May 4 and was postponed until 3 p.m. today.

Representative Huberty moved to postpone consideration of **CSHB 2233** until 3 p.m. tomorrow.

The motion prevailed.

**EMERGENCY CALENDAR
HOUSE BILLS
SECOND READING**

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

**CSHB 12 ON SECOND READING
(by Solomons, Bohac, Harless, et al.)**

CSHB 12, A bill to be entitled An Act relating to the enforcement of state and federal laws governing immigration by certain governmental entities.

REMARKS ORDERED PRINTED

On Friday, May 7, Representative Martinez Fischer moved to print remarks **CSHB 12**.

The motion prevailed. [Please refer to the supplement to today's journal for the text of today's debate on **CSHB 12**.]

Amendment No. 1

Representative Solomons offered the following amendment to **CSHB 12**:

Amend **CSHB 12** (house committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Chapter 370, Local Government Code, is amended by adding Section 370.0031 to read as follows:

Sec. 370.0031. LOCAL GOVERNMENT POLICY REGARDING ENFORCEMENT OF STATE AND FEDERAL IMMIGRATION LAWS. (a) This section applies to:

(1) the governing body of a municipality, county, or special district or authority, subject to Subsections (b) and (b-1);

(2) an officer, employee, or other body that is part of a municipality, county, or special district or authority, including a sheriff, municipal police department, municipal attorney, or county attorney; and

(3) a district attorney or criminal district attorney.

(b) This section does not apply to a school district or open-enrollment charter school or a junior college district, except that this subsection does not exclude the application of this section to a commissioned peace officer employed or commissioned by a school district or open-enrollment charter school or a junior college district.

(b-1) This section does not apply to a hospital or hospital district created under Subtitle C or D, Title 4, Health and Safety Code, or a hospital district created under a general or special law authorized by Article IX, Texas Constitution, to the extent that the hospital or hospital district is providing access to or delivering medical or health care services as required under the following applicable federal or state laws:

(1) 42 U.S.C. Section 1395dd;

(2) 42 U.S.C. Section 1396b(v);

(3) Subchapter C, Chapter 61, Health and Safety Code;

(4) Chapter 81, Health and Safety Code; and

(5) Section 311.022, Health and Safety Code.

(b-2) Subsection (b-1) does not exclude the application of this section to a commissioned peace officer employed by or commissioned by a hospital or hospital district subject to Subsection (b-1).

(c) An entity described by Subsection (a) may not adopt a rule, order, ordinance, or policy under which the entity prohibits the enforcement of the laws of this state or federal law relating to immigrants or immigration, including the federal Immigration and Nationality Act (8 U.S.C. Section 1101 et seq.).

(d) In compliance with Subsection (c), an entity described by Subsection (a) may not prohibit a person employed by or otherwise under the direction or control of the entity from doing any of the following:

(1) inquiring into the immigration status of a person lawfully detained for the investigation of a criminal offense or arrested;

(2) with respect to information relating to the immigration status, lawful or unlawful, of any person lawfully detained for the investigation of a criminal offense or arrested:

(A) sending the information to or requesting or receiving the information from United States Citizenship and Immigration Services or United States Immigration and Customs Enforcement, including information regarding an individual's place of birth;

(B) maintaining the information; or

(C) exchanging the information with another federal, state, or local governmental entity;

(3) assisting or cooperating with a federal immigration officer as reasonable and necessary, including providing enforcement assistance; or

(4) permitting a federal immigration officer to enter and conduct enforcement activities at a municipal or county jail to enforce federal immigration laws.

(d-1) An entity described by Subsection (a) or a person employed by or otherwise under the direction or control of the entity may not consider race, color, language, or national origin while enforcing the laws described by Subsection (c) except to the extent permitted by the United States Constitution or the Texas Constitution.

(e) An entity described by Subsection (a) may not receive state grant funds if the entity adopts a rule, order, ordinance, or policy under which the entity prohibits the enforcement of the laws of this state or federal laws relating to Subsection (c) or, by consistent actions, prohibits the enforcement of the laws of this state or federal laws relating to Subsection (c). State grant funds for the entity shall be denied for the fiscal year following the year in which a final judicial determination in an action brought under this section is made that the entity has intentionally prohibited the enforcement of the laws of this state or federal laws relating to Subsection (c).

(f) Any citizen residing in the jurisdiction of an entity described by Subsection (a) may file a complaint with the attorney general if the citizen offers evidence to support an allegation that the entity has adopted a rule, order, ordinance, or policy under which the entity prohibits the enforcement of the laws

of this state or federal laws relating to Subsection (c) or that, by consistent actions, prohibits the enforcement of the laws of this state or federal laws relating to Subsection (c). The citizen must include with the complaint the evidence the citizen has that supports the complaint.

(g) If the attorney general determines that a complaint filed under Subsection (f) against an entity described by Subsection (a) is valid, the attorney general may file a petition for a writ of mandamus or apply for other appropriate equitable relief in a district court in Travis County or in a county in which the principal office of an entity described by Subsection (a) is located to compel the entity that adopts a rule, order, ordinance, or policy under which the local entity prohibits the enforcement of the laws of this state or federal laws relating to Subsection (c) or that, by consistent actions, prohibits the enforcement of the laws of this state or federal laws relating to Subsection (c) to comply with Subsection (c). The attorney general may recover reasonable expenses incurred in obtaining relief under this subsection, including court costs, reasonable attorney's fees, investigative costs, witness fees, and deposition costs.

(h) An appeal of a suit brought under Subsection (g) is governed by the procedures for accelerated appeals in civil cases under the Texas Rules of Appellate Procedure. The appellate court shall render its final order or judgment with the least possible delay.

SECTION 2. The heading to Chapter 370, Local Government Code, is amended to read as follows:

CHAPTER 370. MISCELLANEOUS PROVISIONS RELATING TO
[MUNICIPAL AND COUNTY] HEALTH AND PUBLIC SAFETY APPLYING
TO MORE THAN ONE TYPE OF LOCAL GOVERNMENT

SECTION 3. This Act takes effect immediately if it 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 Act takes effect September 1, 2011.

(Speaker in the chair)

Representative Solomons moved to postpone consideration of **CSHB 12** until 4:30 p.m. today.

The motion prevailed.

**MAJOR STATE CALENDAR
HOUSE BILLS
SECOND READING**

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

**SB 1693 ON SECOND READING
(Thompson - House Sponsor)**

SB 1693, A bill to be entitled An Act relating to periodic rate adjustments by electric utilities.

SB 1693 was considered in lieu of **HB 3610**.

Amendment No. 1

Representative Turner offered the following amendment to **SB 1693**:

Amend **SB 1693**, SECTION 1, page 3, line 17, by adding new Subsection (e) and re-label the subsequent subsections properly: new Subsection (e) to read as follows:

(e) a periodic rate adjustment approved under this section may not include indirect corporate costs, or capitalized operations and maintenance expenses.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Turner offered the following amendment to **SB 1693**:

Amend **SB 1693**, SECTION 1, page 3, line 17, by adding new Subsection (e) and re-label the subsequent subsections properly: new Subsection (e) to read as follows:

(e) the sum of the four periodic rate adjustments allowed under this section may not result in more than a ten percent increase from the base rate distribution revenues set in the most recent comprehensive base rate proceeding.

Representative Huberty moved to table Amendment No. 2.

The motion to table prevailed by (Record 862): 88 Yeas, 55 Nays, 3 Present, not voting.

Yeas — Aliseda; Alvarado; Anderson, C.; Anderson, R.; Beck; Berman; Bohac; Branch; Cain; Callegari; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Davis, S.; Deshotel; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lyne; Madden; Margo; Menendez; Miller, D.; Miller, S.; Morrison; Murphy; Oliveira; Orr; Otto; Parker; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Quintanilla; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Weber; White; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Aycock; Bonnen; Brown; Burkett; Burnam; Button; Castro; Darby; Davis, J.; Davis, Y.; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Garza; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Harper-Brown; Hartnett; Hochberg; Hopson; Howard, D.; Johnson; Kolkhorst; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Miles; Muñoz; Naishtat; Nash; Patrick; Price; Raymond; Reynolds; Riddle; Rodriguez; Smithee; Strama; Turner; Veasey; Villarreal; Vo; Walle; Workman.

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

Absent, Excused — Coleman.

Absent — Hernandez Luna; Lucio; Solomons.

STATEMENTS OF VOTE

I was shown voting no on Record No. 862. I intended to vote yes.

Aycock

When Record No. 862 was taken, I was in the house but away from my desk. I would have voted yes.

Lucio

I was shown voting yes on Record No. 862. I intended to vote no.

Zedler

Amendment No. 3

Representative Turner offered the following amendment to **SB 1693**:

Amend **SB 1693** as follows:

On page 5, line 4, strike Subsection (g) and insert the following:

(g) The PUC shall undertake a study and conduct a report analyzing any periodic rate adjustment established under this section of PURA. The study shall be available for the legislature's review by January 31st, 2017 so that the legislature may properly be informed as to the need to continue the commission's authority to allow periodic rate adjustments. The report shall contain but shall not be limited to:

(1) an analysis of all periodic rate adjustment approved by the commission;

(2) an analysis of the amounts in real dollars and percentages of the approved amounts by the commission and the effects on all classes of ratepayers;

(3) the costs savings, if any, realized by all parties by utilizing periodic rate adjustment as opposed to rate making proceedings;

(4) an analysis on distribution costs included in periodic rate adjustment, and there appropriateness for inclusion in periodic rate adjustments;

(5) an analysis submitted by The Office of Public Counsel on the effects of periodic rate adjustments.

(h) This section expires January 1, 2017.

Amendment No. 3 was adopted.

Amendment No. 4

Representative Y. Davis offered the following amendment to **SB 1693**:

Amend **SB 1693** (house committee report) by inserting the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter E, Chapter 39, Utilities Code, is amended by adding Section 39.207 to read as follows:

Sec. 39.207. RELIABILITY OF RETAIL ELECTRIC PROVIDERS. Notwithstanding any other provision of this chapter, the commission by rule shall establish a mechanism to ensure that each retail electric provider is financially and organizationally reliable to provide services the retail electric provider offers. The commission may require a retail electric provider to disclose financial and business organization information as necessary for the commission to evaluate and ensure the provider's reliability.

Amendment No. 4 - Point of Order

Representative P. King raised a point of order against further consideration of Amendment No. 4 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

The point of order was withdrawn.

Amendment No. 4 was withdrawn.

SB 1693 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE BRANCH: Ms. Thompson, isn't it true that your bill has solid protections in it to preserve the current jurisdictional status of cities' utilities rates and services?

REPRESENTATIVE THOMPSON: Yes.

BRANCH: And isn't it also correct, Ms. Thompson, that nothing in this bill negatively impacts the cities' jurisdiction over utilities?

THOMPSON: Yes, that's correct.

BRANCH: Thank you very much. I just wanted to get that intent into the record.

REMARKS ORDERED PRINTED

Representative Branch moved to print remarks between Representative Thompson and Representative Branch.

The motion prevailed.

SB 1693, as amended, was passed to third reading by (Record 863): 143 Yeas, 5 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Cain; Callegari; 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; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; 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; Zedler; Zerwas.

Nays — Bonnen; Button; Carter; Hartnett; Workman.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

HB 3610 - LAID ON THE TABLE SUBJECT TO CALL

Representative Thompson moved to lay **HB 3610** on the table subject to call.

The motion prevailed.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Hilderbran requested permission for the Committee on Ways and Means to meet while the house is in session, at 5:15 p.m. today, in 3W.15, to consider pending business.

Permission to meet was granted.

FIVE-DAY POSTING RULE SUSPENDED

Representative Gallego moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Criminal Jurisprudence to consider **SB 153, SB 348, SB 779, SB 838, SB 843, SB 882, SB 1116, SB 1273, SB 1522, SB 1681, SB 1682, SB 1701, and SB 1702** at 8 a.m. tomorrow in JHR 120.

The motion prevailed.

Representative Ritter moved to suspend the five-day posting rule to allow the Committee on Natural Resources to consider **HB 3864, HB 3865, HB 3866, SB 573, SB 728, SB 907, SB 987, SB 1132, SB 1225, SB 1295, SB 1361,** and pending business at 8 a.m. tomorrow in E2.010.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Ways and Means, 5:15 p.m. today, 3W.15, for a formal meeting, to consider pending business.

Criminal Jurisprudence, 8 a.m. or upon final adjournment tomorrow, JHR 120, for a public hearing, to consider **SB 153, SB 348, SB 779, SB 838, SB 843, SB 882, SB 1116, SB 1273, SB 1522, SB 1681, SB 1682, SB 1701, and SB 1702.**

Natural Resources, 8 a.m. tomorrow, E2.010, for a public hearing, to consider **HB 3864, HB 3865, HB 3866, SB 573, SB 728, SB 907, SB 987, SB 1132, SB 1225, SB 1295, SB 1361,** and pending business.

CSHB 3025 ON SECOND READING

(by Branch, Guillen, and Lozano)

CSHB 3025, A bill to be entitled An Act relating to measures to facilitate the transfer of students within the public higher education system and the timely graduation of students from public institutions of higher education.

(Keffer in the chair)

Amendment No. 1

Representative Branch offered the following amendment to **CSHB 3025**:

Amend **CSHB 3025** (house committee report) as follows:

(1) On page 1, strike lines 12 through 19 and substitute the following:
 (2) "Qualified degree-granting career school or college" means a career school or college determined by the board under Subsection (c) to be qualified to participate in a statewide transfer compact developed under this section.

(2) On page 2, between lines 5 and 6, insert the following:

(c) A career school or college may apply to the board to participate in a statewide transfer compact developed under this section. On application by a career school or college, the board shall review the school's or college's curriculum for the purpose of determining whether the school or college is qualified to participate in the compact. The board may determine that the career school or college is qualified to participate in the compact only if the board finds that the school or college:

(1) is authorized to grant degrees in this state;

(2) has adopted and implemented a core curriculum described by Section 61.822, applying the same assumptions and defining characteristics applicable to institutions of higher education; and

(3) has appropriately identified for each of its core curriculum courses the equivalent course number under the common course numbering system approved by the board under Section 61.832.

(3) Reletter the subsections of added Section 61.05135, Education Code, appropriately.

(4) On page 2, line 8, strike "Subsection (a)" and substitute "Subsection (b)".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Branch offered the following amendment to **CSHB 3025**:

Amend **CSHB 3025** (house committee report) as follows:

(1) On page 6, line 22, strike "30" and substitute "45".

(2) On page 7, line 3, strike "30" and substitute "45".

Amendment No. 2 was adopted.

CSHB 3025, as amended, was passed to engrossment.

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).

**PROCLAMATION BY THE GOVERNOR
OF THE STATE OF TEXAS**

The chair laid before the house and had read the following proclamation by the governor:

TO THE MEMBERS OF THE SENATE AND HOUSE OF REPRESENTATIVES OF THE EIGHTY-SECOND TEXAS LEGISLATURE, REGULAR SESSION:

The Texas Constitution in Article IV, Sections 14 and 15 grants the governor power to approve or disapprove legislation passed by both houses of the legislature. Nothing in that section or the remainder of the Texas Constitution anticipates or describes the process of returning a bill to the legislature for the purpose of clerical correction and amendment once it has been delivered to the governor for review (*Teem v. State*, 79 Tex. Crim. 285, 183 S.W. 1144, 1151 (1916)).

HB 74 by Flynn was passed by the legislature and properly transmitted to my executive office on Friday, April 29, 2011. The legislature has now passed and properly transmitted to me **HCR 148** by Flynn requesting that I return **HB 74** to the legislature so that they may correct a clerical error on the certification page of the bill.

In this instance, I have taken no formal action on **HB 74** and I am agreeing to the request of the legislature. While I am under no obligation to comply with this request, pursuant to established practice and previous case law, I hereby return the enrolled copy of **HB 74** with this message to the house for further correction and consideration by the legislature.

IN TESTIMONY WHEREOF, I have signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 9th day of May, 2011.

Rick Perry
Governor of Texas

(SEAL)

Esperanza "Hope" Andrade
Secretary of State

CSHB 400 ON SECOND READING

(by Eissler, Aycock, Crownover, C. Anderson, Garza, et al.)

CSHB 400, A bill to be entitled An Act relating to flexibility for public schools to administer primary and secondary education efficiently.

Representative Eissler moved to postpone consideration of **CSHB 400** until 6 p.m. today.

The motion prevailed.

HB 2660 ON SECOND READING

(by J. Davis and Dutton)

HB 2660, A bill to be entitled An Act relating to transferring certain functions of the Texas Department of Housing and Community Affairs to the Texas State Affordable Housing Corporation.

Amendment No. 1

On behalf of Representative Dutton, Representative J. Davis offered the following amendment to **HB 2660**:

Amend **HB 2660** (house committee report) as follows:

- (1) Strike SECTIONS 5, 6, 7, 10, 12, and 13 of the bill.
- (2) On page 9, strike lines 1 through 5 and substitute the following:
 - (1) Section 1372.023(a);
 - (2) Sections 2306.142 and 2306.143; and
 - (3) Subchapter MM, Chapter 2306.
- (3) Strike SECTION 16 of the bill.
- (4) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 1372.023, Government Code, is amended by adding Subsection (d) to read as follows:

(d) The Texas Department of Housing and Community Affairs may not issue qualified mortgage bonds after September 1, 2011, except as necessary to complete its activity under the New Issue Bond Program.

SECTION _____. Section 1372.025(b), Government Code, is amended to read as follows:

(b) Subsection (a) does not apply to:

(1) [~~qualified mortgage bonds or~~] qualified residential rental project bonds made available exclusively to the Texas Department of Housing and Community Affairs under Section 1372.023; or

(2) qualified mortgage bonds made available exclusively to the Texas State Affordable Housing Corporation under Sections 1372.0221, [~~and~~] 1372.0222, and 1372.02221.

SECTION _____. Subchapter Y, Chapter 2306, Government Code, is amended by adding Section 2306.5622 to read as follows:

Sec. 2306.5622. TEXAS FIRST-TIME HOMEBUYER PROGRAM. (a) In this section:

(1) "First-time homebuyer" means a person who has not owned a home during the three years preceding the date on which an application under this section is filed.

(2) "Home" means a dwelling in this state in which a first-time homebuyer intends to reside as the homebuyer's principal residence.

(3) "Program" means the Texas First-Time Homebuyer Program.

(b) The Texas First-Time Homebuyer Program shall facilitate the origination of single-family mortgage loans for eligible first-time homebuyers.

(c) The program may include down payment and closing cost assistance.

(d) The corporation shall administer the program.

(e) The board of directors of the corporation shall adopt rules governing:

(1) the administration of the program;

(2) the making of loans under the program;

(3) the criteria for approving participating mortgage lenders;

(4) the use of insurance on the loans and the homes financed under the program, as considered appropriate by the corporation's board to provide additional security for the loans;

(5) the verification of occupancy of the home by the homebuyer as the homebuyer's principal residence; and

(6) the terms of any contract made with any mortgage lender for processing, originating, servicing, or administering the loans.

(f) To be eligible for a mortgage loan under this section, a homebuyer must:

(1) qualify as a first-time homebuyer under this section;

(2) have an income of not more than 115 percent of area median family income or 140 percent of area median family income in targeted areas; and

(3) meet any additional requirements or limitations prescribed by the corporation.

(g) To be eligible for a loan under this section to assist a homebuyer with down payment and closing costs, a homebuyer must:

(1) qualify as a first-time homebuyer under this section;

(2) have an income of not more than 80 percent of area median family income; and

(3) meet any additional requirements or limitations prescribed by the corporation.

(h) The corporation may contract with other agencies of the state or with private entities to determine whether applicants qualify as first-time homebuyers under this section or otherwise to administer all or part of this section.

(i) The board of directors of the corporation may set and collect from each applicant any fees that board considers reasonable and necessary to cover the expenses of administering the program.

(j) The corporation shall ensure that a loan under this section is structured in a way that complies with any requirements associated with the source of the funds used for the loan.

(k) In addition to funds set aside for the program under Section 1372.0223(1), the corporation may solicit and accept funding for the program from gifts and grants for the purposes of this section.

SECTION _____. Section 2306.591(b), Government Code, is amended to read as follows:

(b) An owner of a manufactured home is not eligible to participate in a grant loan program offered by the department [~~including the single-family mortgage revenue bond program under Section 2306.142,~~] unless the owner complies with Subsection (a).

SECTION _____. (a) As soon as practicable after the effective date of this Act, the Texas Department of Housing and Community Affairs and the Texas State Affordable Housing Corporation shall develop a transition plan for transferring the functions performed by the department under Subchapter MM, Chapter 2306, Government Code, to the corporation. The transition plan must include a timetable with specific steps and deadlines needed to complete the transfer.

(b) In accordance with the transition plan developed by the Texas Department of Housing and Community Affairs and the Texas State Affordable Housing Corporation under Subsection (a) of this section, on November 1, 2011:

(1) all functions and activities relating to Subchapter MM, Chapter 2306, Government Code, performed by the Texas Department of Housing and Community Affairs immediately before that date are transferred to the Texas State Affordable Housing Corporation under Section 2306.5622, Government Code, as added by this Act;

(2) a rule or form adopted by the executive director of the Texas Department of Housing and Community Affairs that relates to Subchapter MM, Chapter 2306, Government Code, is a rule or form of the Texas State Affordable Housing Corporation and remains in effect until amended or replaced by the corporation;

(3) a reference in law to or an administrative rule of the Texas Department of Housing and Community Affairs that relates to Subchapter MM, Chapter 2306, Government Code, means the Texas State Affordable Housing Corporation;

(4) a loan issued by the Texas Department of Housing and Community Affairs under Subchapter MM, Chapter 2306, Government Code, or an application for a loan under that subchapter pending before the department on the effective date of this Act is transferred without change in status to the Texas State Affordable Housing Corporation, and the corporation assumes, as appropriate and without a change in status, the position of the department in relation to that loan or application;

(5) any employee of the Texas Department of Housing and Community Affairs who is primarily involved in administering Subchapter MM, Chapter 2306, Government Code, becomes an employee of the Texas State Affordable Housing Corporation;

(6) all money, contracts, leases, property, and obligations of the Texas Department of Housing and Community Affairs that are related to Subchapter MM, Chapter 2306, Government Code, are transferred to the Texas State Affordable Housing Corporation;

(7) all property that is in the custody of the Texas Department of Housing and Community Affairs and related to Subchapter MM, Chapter 2306, Government Code, is transferred to the Texas State Affordable Housing Corporation; and

(8) the unexpended and unobligated balance of any money that is appropriated by the legislature for the Texas Department of Housing and Community Affairs and related to Subchapter MM, Chapter 2306, Government Code, is transferred to the Texas State Affordable Housing Corporation.

(c) Before November 1, 2011, the Texas Department of Housing and Community Affairs may agree with the Texas State Affordable Housing Corporation to transfer any property of the department to the corporation to implement the transfer required by this Act.

(d) In the period beginning on the effective date of this Act and ending on November 1, 2011, the Texas Department of Housing and Community Affairs shall continue to perform functions and activities under Subchapter MM, Chapter 2306, Government Code, as if that subchapter had not been repealed by this Act, and the former law is continued in effect for that purpose.

SECTION _____. This Act takes effect September 1, 2011.

Amendment No. 1 was adopted.

HB 2660, as amended, was passed to engrossment. (Quintanilla, Rodriguez, and Weber recorded voting no.)

HB 1818 ON SECOND READING
(by Harper-Brown)

HB 1818, A bill to be entitled An Act relating to the continuation and functions of the Texas State Affordable Housing Corporation; providing penalties.

Amendment No. 1

Representative Y. Davis offered the following amendment to **HB 1818**:

Amend **HB 1818** (house committee report) by inserting the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter Y, Chapter 2306, Government Code, is amended by adding 2306.5549 as follows:

Sec. 2306.5549. BOARD MEETINGS. (a) The board may hold meetings when called by the presiding officer, the director, or three of the members.

(b) The board shall keep minutes and complete transcripts of board meetings. The department shall post the transcripts on its website and shall otherwise maintain all accounts, minutes, and other records related to the meetings.

(c) All materials provided to the board that are relevant to a matter proposed for discussion at a board meeting must be posted on the department's website not later than the third day before the date of the meeting.

(d) Any materials made available to the board by the department at a board meeting must be made available in hard copy format to the members of the public in attendance at the meeting.

(e) The board shall conduct its meetings in accordance with Chapter 551, except as otherwise required by this chapter.

(f) For each item on the board's agenda at the meeting, the board shall provide for public comment after the presentation made by department staff and the motions made by

Amendment No. 2

Representative Y. Davis offered the following amendment to Amendment No. 1:

Amend Floor Amendment No. 1 by Rep. Y. Davis to **HB 1818** (house committee report) by striking lines 7-26 and insert the following:

Sec. 2306.5549. BOARD MEETINGS. (a) The board may hold meetings when called by the presiding officer, the director, or three of the members.

(b) The board shall keep minutes and complete transcripts of board meetings. The department shall post the transcripts on its website and shall otherwise maintain all accounts, minutes, and other records related to the meetings.

(c) All materials provided to the board that are relevant to a matter proposed for discussion at a board meeting must be posted on the department's website not later than the third day before the date of the meeting.

(d) Any materials made available to the board by the department at a board meeting must be made available in hard copy format to the members of the public in attendance at the meeting.

(e) The board shall conduct its meetings in accordance with Chapter 551, except as otherwise required by this chapter.

(f) For each item on the board's agenda at the meeting, the board shall provide for public comment after the presentation made by department staff and the motions made by the board on that topic.

(g) The board shall adopt rules that give the public a reasonable amount of time for testimony at meetings.

Amendment No. 2 was adopted.

Amendment No. 1, as amended, was adopted.

Amendment No. 3

On behalf of Representative Gutierrez, Representative Y. Davis offered the following amendment to **HB 1818**:

Amend **HB 1818** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter Y, Chapter 2306, Government Code, is amended by adding Section 2306.5553 to read as follows:

Sec. 2306.5553. HISTORICALLY UNDERUTILIZED BUSINESSES. (a) The corporation shall make a good faith effort to provide contracting opportunities for, and to increase contract awards to, historically underutilized businesses for all services that may be required by the corporation, including professional and consulting services and commodities purchases.

(b) In accordance with Subchapter B, Chapter 20, Title 34, Texas Administrative Code, a good faith effort under Subsection (a) must include awarding historically underutilized businesses at least a portion of the total contract value of all contracts the corporation expects to award in a state fiscal year.

(c) The corporation may achieve annual procurement goals under this section by contracting directly with historically underutilized businesses or by contracting indirectly with those businesses through the provision of subcontracting opportunities.

Amendment No. 3 was adopted.

Amendment No. 4

Representative Christian offered the following amendment to **HB 1818**:

Amend **HB 1818** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 392.0331, Local Government Code, is amended by amending Subsections (b) and (f) and adding Subsections (b-1) and (f-1) to read as follows:

(b) Except as provided by Subsection (b-1), in [H~~A~~] appointing commissioners under Section 392.031, a municipality with a municipal housing authority composed of five commissioners shall appoint at least one commissioner to the authority who is a tenant of a public housing project over which the authority has jurisdiction. In appointing commissioners under Section 392.031, a municipality with a municipal housing authority composed of seven or more commissioners shall appoint at least two commissioners to the authority who are tenants of a public housing project over which the authority has jurisdiction.

(b-1) The presiding officer of the governing body of a municipality that has a municipal housing authority in which the total number of units is 300 or fewer is not required to appoint a tenant to the position of commissioner as otherwise required by Subsection (b) if the presiding officer has provided timely notice of a vacancy in the position to all eligible tenants and is unable to fill the position with an eligible tenant before the 60th day after the date the position becomes vacant.

(f) Except as provided by Subsection (f-1), a [A~~A~~] commissioner appointed under this section may not serve more than two consecutive two-year terms.

(f-1) Subsection (f) does not apply to a municipality that has a municipal housing authority in which the total number of units is 300 or fewer.

Amendment No. 4 was adopted.

HB 1818, as amended, was passed to engrossment. (Riddle recorded voting no.)

COMMITTEE GRANTED PERMISSION TO MEET

Representative Creighton requested permission for the Select Committee on State Sovereignty to meet while the house is in session, at 6:30 p.m. today, in 3W.9, to consider **HR 243** and pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Select Committee on State Sovereignty, 6:30 p.m. today, 3W.9, for a formal meeting, to consider **HR 243** and pending business.

**GENERAL STATE CALENDAR
HOUSE BILLS
SECOND READING**

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

**CSHB 2825 ON SECOND READING
(by Otto)**

CSHB 2825, A bill to be entitled An Act relating to the composition and appointment of the board of directors of a corporation to which the board of regents of The University of Texas System delegates investment authority for the permanent university fund or other funds under the control of the board of regents.

CSHB 2825 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE ALONZO: Mr. Otto, I just wanted to visit with you for a few minutes. I know this is an agreed to bill, we had a conversation about that, I'm not interfering with that. But, the reason I want to have a discussion with you is to relate to the qualification in selecting these board members. One of them is that they have experience in investments, is that correct?

REPRESENTATIVE OTTO: That's correct.

ALONZO: And I mentioned to you that one of the interests, or concerns, I had was to make sure that they—not in your bill, but as it relates to the board—that they deal with emergency fund managers that do investments up to \$5 billion. Is that correct?

OTTO: That's correct.

ALONZO: And you mentioned that you didn't want to put it on this bill because you had worked on it. But I told you that was a concern of mine, and I want to make sure that the board members feel about it and that was an interest I had.

OTTO: And the board members currently have the opportunity to appoint those people that you're talking about.

ALONZO: Okay, and the reason I bring it to your attention is I want the board members to know that's a big interest of mine, and I'm sure there's other members on the floor that have this interest, because we want to make sure that they're open in wanting to include folks that have experience in emergency fund managers as it relates up to \$5 billion.

OTTO: That's correct.

REMARKS ORDERED PRINTED

Representative Alonzo moved to print remarks between Representative Otto and Representative Alonzo.

The motion prevailed.

CSHB 2825 was passed to engrossment.

SB 529 ON SECOND READING

(Hunter, Margo, Cook, Guillen, and Woolley - House Sponsors)

SB 529, A bill to be entitled An Act relating to the regulation of motor vehicle dealers, manufacturers, distributors, and representatives.

SB 529 was considered in lieu of **HB 2293**.

SB 529 was passed to third reading.

HB 2293 - LAID ON THE TABLE SUBJECT TO CALL

Representative Hunter moved to lay **HB 2293** on the table subject to call.

The motion prevailed.

HB 1799 ON SECOND READING

(by Bonnen)

HB 1799, A bill to be entitled An Act relating to the exemption of certain real estate professionals from registration as property tax consultants.

HB 1799 was passed to engrossment.

SB 1024 ON SECOND READING

(Rodriguez - House Sponsor)

SB 1024, A bill to be entitled An Act relating to the prosecution of the offense of theft of service.

SB 1024 was considered in lieu of **HB 2196**.

(Bonnen in the chair)

SB 1024 was passed to third reading. (Fletcher and Riddle recorded voting no.)

HB 2196 - LAID ON THE TABLE SUBJECT TO CALL

Representative Rodriguez moved to lay **HB 2196** on the table subject to call.

The motion prevailed.

SB 198 ON SECOND READING

(T. Smith - House Sponsor)

SB 198, A bill to be entitled An Act relating to exempting persons who are convicted of certain sexual offenses from registering as a sex offender in this state.

SB 198 was considered in lieu of **HB 227**.

Amendment No. 1

Representative Dutton offered the following amendment to **SB 198**:

Amend **SB 198** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION _____. Section 21.11(b), Penal Code, is amended to read as follows:

(b) It is an affirmative defense to prosecution under this section that the actor:

(1) was ~~[not more than three years older than the victim and]~~ of the opposite sex and not more than three years older than the victim, or not more than five years older if both the actor and victim were enrolled in a public or private school in grade level nine or above at the time of the offense;

(2) did not use duress, force, or a threat against the victim at the time of the offense; and

(3) at the time of the offense:

(A) was not required under Chapter 62, Code of Criminal Procedure, to register for life as a sex offender; or

(B) was not a person who under Chapter 62 had a reportable conviction or adjudication for an offense under this section.

SECTION _____. Section 22.011(e), Penal Code, is amended to read as follows:

(e) It is an affirmative defense to prosecution under Subsection (a)(2):

(1) that the actor was the spouse of the child at the time of the offense;

or

(2) that:

(A) the actor was not more than three years older than the victim, or not more than five years older if both the actor and victim were enrolled in a public or private school in grade level nine or above at the time of the offense, and at the time of the offense:

(i) was not required under Chapter 62, Code of Criminal Procedure, to register for life as a sex offender; or

(ii) was not a person who under Chapter 62, Code of Criminal Procedure, had a reportable conviction or adjudication for an offense under this section; and

(B) the victim:

(i) was a child of 14 years of age or older; and

(ii) was not a person whom the actor was prohibited from marrying or purporting to marry or with whom the actor was prohibited from living under the appearance of being married under Section 25.01.

SECTION _____. Sections 21.11 and 22.011, Penal Code, as amended by this Act, apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect at the time of the offense, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

Amendment No. 1 was withdrawn.

SB 198 was passed to third reading. (Carter and Phillips recorded voting no.)

HB 227 - LAID ON THE TABLE SUBJECT TO CALL

Representative T. Smith moved to lay **HB 227** on the table subject to call.
The motion prevailed.

CSHB 2078 ON SECOND READING

(by Villarreal)

CSHB 2078, A bill to be entitled An Act relating to the independence of appraisal review boards; changing the elements of an offense.

Amendment No. 1

Representative Otto offered the following amendment to **CSHB 2078**:

Amend **CSHB 2078** (house committee report) as follows:

(1) On page 4, strike lines 19-21 and substitute the following:

(1) that constitute social conversation;

(2) On page 4, line 22, strike "(3)" and substitute "(2)".

(3) On page 5, line 1, strike "(4)" and substitute "(3)".

Amendment No. 1 was adopted.

CSHB 2078, as amended, was passed to engrossment. (C. Anderson, Berman, Cook, Flynn, Laubenberg, and Sheets recorded voting no.)

SB 758 ON SECOND READING

(Hilderbran - House Sponsor)

SB 758, A bill to be entitled An Act relating to sales and use tax information provided to certain local governmental entities.

SB 758 was considered in lieu of **HB 270**.

SB 758 was passed to third reading.

HB 270 - LAID ON THE TABLE SUBJECT TO CALL

Representative Hilderbran moved to lay **HB 270** on the table subject to call.
The motion prevailed.

CSHB 1671 ON SECOND READING

(by Marquez)

CSHB 1671, A bill to be entitled An Act relating to allowing a governmental body to redact certain personal information under the public information law without the necessity of requesting a decision from the attorney general and the calculation of certain deadlines under the public information law.

Representative Marquez moved to postpone consideration of **CSHB 1671** until 6 a.m. Wednesday, May 11.

The motion prevailed.

CSHB 2203 ON SECOND READING

(by Otto)

CSHB 2203, A bill to be entitled An Act relating to the pilot program authorizing a property owner to appeal to the State Office of Administrative Hearings certain appraisal review board determinations.

Amendment No. 1

Representative Otto offered the following amendment to **CSHB 2203**:

Amend **CSHB 2203** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 2003.906, Government Code, is amended to read as follows:

Sec. 2003.906. NOTICE OF APPEAL TO OFFICE; DEPOSIT. (a) To appeal an appraisal review board order to the office under this subchapter, a property owner must file with the chief appraiser of the appraisal district [~~not later than the 30th day after the date the property owner receives notice of the order~~]:

(1) a completed notice of appeal to the office in the form prescribed by Section 2003.907; and

(2) a deposit [~~filing fee~~] in the amount of \$1,500 [~~\$300~~], made payable to the office.

(a-1) The notice of appeal required under Subsection (a)(1) must be filed with the chief appraiser not later than the 30th day after the date the property owner receives notice of the order.

(a-2) The deposit required under Subsection (a)(2) must be filed with the chief appraiser not later than the 90th day after the date the property owner receives notice of the order. The deposit is refundable:

(1) less the filing fee if the property owner and the appraisal district settle before the appeal is heard; or

(2) less the filing fee and the office's costs if the property owner and the appraisal district settle after the appeal is heard.

(a-3) If the property owner fails to pay the deposit as required under Subsection (a-2):

(1) the office shall dismiss the property owner's appeal; and

(2) the property owner is not entitled to file an appeal under this subchapter in any subsequent tax year.

(b) As soon as practicable after receipt of a notice of appeal, the chief appraiser for the appraisal district shall:

(1) indicate, where appropriate, those entries in the records that are subject to the appeal;

(2) submit the notice of appeal and deposit [~~filing fee~~] to the office; and

(3) request the appointment of a qualified administrative law judge to hear the appeal.

Amendment No. 1 was adopted.

CSHB 2203, as amended, was passed to engrossment.

CSHB 2237 ON SECOND READING

(by Lyne, et al.)

CSHB 2237, A bill to be entitled An Act relating to the taxation and titling of certain off-road vehicles.

CSHB 2237 was passed to engrossment. (Berman, Bohac, Cook, Flynn, Landtroop, Perry, and Weber recorded voting no.)

CSHB 2596 ON SECOND READING

(by Garza)

CSHB 2596, A bill to be entitled An Act relating to the authority of local governments to enact and enforce certain traffic regulations.

Amendment No. 1

On behalf of Representative Bonnen, Representative Rodriguez offered the following amendment to **CSHB 2596**:

Amend **CSHB 2596** (house committee printing) by striking SECTIONS 1 and 2 of the bill (page 1, lines 5-22) and renumbering remaining SECTIONS of the bill as appropriate.

Amendment No. 1 was adopted.

CSHB 2596, as amended, was passed to engrossment.

HB 2098 ON SECOND READING

(by J. Davis)

HB 2098, A bill to be entitled An Act relating to the authority of physicians and physician assistants to form certain entities.

Amendment No. 1

Representative J. Davis offered the following amendment to **HB 2098**:

Amend **HB 2098** (house committee report) by striking all below the enacting clause and substituting the following:

SECTION 1. Subchapter B, Chapter 22, Business Organizations Code, is amended by adding Section 22.0561 to read as follows:

Sec. 22.0561. CORPORATIONS FORMED BY PHYSICIANS AND PHYSICIAN ASSISTANTS. (a) Physicians licensed under Subtitle B, Title 3, Occupations Code, and physician assistants licensed under Chapter 204, Occupations Code, may form a corporation to perform a professional service that falls within the scope of practice of those practitioners and consists of:

(1) carrying out research in the public interest in medical science, medical economics, public health, sociology, or a related field;

(2) supporting medical education in medical schools through grants or scholarships;

(3) developing the capabilities of individuals or institutions studying, teaching, or practicing medicine or acting as a physician assistant;

(4) delivering health care to the public; or

(5) instructing the public regarding medical science, public health, hygiene, or a related matter.

(b) A physician assistant may not be an officer of the corporation.

(c) A physician assistant may not contract with or employ a physician to be a supervising physician of the physician assistant or of any physician in the corporation.

(d) The authority of each practitioner is limited by the scope of practice of the respective practitioner. An organizer of the entity must be a physician and ensure that a physician or physicians control and manage the entity.

(e) Nothing in this section may be construed to allow the practice of medicine by someone not licensed as a physician under Subtitle B, Title 3, Occupations Code, or to allow a person not licensed as a physician to direct the activities of a physician in the practice of medicine.

(f) A physician assistant or combination of physician assistants may have only a minority ownership interest in an entity created under this section. The ownership interest of an individual physician assistant may not equal or exceed the ownership interest of any individual physician owner. A physician assistant or combination of physician assistants may not interfere with the practice of medicine by a physician owner or the supervision of physician assistants by a physician owner.

(g) The Texas Medical Board and the Texas Physician Assistant Board continue to exercise regulatory authority over their respective license holders according to applicable law. To the extent of a conflict between Subtitle B, Title 3, Occupations Code, and Chapter 204, Occupations Code, or any rules adopted under those statutes, Subtitle B, Title 3, or a rule adopted under that subtitle controls.

SECTION 2. Subchapter B, Chapter 152, Business Organizations Code, is amended by adding Section 152.0551 to read as follows:

Sec. 152.0551. PARTNERSHIPS FORMED BY PHYSICIANS AND PHYSICIAN ASSISTANTS. (a) Physicians licensed under Subtitle B, Title 3, Occupations Code, and physician assistants licensed under Chapter 204, Occupations Code, may create a partnership to perform a professional service that falls within the scope of practice of those practitioners.

(b) A physician assistant may not be a general partner or participate in the management of the partnership.

(c) A physician assistant may not contract with or employ a physician to be a supervising physician of the physician assistant or of any physician in the partnership.

(d) The authority of each practitioner is limited by the scope of practice of the respective practitioner. An organizer of the entity must be a physician and ensure that a physician or physicians control and manage the entity.

(e) Nothing in this section may be construed to allow the practice of medicine by someone not licensed as a physician under Subtitle B, Title 3, Occupations Code, or to allow a person not licensed as a physician to direct the activities of a physician in the practice of medicine.

(f) A physician assistant or combination of physician assistants may have only a minority ownership interest in an entity created under this section. The ownership interest of an individual physician assistant may not equal or exceed the ownership interest of any individual physician owner. A physician assistant or combination of physician assistants may not interfere with the practice of medicine by a physician owner or the supervision of physician assistants by a physician owner.

(g) The Texas Medical Board and the Texas Physician Assistant Board continue to exercise regulatory authority over their respective license holders according to applicable law. To the extent of a conflict between Subtitle B, Title 3, Occupations Code, and Chapter 204, Occupations Code, or any rules adopted under those statutes, Subtitle B, Title 3, or a rule adopted under that subtitle controls.

SECTION 3. Section 301.012, Business Organizations Code, is amended by adding Subsections (a-1), (a-2), (a-3), (a-4), (a-5), (a-6), and (a-7) to read as follows:

(a-1) Persons licensed as physicians under Subtitle B, Title 3, Occupations Code, and persons licensed as physician assistants under Chapter 204, Occupations Code, may form and own a professional association or a professional limited liability company to perform professional services that fall within the scope of practice of those practitioners.

(a-2) A physician assistant may not be an officer in the professional association or limited liability company.

(a-3) A physician assistant may not contract with or employ a physician to be a supervising physician of the physician assistant or of any physician in the professional association or limited liability company.

(a-4) The authority of each practitioner is limited by the scope of practice of the respective practitioner. An organizer of the entity must be a physician and ensure that a physician or physicians control and manage the entity.

(a-5) Nothing in this section may be construed to allow the practice of medicine by someone not licensed as a physician under Subtitle B, Title 3, Occupations Code, or to allow a person not licensed as a physician to direct the activities of a physician in the practice of medicine.

(a-6) A physician assistant or combination of physician assistants may have only a minority ownership interest in an entity created under this section. The ownership interest of an individual physician assistant may not equal or exceed the ownership interest of any individual physician owner. A physician assistant or combination of physician assistants may not interfere with the practice of medicine by a physician owner or the supervision of physician assistants by a physician owner.

(a-7) The Texas Medical Board and the Texas Physician Assistant Board continue to exercise regulatory authority over their respective license holders according to applicable law. To the extent of a conflict between Subtitle B, Title 3, Occupations Code, and Chapter 204, Occupations Code, or any rules adopted under those statutes, Subtitle B, Title 3, or a rule adopted under that subtitle controls.

SECTION 4. Subchapter B, Chapter 162, Occupations Code, is amended by adding Section 162.053 to read as follows:

Sec. 162.053. JOINTLY OWNED ENTITIES WITH PHYSICIAN ASSISTANTS. (a) A physician who jointly owns an entity with a physician assistant shall report annually to the board the ownership interest and other information required by board rule.

(b) The board shall assess a fee for processing each report required by Subsection (a).

(c) A report filed under Subsection (a) is public information for purposes of Chapter 552, Government Code.

SECTION 5. Subchapter E, Chapter 204, Occupations Code, is amended by adding Section 204.209 to read as follows:

Sec. 204.209. JOINTLY OWNED ENTITIES WITH PHYSICIANS. (a) A physician assistant who jointly owns an entity with a physician shall report annually to the physician assistant board the ownership interest and other information required by physician assistant board rule.

(b) The physician assistant board shall assess a fee for processing each report required by Subsection (a).

(c) A report filed under Subsection (a) is public information for purposes of Chapter 552, Government Code.

SECTION 6. The restrictions on ownership interests in Sections 22.0561, 152.0551, and 301.012, Business Organizations Code, apply to an ownership interest acquired on or after the effective date of this Act. An ownership interest acquired before the effective date of this Act is governed by the law in effect at the time the interest was acquired, and the former law is continued in effect for that purpose.

SECTION 7. This Act takes effect immediately if it 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 Act takes effect September 1, 2011.

Amendment No. 1 was adopted.

HB 2098, as amended, was passed to engrossment. (Garza recorded voting no.)

CSHB 2746 ON SECOND READING (by Martinez Fischer)

CSHB 2746, A bill to be entitled An Act relating to liability for the additional tax imposed on land appraised for ad valorem tax purposes as qualified open-space land in the event of a change of use of the land if the land is transferred to a charitable organization for purposes of building housing for sale without profit to a low-income individual or family.

Representative Marquez moved to postpone consideration of **CSHB 2746** until 6 a.m. tomorrow.

The motion prevailed.

CSHB 2439 ON SECOND READING
(by Gallego)

CSHB 2439, A bill to be entitled An Act relating to posting suggestions and ideas on cost-efficiency on certain state agency websites.

Amendment No. 1

Representative Gallego offered the following amendment to **CSHB 2439**:

Amend **CSHB 2439** (house committee printing) on page 1, line 20, by striking "(a)" and substituting "(b)".

Amendment No. 1 was adopted.

**PROVIDING FOR A LOCAL, CONSENT,
AND RESOLUTIONS CALENDAR**

Representative Thompson moved to suspend all necessary rules to set a local, consent, and resolutions calendar for 10 a.m. Wednesday, May 11.

The motion prevailed.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Thompson requested permission for the Committee on Local and Consent Calendars to meet while the house is in session, at 6:50 p.m. today, in 1W.14, to set a calendar.

Permission to meet was granted.

CSHB 2439 - (consideration continued)

Amendment No. 2

Representative Gallego offered the following amendment to **CSHB 2439**:

Amend **CSHB 2439** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION _____. Chapter 322, Government Code, is amended by adding Section 322.0081 to read as follows:

Sec. 322.0081. BUDGET DOCUMENTS ONLINE. (a) In order to assist members of the public in posting cost-efficiency suggestions and ideas, the board shall post on the board's Internet website all documents prepared by the board that are provided to a committee, subcommittee, or conference committee of either house of the legislature in connection with an appropriations bill.

(b) The board shall post a document to which this section applies as soon as practicable after the document is provided to a committee, subcommittee, or conference committee.

(c) The document must be downloadable and provide data in an open standard format that allows the public to search, extract, organize, and analyze the information in the document.

SECTION _____. Section 322.0081, Government Code, as added by this Act, applies only to documents provided to a committee, subcommittee, or conference committee on or after October 1, 2011.

Amendment No. 2 was adopted.

CSHB 2439, as amended, was passed to engrossment. (Berman, Cain, Cook, Flynn, Landtroop, and Perry recorded voting no.)

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Local and Consent Calendars, 6:50 p.m. today, 1W.14, for a formal meeting, to set a calendar.

CSHB 2389 ON SECOND READING (by Fletcher)

CSHB 2389, A bill to be entitled An Act relating to records of a holder of a motor vehicle title service license.

CSHB 2389 was passed to engrossment.

HB 2889 ON SECOND READING (by Madden)

HB 2889, A bill to be entitled An Act relating to the expunction of records and files relating to a person's arrest.

HB 2889 was passed to engrossment.

HB 3017 ON SECOND READING (by Smithee)

HB 3017, A bill to be entitled An Act relating to the prohibited use of discretionary clauses in certain health maintenance organization and insurance contracts.

HB 3017 was passed to engrossment.

CSHB 3036 ON SECOND READING (by Alvarado)

CSHB 3036, A bill to be entitled An Act relating to the municipal sales and use tax for street maintenance.

Amendment No. 1

Representative Phillips offered the following amendment to **CSHB 3036**:

Amend **CSHB 3036** (house committee printing) as follows:

(1) On page 1, strike lines 12-21 and substitute the following:

(2) the first day of the first calendar quarter occurring not earlier than ~~[after]~~ the fourth anniversary and not later than the tenth anniversary of the date the tax was last reauthorized under this section.

(2) On page 2, line 5, strike "(insert fourth or 10th)" and substitute "(insert "fourth", "fifth", "sixth", "seventh", "eighth", "ninth", or "tenth", as appropriate)".

(3) On page 2, line 10, strike "10-year period" and substitute "period of more than four years but not more than 10 years".

Amendment No. 1 was adopted.

CSHB 3036, as amended, was passed to engrossment. (C. Anderson, Aycock, Berman, Bohac, Cook, Flynn, Landtroop, Laubenberg, Nash, Perry, and Sheets recorded voting no.)

CSHB 3133 ON SECOND READING
(by **Rodriguez**)

CSHB 3133, A bill to be entitled An Act relating to the appraisal for ad valorem tax purposes of property on which housing is being or has been built or repaired for sale to a low-income individual or family.

CSHB 3133 was passed to engrossment. (Berman, Bohac, Cook, and Flynn recorded voting no.)

CSHB 1359 ON SECOND READING
(by **Veasey**)

CSHB 1359, A bill to be entitled An Act relating to authorization for a caregiver who is a relative to enroll a child in school.

Representative Deshotel moved to postpone consideration of **CSHB 1359** until 6:45 p.m. today.

The motion prevailed.

HB 2759 ON SECOND READING
(by **Hartnett**)

HB 2759, A bill to be entitled An Act relating to the nonsubstantive revision of provisions of the Texas Probate Code relating to durable powers of attorney, guardianships, and other related proceedings and alternatives, and the redesignation of certain other provisions of the Texas Probate Code, including conforming amendments and repeals.

HB 2759 was passed to engrossment.

CSHB 1013 ON SECOND READING
(by **Brown, Callegari, Creighton, J. Davis, et al.**)

CSHB 1013, A bill to be entitled An Act relating to the powers and duties of the Texas Medical Board.

Amendment No. 1

Representative Brown offered the following amendment to **CSHB 1013**:

Amend **CSHB 1013** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. The legislature finds that tick-borne diseases are an important public health issue in Texas. The legislature further finds that medical and nursing education on the appropriate care and treatment of tick-borne diseases is essential to the delivery of necessary health care to individuals in Texas suffering from tick-borne diseases. It is the intent of the legislature to address the need for medical and nursing education on tick-borne diseases through the continuing medical education requirements for physicians and nurses.

SECTION _____. Subchapter B, Chapter 156, Occupations Code, is amended by adding Section 156.059 to read as follows:

Sec. 156.059. CONTINUING EDUCATION IN TICK-BORNE DISEASES. (a) A physician licensed under this subtitle who submits an application for renewal of a license to practice medicine and whose practice includes the treatment of tick-borne diseases is encouraged to include continuing medical education in the treatment of tick-borne diseases among the hours of continuing medical education completed for purposes of rules adopted under Section 156.051(a)(2).

(b) The board shall adopt rules to establish the content of and approval requirements for continuing medical education relating to the treatment of tick-borne diseases. In adopting rules, the board shall review relevant courses, including courses that have been approved in other states. Rules adopted under this section must provide for the identification and approval of accredited continuing medical education courses that represent an appropriate spectrum of relevant medical clinical treatment relating to tick-borne diseases.

(c) If relevant, the board shall consider a physician's participation in a continuing medical education course approved under Subsection (b) if:

(1) the physician is being investigated by the board regarding the physician's selection of clinical care for the treatment of tick-borne diseases; and

(2) the physician completed the course not more than two years before the start of the investigation.

(d) The board may adopt other rules to implement this section.

SECTION _____. Subchapter G, Chapter 301, Occupations Code, is amended by adding Section 301.304 to read as follows:

Sec. 301.304. CONTINUING EDUCATION IN TICK-BORNE DISEASES. (a) As part of the continuing education requirements under Section 301.303, a license holder whose practice includes the treatment of tick-borne diseases shall be encouraged to participate, during each two-year licensing period, in continuing education relating to the treatment of tick-borne diseases.

(b) The board shall adopt rules to identify the license holders who are encouraged to complete continuing education under Subsection (a) and establish the content of that continuing education. In adopting rules, the board shall review relevant courses, including courses that have been approved in other states. Rules adopted under this section must provide for the identification and approval of accredited continuing education courses that represent an appropriate spectrum of relevant medical clinical treatment relating to tick-borne diseases.

(c) If relevant, the board shall consider a license holder's participation in a continuing education course approved under Subsection (b) if:

(1) the license holder is being investigated by the board regarding the license holder's selection of clinical care for the treatment of tick-borne diseases; and

(2) the license holder completed the course not more than two years before the start of the investigation.

(d) The board may adopt other rules to implement this section, including rules under Section 301.303(c) for the approval of education programs and providers.

SECTION _____. The Texas Medical Board and the Texas Board of Nursing shall consult and cooperate in adopting the rules required under Sections 156.059 and 301.304, Occupations Code, as added by this Act.

SECTION _____. Not later than January 31, 2012, the Texas Medical Board shall adopt rules required by Section 156.059, Occupations Code, as added by this Act.

SECTION _____. Not later than January 31, 2012, the Texas Board of Nursing shall adopt rules required by Section 301.304, Occupations Code, as added by this Act.

SECTION _____. Not later than February 6, 2012, the Texas Medical Board and the Texas Board of Nursing shall report to the governor, the lieutenant governor, and the speaker of the house of representatives concerning the adoption of rules as required by Sections 156.059 and 301.304, Occupations Code, as added by this Act.

SECTION _____. Sections 156.059(c) and 301.304(c), Occupations Code, as added by this Act, apply only to the investigation of a complaint or a disciplinary action based on a complaint filed on or after the effective date of this Act. The investigation of a complaint or a disciplinary action based on a complaint filed before that date is governed by the law in effect on the date the complaint was filed, and that law is continued in effect for that purpose.

Amendment No. 1 was adopted.

Amendment No. 2

Representative D. Howard offered the following amendment to **CSHB 1013**:

Amend **CSHB 1013** (house committee printing) as follows:

- (1) On page 3, line 4, strike "or".
- (2) On page 3, line 5, after the semicolon, insert the following:

or

(D) a registered nurse or a licensed vocational nurse;

- (3) On page 4, line 4, strike "or".
- (4) On page 4, line 5, strike the period and substitute the following:

; or

(D) a registered nurse or a licensed vocational nurse.

Amendment No. 2 was adopted.

Amendment No. 3

Representative Naishtat offered the following amendment to **CSHB 1013**:

Amend **CSHB 1013** (house committee report) as follows:

- 1. Page 10, line 3, strike the designation Subsection "(a)".
- 2. Page 10, strike Subsection (b), lines 8 through 10.

Amendment No. 3 was adopted.

Amendment No. 4

Representative Zedler offered the following amendment to **CSHB 1013**:

Amend **CSHB 1013** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 164.0032, Occupations Code, is amended by adding Subsection (f-1) to read as follows:

(f-1) At least 21 days before the date the board conducts a meeting to consider the panel's recommendations under Subsection (f), the board must notify the affected physician and the physician's authorized representative of the meeting. The physician and the physician's representative may be present at the meeting.

Amendment No. 4 was adopted.

Amendment No. 5

Representative Chisum offered the following amendment to **CSHB 1013**:

Amend **CSHB 1013** by adding a new appropriately numbered section to read as follows:

SECTION _____. Section 155.056(a), Occupations Code, is amended to read as follows:

(a) An applicant must pass each part of an examination within four~~three~~ attempts.

Representative Schwertner moved to table Amendment No. 5.

The motion to table prevailed.

CSHB 1013, as amended, was passed to engrossment by (Record 864): 147 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen(C); 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; 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; 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.

Absent, Excused — Coleman.

Absent — Shelton.

CSHB 3727 ON SECOND READING
(by Hilderbran and Martinez Fischer)

CSHB 3727, A bill to be entitled An Act relating to the appraisal for ad valorem tax purposes of certain commercial aircraft that are temporarily located in this state for manufacturing or assembly purposes.

CSHB 3727 was passed to engrossment.

HB 174 ON SECOND READING
(by Jackson, Burkett, Branch, Bohac, Patrick, et al.)

HB 174, A bill to be entitled An Act relating to the cancellation of the voter registration and to the eligibility to vote of persons who are deceased or not citizens of the United States.

HB 174 was passed to engrossment.

HB 2817 ON SECOND READING
(by L. Taylor)

HB 2817, A bill to be entitled An Act relating to certain election practices and procedures.

Amendment No. 1

Representative Price offered the following amendment to **HB 2817**:

Amend **HB 2817** (house committee printing) on page 15, line 17, by striking "and" and substituting "127.201, and".

Amendment No. 1 was adopted.

COMMITTEES GRANTED PERMISSION TO MEET

Representative Dutton requested permission for the Committee on Urban Affairs to meet while the house is in session, at 7 p.m. today, in 3W.15, to consider pending business.

Permission to meet was granted.

Representative Guillen requested permission for the Committee on Culture, Recreation, and Tourism to meet while the house is in session, at 7:15 p.m. today, in 1W.14, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Urban Affairs, 7 p.m. today, 3W.15, for a formal meeting, to consider pending business.

Culture, Recreation, and Tourism, 7:15 p.m. today, 1W.14, for a formal meeting, to consider pending business.

HB 2817 - (consideration continued)

Amendment No. 2

Representative T. Smith offered the following amendment to **HB 2817**:

Amend **HB 2817** by adding the following appropriately numbered SECTIONS and by renumbering the existing SECTIONS as appropriate:

SECTION _____. Section 4.004(a), Election Code, is amended to read as follows:

- (a) The notice of a general or special election must state:
- (1) the nature and date of the election;
 - (2) except as provided by Subsection (c), the location of each polling place~~[-, including each early voting polling place];~~
 - (3) the hours that the polls will be open; and
 - (4) any other information required by other law.

SECTION _____. Section 85.004, Election Code, is amended to read as follows:

Sec. 85.004. PUBLIC NOTICE OF MAIN POLLING PLACE LOCATION. The election order and the election notice must state the location of the main ~~[each]~~ early voting polling place.

Amendment No. 2 was adopted.

Amendment No. 3

Representative Sheffield offered the following amendment to **HB 2817**:

Amend **HB 2817** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 13.031(d), Election Code, is amended to read as follows:

(d) To be eligible for appointment as a volunteer deputy registrar, a person must:

- (1) be a registered voter ~~[18 years of age or older]; [and]~~
- (2) not have been finally convicted of a felony or, if so convicted, must have:

(A) fully discharged the person's sentence, including any term of incarceration, parole, or supervision, or completed a period of probation ordered by any court; or

(B) been pardoned or otherwise released from the resulting disability to vote; and

(3) not have been finally convicted of an offense under Section 32.51, Penal Code.

SECTION _____. Section 13.033(b), Election Code, is amended to read as follows:

(b) If a person is to be appointed, the registrar shall prepare a certificate of appointment in duplicate containing:

(1) the date of appointment;

(2) the statement: "I, _____, Voter Registrar for _____ County, do hereby appoint _____ as a volunteer deputy registrar for _____ County.";

(3) the person's residence address;

(4) the person's voter registration number, if any;

(5) a statement that the term of the appointment expires December 31 of an even-numbered year; and

(6) a statement that the appointment:

(A) terminates on the person's final conviction for an offense:

(i) for failure to deliver a registration application; or

(ii) under Section 32.51, Penal Code; and

(B) may terminate on the registrar's determination that the person failed to adequately review a registration application.

SECTION _____. Section 13.036(a), Election Code, is amended to read as follows:

(a) An appointment as a volunteer deputy registrar is terminated on:

(1) the expiration of the volunteer deputy's term of appointment; or

(2) the final conviction of the volunteer deputy for an offense prescribed by Section 13.043 of this code or Section 32.51, Penal Code.

SECTION _____. Sections 13.031(d), 13.033(b), and 13.036(a), Election Code, as amended by this Act, apply only to the appointment of a volunteer deputy voter registrar on or after the effective date of this Act. The appointment of a volunteer deputy voter registrar before the effective date of this Act is governed by the law in effect when the registrar was appointed, and the former law is continued in effect for that purpose.

Amendment No. 3 was adopted.

Amendment No. 4

Representative Burkett offered the following amendment to **HB 2817**:

Amend **HB 2817** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 64.036(d), Election Code, is amended to read as follows:

(d) An offense under this section is a state jail felony [~~Class A misdemeanor~~].

SECTION _____. Section 86.0051, Election Code, is amended by adding Subsection (b-1) and amending Subsections (c), (d), and (e) to read as follows:

(b-1) A person may not deposit in the mail or with a common or contract carrier more than two carrier envelopes containing ballots voted by other persons in an election.

(c) A person commits an offense if the person knowingly violates Subsection (b) or (b-1). It is not a defense to an offense under this subsection that the voter voluntarily gave another person possession of the voter's carrier envelope.

(d) An offense under this section is a state jail felony [~~Class-B misdemeanor~~], unless the person is convicted of an offense under Section 64.036 for providing unlawful assistance to the same voter in connection with the same ballot, in which event the offense is a [~~state jail~~] felony of the third degree.

(e) Subsections (a) and (c) do not apply if the person is related to the applicant within the second degree by affinity or the third degree by consanguinity, as determined under Subchapter B, Chapter 573, Government Code [~~, or is registered to vote at the same address as the applicant~~]. Subsection (c) does not apply to an employee of a state licensed care facility where the voter resides who is working in the normal course of the employee's authorized duties.

SECTION _____. Section 86.006(f), Election Code, is amended to read as follows:

(f) A person commits an offense if the person knowingly possesses an official ballot or official carrier envelope provided under this code to another. Unless the person possessed the ballot or carrier envelope with intent to defraud the voter or the election authority, this subsection does not apply to a person who, on the date of the offense, was:

(1) related to the voter within the second degree by affinity or the third degree by consanguinity, as determined under Subchapter B, Chapter 573, Government Code;

(2) registered to vote at the same address as the voter;

(3) an early voting clerk or a deputy early voting clerk;

(4) a person who possesses the carrier envelope in order to deposit the envelope in the mail or with a common or contract carrier and who provides the information required by Section 86.0051(b) in accordance with that section;

(5) an employee of the United States Postal Service working in the normal course of the employee's authorized duties; [~~or~~]

(6) a common or contract carrier working in the normal course of the carrier's authorized duties if the official ballot is sealed in an official carrier envelope that is accompanied by an individual delivery receipt for that particular carrier envelope; or

(7) an employee of a state licensed care facility where the voter resides who is working in the normal course of the employee's authorized duties.

SECTION _____. Sections 86.010(g) and (h), Election Code, are amended to read as follows:

(g) An offense under this section is a state jail felony [~~Class-A misdemeanor~~] unless the person is convicted of an offense under Section 64.036 for providing unlawful assistance to the same voter, in which event the offense is a [~~state jail~~] felony of the third degree.

(h) Subsection (f) does not apply if the person is related to the applicant within the second degree by affinity or the third degree by consanguinity, as determined under Subchapter B, Chapter 573, Government Code [~~or is registered to vote at the same address as the applicant~~].

SECTION _____. The changes in law made by this Act to Sections 64.036, 86.0051, 86.006, and 86.010, Election Code, apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

Amendment No. 4 was adopted.

Amendment No. 5

Representative V. Taylor offered the following amendment to **HB 2817**:

Amend **HB 2817** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill appropriately:

SECTION _____. Section 129.023(c), Election Code, is amended to read as follows:

(c) The general custodian of election records shall adopt procedures for testing that:

- (1) direct the testing board to cast votes;
- (2) verify that each contest position, as well as each precinct and ballot style, on the ballot can be voted and is accurately counted [~~for each precinct and ballot style~~];
- (3) include overvotes and undervotes for each race, if applicable to the system being tested;
- (4) include straight-party votes and crossover votes;
- (5) include write-in votes, when applicable to the election;
- (6) include provisional votes, if applicable to the system being tested;
- (7) calculate the expected results from the test ballots;
- (8) ensure that each voting machine has any public counter reset to zero and presented to the testing board for verification before testing;
- (9) require that, for each feature of the system that allows disabled voters to cast a ballot, at least one vote be cast and verified by a two-person testing board team using that feature; and
- (10) require that, when all votes are cast, the general custodian of election records and the testing board observe the tabulation of all ballots and compare the actual results to the expected results.

Amendment No. 5 was adopted.

Amendment No. 6

Representative Isaac offered the following amendment to **HB 2817**:

Amend **HB 2817** by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION _____. Subchapter C, Chapter 85, Election Code, is amended by adding Section 85.073 to read as follows:

Sec. 85.073. MOBILE VOTING STATIONS IN CERTAIN COUNTIES IN CERTAIN ELECTIONS. (a) This section applies to early voting in an election that includes a bond proposition in a city or school district located in a county with a population of more than one million.

(b) If a mobile voting station is used, the mobile voting station:

(1) may not change locations during the early voting period; and

(2) shall be placed within the territory covered by the election in a manner to allow all of the voters in the territory the same access to the mobile voting station during the early voting period.

Amendment No. 6 was adopted.

Amendment No. 7

Representative Isaac offered the following amendment to **HB 2817**:

Amend **HB 2817** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 84.007(b), Election Code, is amended to read as follows:

(b) An application must be submitted to the early voting clerk by:

(1) mail;

(2) common or contract carrier; or

(3) telephonic facsimile machine, ~~if the applicant is absent from the county and~~ if a machine is available in the clerk's office.

SECTION _____. Subchapter B, Chapter 87, Election Code, is amended by adding Section 87.0211 to read as follows:

Sec. 87.0211. ELECTRONIC DELIVERY OF MATERIALS RECORDED ELECTRONICALLY. If ballot materials and ballot applications are recorded electronically as provided by Section 87.126, the early voting clerk may deliver those materials to the early voting ballot board through electronic means.

SECTION _____. Section 87.027, Election Code, is amended by adding Subsection (m) to read as follows:

(m) If ballot materials or ballot applications are recorded electronically as provided by Section 87.126, the signature verification committee may use an electronic copy of a carrier envelope certificate or the voter's ballot application in making the comparison under Subsection (i).

SECTION _____. Subchapter G, Chapter 87, Election Code, is amended by adding Section 87.126 to read as follows:

Sec. 87.126. ELECTRONIC RECORDING OF BALLOT MATERIALS AND APPLICATIONS. (a) The early voting clerk may electronically record applications for a ballot to be voted by mail, jacket envelopes, carrier envelopes, and ballots.

(b) The secretary of state may adopt rules providing requirements for the electronic image quality and storage of the electronic images of the documents described by Subsection (a).

Amendment No. 7 was adopted.

Amendment No. 8

Representative Murphy offered the following amendment to **HB 2817**:

Amend **HB 2817** by adding the following appropriately numbered SECTION and by renumbering the existing SECTIONS as appropriate:

SECTION _____. Chapter 1, Election Code, is amended by adding Section 1.016 to read as follows:

Sec. 1.016. RESIDENCE FOR CERTAIN REGISTERED VOTERS.

(a) For purposes of registration under this code, a person's residence is established at the first residence address in the following list that is applicable to the person:

(1) the address the person claims as a homestead in this state;

(2) the address stated on a driver's license issued to the person by the Department of Public Safety that has not expired or, if the person has notified the department of a change of address under Section 521.054, Transportation Code, the new address contained in the notification;

(3) the address stated on a personal identification card issued to the person by the Department of Public Safety that has not expired or, if the person has notified the department of a change of address under Section 521.054, Transportation Code, the new address contained in the notification;

(4) the address stated on a license to carry a concealed handgun issued to the person by the Department of Public Safety that has not expired or, if the person has notified the department of a change of address under Section 411.181, Government Code, the new address contained in the notification; or

(5) an address corresponding to a residence at which the person receives mail.

(b) The address described by Subsection (a)(5) may not be a commercial post office box or similar location that does not correspond to a residence.

(c) This section does not apply to:

(1) a person who is a member of the armed forces of the United States or the spouse or a dependent of a member; or

(2) a person enrolled as a full-time student at an institution of higher education.

(d) The secretary of state shall adopt rules as necessary to implement this section.

Amendment No. 8 was adopted by (Record 865): 92 Yeas, 48 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Davis, J.; Davis, S.; Driver; Eissler; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton;

Hardcastle; Harless; Hilderbran; Hopson; Huberty; Hughes; 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; 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; Burnam; Castro; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; 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; Bonnen(C).

Absent, Excused — Coleman.

Absent — Darby; Elkins; Hancock; Harper-Brown; Hartnett; Howard, C.; Paxton.

STATEMENTS OF VOTE

When Record No. 865 was taken, I was in the house but away from my desk. I would have voted yes.

Harper-Brown

When Record No. 865 was taken, I was in the house but away from my desk. I would have voted yes.

Paxton

Amendment No. 9

Representative Zedler offered the following amendment to **HB 2817**:

Amend **HB 2817** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION _____. Section 32.075, Election Code, is amended by adding Subsections (f) and (g) to read as follows:

(f) The presiding judge or a special peace officer appointed under this section may not remove an alternate presiding judge from the polling place without:

(1) the approval of the county clerk, county elections administrator, or similar official administering the election for a political subdivision; and

(2) the documentation and certification by the presiding judge of the reason for removal.

(g) A person is eligible for appointment as a special peace officer under Subsection (b) only if the person is licensed as a peace officer by the Commission on Law Enforcement Officer Standards and Education.

SECTION _____. Subchapter A, Chapter 33, Election Code, is amended by adding Section 33.008 to read as follows:

Sec. 33.008. CONFIDENTIAL INFORMATION. (a) During the administration of the election, any information provided by a watcher under this chapter that may be used to identify the watcher is confidential and may be used only for election administration purposes. The information may be made available to the public beginning on the day after election day.

(b) It is an offense to disclose information described by Subsection (a) during the administration of the election without the permission of the watcher.

(c) An offense under this section is a Class B misdemeanor.

Amendment No. 9 was adopted by (Record 866): 71 Yeas, 67 Nays, 3 Present, not voting. (The vote was reconsidered later today, and Amendment No. 9 was withdrawn.)

Yeas — Aliseda; Anderson, C.; Anderson, R.; Beck; Berman; Branch; Brown; Cain; Callegari; Carter; Chisum; Cook; Craddick; Creighton; Darby; Driver; Fletcher; Flynn; Frullo; Garza; Gonzales, L.; Hamilton; Hardcastle; Harless; Harper-Brown; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Legler; Lyne; Miller, D.; Miller, S.; Morrison; Murphy; Orr; Otto; Parker; Patrick; Peña; Perry; Phillips; Pitts; Riddle; Ritter; Schwertner; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, V.; Torres; Truitt; White; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Aycock; Bohac; Burkett; Burnam; Castro; Crownover; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, D.; Johnson; Lavender; Lewis; Lozano; Lucio; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Nash; Oliveira; Pickett; Price; Quintanilla; Raymond; Reynolds; Rodriguez; Scott; Simpson; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle; Weber; Workman.

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

Absent, Excused — Coleman.

Absent — Christian; Eissler; Elkins; Geren; Hancock; King, T.; Paxton; Taylor, L.

STATEMENTS OF VOTE

When Record No. 866 was taken, I was in the house but away from my desk. I would have voted no.

Geren

When Record No. 866 was taken, I was in the house but away from my desk. I would have voted yes.

Paxton

Amendment No. 9 - Vote Reconsidered

Representative Zedler moved to reconsider the vote by which Amendment No. 9 was adopted.

The motion to reconsider prevailed.

Amendment No. 9 was withdrawn.

Amendment No. 10

Representative Martinez Fischer offered the following amendment to **HB 2817**:

Amend **HB 2817** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter B, Chapter 171, Election Code, is amended by adding Section 171.029 to read as follows:

Sec. 171.029. REMOVAL OF COUNTY CHAIR. (a) In this section:

(1) "Incompetency" means:

(A) gross ignorance of official duties;

(B) gross carelessness in the discharge of official duties; or

(C) unfitness or inability to promptly and properly discharge

official duties because of a serious physical or mental defect that did not exist at the time of the county chair's election.

(2) "Official misconduct" means intentional, unlawful behavior relating to a county chair's official duties. The term includes an intentional or corrupt failure, refusal, or neglect of a county chair to perform an official duty.

(b) The state executive committee of a political party may call a hearing on the issue of removing the county chair for incompetency or official misconduct in response to a complaint from a member of the political party in the county from which the chair was elected.

(c) The state executive committee shall give notice to the county chair not later than the 14th day before the date of the hearing, stating the allegations of incompetency or official misconduct. At the hearing, evidence must be presented of the chair's incompetency or official misconduct, and the county chair shall have the opportunity to examine or question the evidence against the chair.

(d) After conducting the hearing and reviewing the evidence, the state executive committee shall vote on the question of the removal of the county chair. If at least three-fifths of the membership of the state executive committee finds that the county chair has demonstrated incompetency or committed official misconduct, the committee shall suspend any party rules to the extent necessary to remove the chair.

(e) The county executive committee shall fill a vacancy created by the removal of a county chair under this section as provided by Sections 171.024 and 171.025, except that the appointment must be approved by three-fifths of the membership of the state executive committee.

Amendment No. 10 was adopted. (Aycock, Cook, Driver, Hunter, Kuempel, Phillips, and Schwertner recorded voting no.)

Amendment No. 11

Representative P. King offered the following amendment to **HB 2817**:

Amend **HB 2817** by adding the following appropriately numbered SECTIONS to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION _____. Section 101.001, Election Code, is amended to read as follows:

Sec. 101.001. ELIGIBILITY. (a) A person is eligible for early voting by mail as provided by this chapter if:

(1) the person is qualified to vote in this state or, if not registered to vote in this state, would be qualified if registered; and

(2) the person is:

(A) a member of the armed forces of the United States, or the spouse or a dependent of a member;

(B) a member of the merchant marine of the United States, or the spouse or a dependent of a member; or

(C) domiciled in this state but temporarily living outside the territorial limits of the United States and the District of Columbia.

(b) Notwithstanding Subsection (a) and Chapter 114, a person who indicates on a federal postcard application that the person is a United States citizen residing outside the United States indefinitely is entitled to vote a full ballot as provided by this chapter if the person is otherwise eligible to vote under this chapter and is a registered voter at the address contained on the application.

SECTION _____. The change in law made by this Act applies to a federal postcard application that requests a ballot for an election that is held on or after the effective date of this Act.

Amendment No. 11 was adopted.

Amendment No. 12

Representative Gallego offered the following amendment to **HB 2817**:

Amend **HB 2817** by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION _____. Subchapter A, Chapter 141, Election Code, is amended by adding Section 141.005 to read as follows:

Sec. 141.005. RESIDENCY REQUIREMENT IN CERTAIN POLITICAL SUBDIVISIONS. (a) This section applies only to a political subdivision that:

- and
- (1) is located in a county with territory greater than 4,600 square miles;
- (2) is either:
- (A) an independent school district servicing less than 1,500 students; or
- (B) a municipality with a population of less than 8,000.

(b) Notwithstanding Section 141.001, a municipal charter provision, or any other law, a candidate for the governing body of an independent school district or a municipality is eligible for any position of the governing body if the candidate resides anywhere in the territory from which any member of the governing body is elected.

Amendment No. 12 was adopted.

Amendment No. 13

Representative Parker offered the following amendment to **HB 2817**:

Amend **HB 2817** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter A, Chapter 13, Election Code, is amended by adding Section 13.008 to read as follows:

Sec. 13.008. PERFORMANCE-BASED COMPENSATION FOR REGISTERING VOTERS PROHIBITED. (a) A person commits an offense if the person:

- (1) compensates another person based on the number of voter registrations that the other person successfully facilitates;
- (2) presents another person with a quota of voter registrations to facilitate as a condition of payment or employment;
- (3) engages in another practice that causes another person's compensation from or employment status with the person to be dependent on the number of voter registrations that the other person facilitates; or
- (4) accepts compensation for an activity described by Subdivision (1), (2), or (3).

(b) An offense under this section is a Class A misdemeanor.

(c) An officer, director, or other agent of an entity that commits an offense under this section is punishable for the offense.

SECTION _____. Section 13.036(a), Election Code, is amended to read as follows:

- (a) An appointment as a volunteer deputy registrar is terminated on:
- (1) the expiration of the volunteer deputy's term of appointment; or
- (2) the final conviction of the volunteer deputy for an offense prescribed by Section 13.008 or 13.043.

Amendment No. 13 was adopted.

Amendment No. 14

Representative Alonzo offered the following amendment to **HB 2817**:

Amend **HB 2817** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION _____. Subchapter A, Chapter 43, Election Code, is amended by adding Section 43.008 to read as follows:

Sec. 43.008. MAIN POLLING PLACE FOR CERTAIN VOTERS. (a) An authority conducting an election may establish on election day an additional polling place at the location of the main early voting polling place that is open during the first two hours of voting and during the last two hours of voting.

(b) A voter may cast a ballot at the additional polling place established under this section if the voter executes an affidavit stating that the voter:

(1) is unable to find the polling place in the voter's precinct; and

(2) has not previously voted in the election.

(c) The secretary of state shall adopt rules as necessary to implement this section.

Amendment No. 14 failed of adoption by (Record 867): 43 Yeas, 100 Nays, 1 Present, not voting.

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

Nays — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen(C); Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eiland; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; 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; Lyne; Madden; Margo; Miller, D.; Miller, S.; 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.

Present, not voting — Mr. Speaker.

Absent, Excused — Coleman.

Absent — Castro; Gooden; Pickett; Strama; Vo.

STATEMENT OF VOTE

When Record No. 867 was taken, I was in the house but away from my desk. I would have voted no.

Gooden

Amendment No. 15

Representative Phillips offered the following amendment to **HB 2817**:

Amend **HB 2817** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter A, Chapter 122, Election Code, is amended by adding Section 122.006 to read as follows:

Sec. 122.006. EXEMPTION FROM USE OF VOTING SYSTEM FOR CERTAIN POLITICAL SUBDIVISIONS. (a) This section applies only to:

- (1) a city with a population of 40,000 or less; and
 - (2) a school district with a student population of 10,000 or less.
- (b) A political subdivision is not required to use n electronic voting system.

Amendment No. 15 was adopted.

Amendment No. 16

Representative Aycock offered the following amendment to **HB 2817**:

Amend **HB 2817** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION _____. Sections 174.022(a), (b), and (c), Election Code, are amended to read as follows:

(a) The precinct conventions may ~~shall~~ be held in the regular county election precincts on:

- (1) general primary election day; and
- (2) a date determined by the county executive committee that occurs not later than the fifth day after the date of the general primary election ~~in the regular county election precincts~~.

(b) Consistent with Subsection (c), not ~~Not~~ later than the date of the regular drawing for position on the general primary election ballot, the county executive committee shall set the hour and place for convening each precinct convention for the precincts served by the committee. If the county executive committee fails to do so, the county chair shall set, consistent with Subsection (c), the hour and place.

(c) If precinct conventions are held on general primary election day, the ~~The~~ hour set for convening the conventions may not be earlier than 7 p.m. or later than 9 p.m., but a ~~Notwithstanding the hour set for convening, the~~ convention may not convene until the last voter has voted at the precinct polling place. If precinct conventions are held on a day other than general primary election day, the county executive committee shall set the hour for convening or a time frame in which the conventions must convene.

SECTION _____. Section 174.023, Election Code, is amended to read as follows:

Sec. 174.023. NOTICE OF DATE, HOUR, AND PLACE. (a) The county chair shall post a notice of the date, hour, and place for convening each precinct convention on the bulletin board used for posting notice of meetings of the commissioners court. The notice must remain posted continuously for the 10 days immediately preceding the date of the convention.

(b) Not later than the 10th day before the date of the precinct conventions, the county chair shall deliver to the county clerk written notice of the date, hour, and place for convening each precinct convention.

(c) If the county chair fails to post or deliver notice in accordance with this section, another member of the county executive committee may post or deliver the notice.

Amendment No. 16 was adopted.

Amendment No. 17

Representative Peña offered the following amendment to **HB 2817**:

Amend **HB 2817** by adding the following appropriately numbered SECTIONS and renumbering the existing SECTIONS as appropriate:

SECTION _____. Section 64.032, Election Code, is amended by adding Subsection (c-1) and amending Subsection (d) to read as follows:

(c-1) The person selected under Subsection (c) must also be a registered voter of the county in which the election is being held unless the person is related to the voter within the second degree by consanguinity or affinity, as determined under Subchapter B, Chapter 573, Government Code.

(d) If assistance is provided by a person of the voter's choice, the person shall provide a photo identification to an election officer and the officer shall enter the person's name and address on the poll list beside the voter's name.

SECTION _____. Subchapter B, Chapter 64, Election Code, is amended by adding Section 64.0325 to read as follows:

Sec. 64.0325. LIMITATION ON ASSISTANCE. (a) A person chosen under Section 64.032(c) may not assist more than two voters in a day, including assistance provided during the period for early voting by personal appearance and assistance provided under Section 86.010.

(b) A person who violates Subsection (a) is liable to the state for a civil penalty not to exceed \$10,000. The attorney general or the appropriate district or county attorney may bring suit to recover a penalty under this subsection.

(c) Subsection (a) does not apply to a person assisting a voter if the person:

(1) is an employee of a state-licensed care facility in which the voter resides and is providing assistance to the voter in the normal course of the employee's authorized duties;

(2) is a sign language interpreter providing interpretation services to the voter; or

(3) is related to the voter within the second degree by consanguinity or affinity, as determined under Subchapter B, Chapter 573, Government Code.

AMENDMENT NO. 17 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE VEASEY: Representative Peña, obviously the issue of assisting voters and what not has become controversial. But, I wanted to ask you—let's say someone at the First Baptist Church wanted to help some of the elderly people, some of the golden angels, or some of the senior citizens in the church. They go and vote with that person and they wanted to help. Let's say there were six people that needed some help at the end of one of the senior meetings. Would that person be held criminally liable for assisting those voters in their church?

REPRESENTATIVE PEÑA: This is a civil penalty, and if they're family members, no. If these people come from a registered nursing home, no. If they are disabled, no. However, if they are not related in the sense that I've described, then yes, it is prohibited, but it'd be a civil penalty.

VEASEY: So civilly—let's say it could be somebody who is a volunteer at a senior citizen center. Not necessarily a nursing home, but a senior citizen center, or someone at church. If there was someone who was a volunteer at the First Baptist Church, or another church, you're saying that they would be held civilly liable for just assisting their church members help fill out—help them maybe to be able to see, to be able to understand what the layout of a ballot is like? Obviously, the person who has that ballot—once you have that ballot, wherever you are, whether it's your living room or it's your church, whether it's your synagogue or your living room, that place becomes your personal polling place. You're allowed to ask for assistance. Now you're saying that someone who is a good samaritan, who wants to help different individuals in their church, or the senior citizens home—they will no longer be allowed to do that, or they could be penalized?

PEÑA: Well, we have a lot of those good samaritans in the Valley. I think there were 8,000 in one election, and it is something highly frowned upon because people are actually carrying people to vote, who are college educated, telling people how to vote, and the political bosses in South Texas are determining whether they or their family members get jobs based on whether or not they accept the acceptance that they prescribed.

VEASEY: Well, I understand what you're saying, but not every place is the Valley. Is your bill bracketed just for the Valley?

PEÑA: No. Listen, if these are your family members or they are in a nursing home and this is a registered place, they're exempted. Those sort of exemptions were requested.

VEASEY: Well, if the budget passes, we're going to have a lot of people that won't be able to afford to be in a nursing home, and they may be sick and shut-in—

PEÑA: Well listen, I voted against that budget as well, so I understand. This is a real problem where we live and it's a growing problem in Dallas and other places—

VEASEY: Why don't you do an amendment to the amendment to bracket your bill?

PEÑA: I'm very happy with this being applied to Texas, because it is a problem that is deforming politics, certainly in my community, but in other communities, and is encouraging the corruption of the political process.

VEASEY: Now, Representative Taylor has said that he would accept amendments that were passed out of the committee. Was your bill passed out of the committee?

PEÑA: That's a fair enough argument, Mr. Veasey. It was heard in committee, but I cannot tell you that it was passed. So, fair enough, but I'll leave it to the house to decide. This is a real problem. For those of you members who are concerned about voter integrity, we had 8,000 people come out and vote for a write-in candidate ballot down in South Texas—it was a corruption of the system. It went to court, and a judge, a district court judge, demanded that the legislature get involved. It is an abuse of the poor, and an abuse of the elderly in elderly daycare centers. And, I'm concerned about our family members. I'm concerned about disabilities, and so we've made exceptions. There is an absolute corruption of the political process, and people need to stand up for it, and they need to stand up for it now. If it doesn't happen this session, I dare say it won't happen again.

REPRESENTATIVE GUTIERREZ: Colleague, are you talking about A. C. Cuellar; is that the election you're talking about, the write-in candidate?

PEÑA: Listen, all I know is that our district court judge was really offended and demanded that this legislature be involved—

GUTIERREZ: Is that the election you are talking about, colleague? The write-in candidate for Acequias for county commissioner, is that the election you're talking about?

PEÑA: I can't recall.

GUTIERREZ: Well, which is it? We want to know. You seem to have an idea of who it is. I want to know which candidate it was, because—

PEÑA: I answered your question, do you have another?

GUTIERREZ: Well, I do have another question, as a matter of fact. Do you know the people in the city of Weslaco and the people of Hidalgo County demanded that A. C. Cuellar be—he had so much support, he was able to get that kind of support in his community. There was no indication of any kind there was any kind of wrongdoing. Do you have any evidence of wrongdoing in that election, colleague?

PEÑA: Let me answer, if you would allow me. This went to the secretary of state, it went to the attorney general, and it went to the Texas Supreme Court. And everyone said, there is a problem in what's going on here, and it is a corruption of our process. And you, sir, ought to appreciate the corruption of the process to the poor and the people in elderly daycare centers.

GUTIERREZ: I know the people are voting rightly in the Valley, they are voting rightly in southern Bexar County, I know that people are—have access. I know that my district attorney has found no voter ID fraud of any kind. That's what I know. Legitimate investigations by my district attorney, legitimate investigations by the attorney general. I'm sorry, but you're committing a fraud on this body by going out and perpetuating an idea that A. C. Cuellar did not have a legitimate race down there in the Valley. I find it completely wrong that you don't even want to admit who that election is about.

PEÑA: Well let me say, Mr. Guererro was not the democrat, the democrats elected somebody. This was a write-in candidate that was pushed by the political machines of South Texas, and he appropriately lost.

GUTIERREZ: Colleague, I will have you know that my district attorney and the attorney general have investigated voter fraud and they have found nothing.

PEÑA: Well, the Supreme Court of Texas disagrees. Thank you very much, move passage.

REPRESENTATIVE TURNER: I just want to focus on one part and I was quickly reading it. There's a part in the amendment that says—I guess the election person, or if I go in, or somebody goes into the system, they can only have two people a day. What is that about?

PEÑA: Listen, if it is a family member, you're free to assist your entire family. If it is an adult daycare center, you are free to assist if you are a member of that center. If you are a disabled person, the rule doesn't apply to you. These are exemptions requested in committee and so I've asked for them. But, we have a particularly growing problem used by people with money—not necessarily all democrats—to buy elections.

TURNER: Right, and I got that. I'm just focusing on that helping two people per day, that's what I'm trying to—it doesn't just apply to your area, it would apply across the board, correct?

PEÑA: That's correct.

TURNER: I'm trying to understand the logistics, by helping only two persons a day. Help me understand that piece.

PEÑA: Well, there's a process in South Texas where you go out and pay people who have a cadre of votes that they bring in, and they go and they say, "I want to assist you with your vote," and they say, "No, thank you, I can do it myself," or "I have my son." "No, I'm telling you, I want to assist you to vote." And if they refuse to vote, well their family and other family members do not get jobs. That is what happens. And, if you do consent to vote, they then tell you how to vote.

TURNER: Let's say there is a person, and they are assisting a person to vote. Do they have to show identification? I'm just trying to understand the amendment.

PEÑA: Yes, the person assisting has to be—a voter has to show identification.

TURNER: And show identification to whom?

PEÑA: To the people in charge of the election process there.

TURNER: Okay. Is all of this, Representative Peña, aimed at a particular problem?

PEÑA: It is a growing problem. There was testimony out of Dallas, Texas. It is a South Texas problem, but it is growing statewide, and Sylvester, it is a corruption of the good people where I live. It is an absolute shame and corruption, and people should be standing up, and I wish your party would assist in it.

TURNER: I don't know about the areas that you speak. Hey, I do not know, but the amendment applies to all of us, all of our areas. Will you geographically restrict the amendment?

PEÑA: I tell you what, Sylvester, I'll be glad to accept an amendment to increase the size. If you have a big family, and you say, "Hey, I want my family of five," that's fine. We have to start somewhere, Sylvester. You know I wouldn't say this if I didn't firmly believe this, if I didn't see this with my own eyes. It is an absolute corruption of the process, and it creates elected officials that are, in themselves, corrupt. That is why, where I live, a good sizeable portion of the elected class has been indicted or thrown out of office. And we demand reform, and that's why I brought this amendment forward.

Amendment No. 17 - Point of Order

Representative Gutierrez raised a point of order against further consideration of Amendment No. 17 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

The chair overruled the point of order.

REMARKS ORDERED PRINTED

Representative Weber moved to print remarks on Amendment No. 17.

The motion prevailed.

Amendment No. 17 was adopted by (Record 868): 100 Yeas, 41 Nays, 3 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen(C); Branch; Brown; Button; Cain; Callegari; Carter; Chisum; 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.; 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; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithæ; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Present, not voting — Mr. Speaker; Dutton; Gonzalez.

Absent, Excused — Coleman.

Absent — Anchia; Burkett; Eiland; Strama; Villarreal.

STATEMENT OF VOTE

When Record No. 868 was taken, my vote failed to register. I would have voted yes.

Burkett

Amendment No. 18

Representatives Branch, Villarreal, Burkett, Murphy, Hopson, Button, Laubenberg, Peña, D. Howard, Aliseda, R. Anderson, Carter, and Sheets offered the following amendment to **HB 2817**:

Amend **HB 2817** by adding the following appropriately numbered SECTIONS to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION _____. Section 62.011(c), Election Code, is amended to read as follows:

- (c) The poster must include instructions applicable to the election on:
- (1) marking and depositing the ballot;
 - (2) voting for a write-in candidate;
 - (3) ~~casting a straight party vote;~~
 - ~~[(4)] casting a provisional ballot;~~
 - ~~[(5)] until the expiration of Section 13.122(d), voting for the first time by a person who registered by mail;]~~ and
 - ~~(4) [(6)]~~ securing an additional ballot if the voter's original ballot is spoiled.

SECTION _____. Section 65.011, Election Code, is amended to read as follows:

Sec. 65.011. OVERVOTING. If ~~[Except as provided by Section 65.007(e) or (d), if]~~ a voter marks the ballot for more candidates for an office than the number of persons to be elected for that office, none of the votes may be counted for that office.

SECTION _____. Section 105.002(c), Election Code, is amended to read as follows:

- (c) The secretary of state shall prescribe the form of the ballot to allow a voter to cast a vote in each federal, state, or local race in the election. The ballot must allow a voter to write in the name of a candidate ~~[or, if applicable, cast a straight party vote].~~

- (1) direct the testing board to cast votes;
- (2) verify that each contest position on the ballot can be voted and is accurately counted for each precinct and ballot style;
- (3) include overvotes and undervotes for each race, if applicable to the system being tested;
- (4) ~~include straight party votes and crossover votes;~~
- ~~(5)~~ include write-in votes, when applicable to the election;
- (5) ~~(6)~~ include provisional votes, if applicable to the system being tested;
- (6) ~~(7)~~ calculate the expected results from the test ballots;
- (7) ~~(8)~~ ensure that each voting machine has any public counter reset to zero and presented to the testing board for verification before testing;
- (8) ~~(9)~~ require that, for each feature of the system that allows disabled voters to cast a ballot, at least one vote be cast and verified by a two-person testing board team using that feature; and
- (9) ~~(10)~~ require that, when all votes are cast, the general custodian of election records and the testing board observe the tabulation of all ballots and compare the actual results to the expected results.

SECTION _____. Sections 1.005(20), 52.071, 64.004, 65.007, 122.001(b), 124.001, 124.003(d), 124.063(d), and 232.050(d), Election Code, are repealed.

Amendment No. 18 failed of adoption by (Record 869): 31 Yeas, 111 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, R.; Berman; Branch; Burkett; Button; Carter; Cook; Davis, S.; Driver; Gonzalez; Hardcastle; Hartnett; Hopson; Howard, D.; Jackson; Kolkhorst; Larson; Laubenberg; Lavender; Margo; Menendez; Murphy; Peña; Pickett; Sheets; Shelton; Simpson; Taylor, V.; Villarreal; Workman.

Nays — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Aycock; Beck; Bohac; Bonnen(C); Brown; Burnam; Cain; Callegari; Castro; Chisum; Christian; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Harless; Hernandez Luna; Hilderbran; Hochberg; Howard, C.; Huberty; Hughes; Hunter; Isaac; Johnson; Keffer; King, P.; King, S.; Kleinschmidt; Kuempel; Landtroop; Legler; Lewis; Lozano; Lucio; Lye; Mallory Caraway; Marquez; Martinez; Martinez Fischer; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Perry; Phillips; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheffield; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Thompson; Torres; Truitt; Turner; Veasey; Vo; Walle; Weber; White; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused — Coleman.

Absent — Dukes; Frullo; Harper-Brown; King, T.; Madden; McClendon.

STATEMENTS OF VOTE

I was shown voting no on Record No. 869. I intended to vote yes.

Cain

When Record No. 869 was taken, I was in the house but away from my desk. I would have voted no.

Dukes

When Record No. 869 was taken, I was in the house but away from my desk. I would have voted yes.

Frullo

When Record No. 869 was taken, my vote failed to register. I would have voted no.

McClendon

Amendment No. 19

Representative Zedler offered the following amendment to **HB 2817**:

Amend **HB 2817** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION _____. Section 32.075, Election Code, is amended by adding Subsections (f) and (g) to read as follows:

(f) The presiding judge or a special peace officer appointed under this section may not remove an alternate presiding judge from the polling place without cause or:

(1) the approval of the county clerk, county elections administrator, or similar official administering the election for a political subdivision; and

(2) the documentation and certification by the presiding judge of the reason for removal.

(g) A person is eligible for appointment as a special peace officer under Subsection (b) only if the person is licensed as a peace officer by the Commission on Law Enforcement Officer Standards and Education.

SECTION _____. Subchapter A, Chapter 33, Election Code, is amended by adding Section 33.008 to read as follows:

Sec. 33.008. CONFIDENTIAL INFORMATION. (a) During the administration of the election, any information provided by a watcher under this chapter that may be used to identify the watcher is confidential and may be used only for election administration purposes. The information may be made available to the public beginning on the day after election day.

(b) It is an offense to disclose information described by Subsection (a) during the administration of the election without the permission of the watcher.

(c) An offense under this section is a Class B misdemeanor.

Amendment No. 19 was adopted by (Record 870): 85 Yeas, 60 Nays, 2 Present, not voting.

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

Nays — Allen; Alonzo; Alvarado; Anchia; Aycock; Burnam; Castro; Davis, J.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Geren; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hardcastle; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, D.; King, T.; Lozano; Lucio; Lyne; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Scott; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle; Weber.

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

Absent, Excused — Coleman.

Absent — Callegari; Smith, T.

STATEMENT OF VOTE

I was shown voting no on Record No. 870. I intended to vote yes.

Aycock

Amendment No. 20

Representative S. Davis offered the following amendment to **HB 2817**:

Amend **HB 2817** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION _____. (a) Section 15.022(a), Election Code, is amended to read as follows:

(a) The registrar shall make the appropriate corrections in the registration records, including, if necessary, deleting a voter's name from the suspense list:

(1) after receipt of a notice of a change in registration information under Section 15.021;

(2) after receipt of a voter's reply to a notice of investigation given under Section 16.033;

(3) after receipt of a copy of the poll [~~registration omissions~~] list and any affidavits executed under Section 63.006 [~~63.007~~], following an election;

(4) after receipt of a voter's statement of residence executed under Section 63.0011;

(5) before the effective date of the abolishment of a county election precinct or a change in its boundary;

(6) after receipt of United States Postal Service information indicating an address reclassification;

(7) after receipt of a voter's response under Section 15.053; or

(8) after receipt of a registration application or change of address under Chapter 20.

(b) Section 63.003(b), Election Code, is amended to read as follows:

(b) The poll list shall be maintained as an original and three [~~two~~] copies.

(c) Section 63.006, Election Code, is amended to read as follows:

Sec. 63.006. VOTER WITH REQUIRED DOCUMENTATION [CORRECT CERTIFICATE] WHO IS NOT ON LIST. (a) A voter who, when offering to vote, presents the documentation required under Section 63.001(b) [a voter registration certificate indicating that the voter is currently registered in the precinct in which the voter is offering to vote.] but whose name is not on the precinct list of registered voters[;] shall be accepted for voting if the voter presents a voter registration certificate indicating that the voter is currently registered:

(1) in the precinct in which the voter is offering to vote; or

(2) in a different precinct in the same county as the precinct in which the voter is offering to vote and the voter executes an affidavit stating that the voter:

(A) is a resident of the precinct in which the voter is offering to vote or is otherwise entitled by law to vote in that precinct;

(B) was a resident of the precinct in which the voter is offering to vote at the time the information on the voter's residence address was last provided to the voter registrar;

(C) did not deliberately provide false information to secure registration in a precinct in which the voter does not reside; and

(D) is voting only once in the election.

(b) After the voter is accepted, an election officer shall:

(1) indicate beside the voter's name on the poll list that the voter was accepted under this section;

(2) enter beside the voter's name on the poll list the precinct of the voter's registration and the voter's registration number as indicated by the voter's registration certificate; and

(3) enter the voter's address beside the voter's name on the poll list.

(d) Section 63.009, Election Code, is amended to read as follows:

Sec. 63.009. VOTER WITHOUT CERTIFICATE WHO IS NOT ON LIST. A [~~(a) Except as provided by Subsection (b), a~~] voter who does not present a voter registration certificate when offering to vote, and whose name is not on the list of registered voters for the precinct in which the voter is offering to vote, shall be accepted for provisional voting if the voter executes an affidavit in accordance with Section 63.011.

~~[(b) If an election officer can determine from the voter registrar that the person is a registered voter of the county and the person presents proof of identification, the affidavits required by Sections 63.007 and 63.008 are substituted for the affidavit required by Section 63.011 in complying with that section. After the voter is accepted under this subsection, an election officer shall also indicate beside the voter's name on the poll list that the voter was accepted under this section.]~~

(e) Section 63.011, Election Code, is amended by amending Subsections (a) and (b) and adding Subsection (b-1) to read as follows:

(a) A person to whom Section 63.001(g) ~~[63.008(b)]~~ or 63.009 ~~[63.009(a)]~~ applies may cast a provisional ballot if the person executes an affidavit stating that the person:

(1) is a registered voter in the precinct in which the person seeks to vote; and

(2) is eligible to vote in the election.

(b) A form for an affidavit required by this section ~~must~~ ~~[shall]~~ be printed on an envelope in which the provisional ballot voted by the person may be placed and must include:

(1) a space for entering the identification number of the provisional ballot voted by the person; and

(2) a space for an election officer to indicate whether the person presented a form of identification described by Section 63.0101.

(b-1) The affidavit form may include space for disclosure of any necessary information to enable the person to register to vote under Chapter 13. The secretary of state shall prescribe the form of the affidavit under this section.

(f) Section 66.0241, Election Code, is amended to read as follows:

Sec. 66.0241. CONTENTS OF ENVELOPE NO. 4. Envelope no. 4 must contain:

(1) the precinct list of registered voters;

(2) the registration correction list;

(3) a copy of the poll list ~~[the registration omissions list];~~

(4) any statements of residence executed under Section 63.0011; and

(5) any affidavits executed under Section 63.006 ~~[63.007]~~ or 63.011.

(g) Section 85.031(b), Election Code, is amended to read as follows:

(b) On accepting a voter, the clerk shall indicate beside the voter's name on the list of registered voters ~~[or registration omissions list, as applicable,]~~ that the voter is accepted to vote by personal appearance unless the form of the ~~[either]~~ list makes it impracticable to do so, and the clerk shall enter the voter's name on the poll list.

(h) Sections 63.005, 63.007, and 63.008, Election Code, are repealed.

(i) Notwithstanding any other provision of this Act, this SECTION takes effect January 1, 2012.

Amendment No. 20 was adopted.

Amendment No. 21

Representative Gutierrez offered the following amendment to **HB 2817**:

Amend **HB 2817** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION _____. Notwithstanding any other law, a special election must be called for an office in which a person who was elected to the office changes political party membership.

Amendment No. 21 failed of adoption by (Record 871): 35 Yeas, 104 Nays, 4 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Davis, Y.; Dutton; Farias; Farrar; Gallego; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; Lucio; Marquez; Martinez; Martinez Fischer; Menendez; Miles; Muñoz; Naishtat; Pickett; Quintanilla; Raymond; Reynolds; Strama; Veasey; Vo; Walle.

Nays — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen(C); Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Deshotel; Driver; Eiland; 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.; Miller, S.; 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; Villarreal; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Giddings; Mallory Caraway; Turner.

Absent, Excused — Coleman.

Absent — Dukes; Lozano; McClendon; Oliveira; Rodriguez; Thompson.

STATEMENTS OF VOTE

When Record No. 871 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

When Record No. 871 was taken, I was in the house but away from my desk. I would have voted yes.

McClendon

HB 2817, as amended, was passed to engrossment by (Record 872): 104 Yeas, 40 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen(C); Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eiland; Eissler; Elkins; Fletcher; Flynn; Frullo; Gallego; Garza;

Geran; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hochberg; 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; 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; Burnam; Castro; Davis, Y.; Deshotel; Dutton; Farrar; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Howard, D.; Johnson; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; Menendez; Miles; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker.

Absent, Excused — Coleman.

Absent — Dukes; Farias; McClendon; Walle.

STATEMENTS OF VOTE

When Record No. 872 was taken, I was in the house but away from my desk. I would have voted no.

Dukes

When Record No. 872 was taken, I was in the house but away from my desk. I would have voted no.

McClendon

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Judiciary and Civil Jurisprudence meeting is cancelled.

Ways and Means meeting is cancelled.

State Affairs meeting is cancelled.

POSTPONED BUSINESS

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

(Speaker in the chair)

CSHB 12 ON SECOND READING (by Solomons, Bohac, Harless, et al.)

CSHB 12, A bill to be entitled An Act relating to the enforcement of state and federal laws governing immigration by certain governmental entities.

CSHB 12 was read second time earlier today and was postponed until this time. Amendment No. 1 was pending at the time of postponement.

Amendment No. 1 was withdrawn.

Amendment No. 2

Representative Menendez offered the following amendment to **CSHB 12**:

Amend **CSHB 12** (house committee printing) by striking the enacting clause (page 1, line 4).

Amendment No. 2 failed of adoption by (Record 873): 46 Yeas, 100 Nays, 1 Present, not voting.

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

Nays — 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; Eiland; 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.; 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.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Miles; Peña.

STATEMENT OF VOTE

When Record No. 873 was taken, I was in the house but away from my desk. I would have voted yes.

Miles

Amendment No. 3

Representatives Solomons, Peña, Aliseda, and Torres offered the following amendment to **CSHB 12**:

Amend **CSHB 12** (house committee printing) as follows:

(1) On page 1, line 11, strike "Subsection (b)" and substitute "Subsections (b) and (b-1)".

(2) On page 1, between lines 22 and 23, add the following:

(b-1) This section does not apply to a hospital or hospital district created under Subtitle C or D, Title 4, Health and Safety Code, or a hospital district created under a general or special law authorized by Article IX, Texas Constitution, to the extent that the hospital or hospital district is providing access to or delivering medical or health care services as required under the following applicable federal or state laws:

(1) 42 U.S.C. Section 1395dd;

(2) 42 U.S.C. Section 1396b(v);

(3) Subchapter C, Chapter 61, Health and Safety Code;

(4) Chapter 81, Health and Safety Code; and

(5) Section 311.022, Health and Safety Code.

(b-2) Subsection (b-1) does not exclude the application of this section to a commissioned peace officer employed by or commissioned by a hospital or hospital district subject to Subsection (b-1).

Amendment No. 3 was adopted.

Amendment No. 4

Representatives Solomons, Anchia, V. Gonzales, Rodriguez, Martinez Fischer, Menendez, Reynolds, Aliseda, Guillen, Villarreal, Peña, Sheets, Veasey, Farrar, L. Gonzales, V. Taylor, Garza, Farias, Thompson, Dukes, Chisum, Isaac, Alvarado, Y. Davis, Scott, Kuempel, Perry, Marquez, Torres, Turner, Frullo, Otto, Lozano, Burkett, Keffer, Jackson, Castro, Lucio, Allen, Orr, Cook, T. King, Pitts, W. Smith, Dutton, Harper-Brown, Lewis, D. Howard, Driver, S. Davis, Eissler, Gonzalez, Gutierrez, Burnam, R. Anderson, Button, Parker, Paxton, Gallego, L. Taylor, Hilderbran, Kleinschmidt, Kolkhorst, Alonzo, D. Miller, Shelton, Johnson, Lavender, Madden, Schwertner, Workman, Vo, Fletcher, and Miles offered the following amendment to **CSHB 12**:

Amend **CSHB 12** on page 2, after line 27, by adding a new Subsection (d-1) to read as follows:

(d-1) An entity described by Subsection (a) or a person employed by or otherwise under the direction or control of the entity may not consider race, color, language, or national origin while enforcing the laws described by Subsection (c) except to the extent permitted by the United States Constitution or the Texas Constitution.

Amendment No. 4 was adopted.

Amendment No. 5

Representatives Solomons, Hochberg, Huberty, Eissler, and Hancock offered the following amendment to **CSHB 12**:

Amend **CSHB 12** on page 1, line 22, after the period by inserting the following:

This section does not apply to the release of information contained in education records of an educational agency or institution, except in conformity with the Family Educational Rights and Privacy Acts of 1974, Sec. 513, Pub. L. No. 93-380, 20 U.S.C. Sec. 1232g.

Amendment No. 6

Representatives Oliveira and Huberty offered the following amendment to Amendment No. 5:

Amend the Oliveira amendment to **CSHB 12** (Floor Amendment No. __) by striking the text of the amendment and substituting the following:

Amend **CSHB 12** (house committee printing) as follows:

(1) On page 1, line 21, strike "a school district or open-enrollment charter school or".

(2) On page 1, line 22, after the period insert the following:

This section does not apply to the release of information contained in education records of an educational agency or institution, except in conformity with the Family Educational Rights and Privacy Acts of 1974, Sec. 513, Pub. L. No. 93-380, 20 U.S.C. Sec. 1232g.

Amendment No. 6 was withdrawn.

Amendment No. 5 was adopted.

Amendment No. 7

Representatives Solomons and Gutierrez offered the following amendment to **CSHB 12**:

Amend **CSHB 12** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter A, Chapter 411, Government Code, is amended by adding Section 411.0208 to read as follows:

Sec. 411.0208. POLICY REGARDING ENFORCEMENT OF STATE AND FEDERAL IMMIGRATION LAWS. Notwithstanding Section 370.0031(a), Local Government Code, the department is subject to Section 370.0031, Local Government Code.

Amendment No. 7 was withdrawn.

Amendment No. 8

Representatives Huberty and Oliveira offered the following amendment to **CSHB 12**:

Amend **CSHB 12** on page 1, line 21, by striking "a school district or open-enrollment charter school or".

Representative Solomons moved to table Amendment No. 8.

The motion to table prevailed by (Record 874): 80 Yeas, 65 Nays, 1 Present, not voting.

Yeas — Anderson, C.; Anderson, R.; Beck; Berman; Bonnen; Branch; Burkett; Button; Callegari; Carter; Chisum; Christian; Cook; Creighton; Crownover; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Frullo; Garza; Geren; Gooden; Hancock; Hardcastle; Harless; Harper-Brown; Hilderbran; Hopson; Howard, C.; Hughes; 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; Paxton; Perry; Phillips; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, W.; Smithee; Solomons; Taylor, L.; Torres; Truitt; White; Woolley; Zedler.

Nays — Aliseda; Allen; Alonzo; Alvarado; Anchia; Aycock; Brown; Burnam; Cain; Castro; Craddick; Darby; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hamilton; Hartnett; Hernandez Luna; Hochberg; Howard, D.; Huberty; Johnson; King, T.; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Patrick; Peña; Pickett; Pitts; Raymond; Reynolds; Rodriguez; Smith, T.; Strama; Taylor, V.; Thompson; Turner; Veasey; Villarreal; Vo; Walle; Weber; Workman; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Bohac; Flynn; Quintanilla.

STATEMENTS OF VOTE

When Record No. 874 was taken, my vote failed to register. I would have voted yes.

Bohac

I was shown voting yes on Record No. 874. I intended to vote no.

Branch

I was shown voting yes on Record No. 874. I intended to vote no.

Callegari

I was shown voting yes on Record No. 874. I intended to vote no.

Eissler

CSHB 12 - MOTION FOR PREVIOUS QUESTION

Representative Solomons moved the previous question on passage to engrossment of **CSHB 12**, as amended.

The motion was seconded by Representatives Burkett, Scott, L. Gonzales, Torres, Orr, Otto, Chisum, Keffer, Christian, Eissler, Huberty, Pitts, Gooden, Lewis, V. Taylor, S. King, Phillips, Flynn, Parker, Button, Cain, White, Zedler, Morrison, L. Taylor, Aycock, Shelton, D. Miller, S. Miller, Frullo, Darby, P. King, Harper-Brown, Crownover, Hughes, Isaac, Simpson, Lyne, Aliseda, Landtroop, Driver, Beck, Cook, Lavender, Hardcastle, Jackson, R. Anderson, Hunter, S. Davis, Sheets, Elkins, J. Davis, Hancock, Harless, Truitt, Berman, Ritter, Bonnen, Paxton, Smithee, Laubenberg, Hilderbran, Legler, Schwertner, Price, Margo, Workman, Nash, Zerwas, C. Howard, Craddick, W. Smith,

Murphy, Kuempel, Carter, Hardcastle, Kolkhorst, Branch, Larson, Geren, Weber, Hartnett, Sheffield, Kleinschmidt, C. Anderson, Creighton, Fletcher, Brown, Solomons, Madden, Riddle, Patrick, T. Smith, Woolley, and Peña.

The motion for the previous question prevailed by (Record 875): 99 Yeas, 47 Nays, 1 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; 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.; 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; 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; Davis, Y.; Deshotel; Dukes; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; 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).

Absent, Excused — Coleman.

Absent — Dutton; Taylor, V.

STATEMENT OF VOTE

When Record No. 875 was taken, my vote failed to register. I would have voted yes.

V. Taylor

CSHB 12, as amended, was passed to engrossment by (Record 876): 100 Yeas, 47 Nays, 1 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; 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.; 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; 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; Burnam; Castro; Davis, Y.; Deshotel; Dukes; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; 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).

Absent, Excused — Coleman.

Absent — Dutton.

HR 1671 - ADOPTED
(by Gallego)

Representative Gallego moved to suspend all necessary rules to take up and consider at this time **HR 1671**.

The motion prevailed.

The following resolution was laid before the house:

HR 1671, Commending Roberto "Bobby" Barrera of Del Rio, chair of the Disabled American Veterans.

HR 1671 was adopted.

On motion of Representative Gallego, the names of all the members of the house were added to **HR 1671** as signers thereof.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Hunter requested permission for the Committee on Calendars to meet while the house is in session, at 11:55 p.m. today, in 3W.15, to set a calendar.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Calendars, 11:55 p.m. today, 3W.15, for a formal meeting, to set a calendar.

POSTPONED BUSINESS

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

SB 1478 ON SECOND READING
(Crownover - House Sponsor)

SB 1478, A bill to be entitled An Act relating to deadlines for the Railroad Commission of Texas to review certain applications for surface coal mining operation permits.

SB 1478 was considered in lieu of **CSHB 2963**.

SB 1478 was read second time and was passed to third reading.

CSHB 2963 - LAID ON THE TABLE SUBJECT TO CALL

Representative Crownover moved to lay **CSHB 2963** on the table subject to call.

The motion prevailed.

CSHB 400 ON SECOND READING
(by Eissler, Aycock, Crownover, C. Anderson, Garza, et al.)

CSHB 400, A bill to be entitled An Act relating to flexibility for public schools to administer primary and secondary education efficiently.

CSHB 400 was read second time earlier today and was postponed until this time.

CSHB 400 - POINT OF ORDER

Representative Y. Davis raised a point of order against further consideration of **CSHB 400** under Rule 6, Section 16 of the House Rules.

The point of order was withdrawn.

Representative Eissler moved to postpone consideration of **CSHB 400** until 9:30 a.m. tomorrow.

The motion prevailed.

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. 25).

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Elections meeting is cancelled.

PROVIDING FOR ADJOURNMENT

Representative Hopson moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 9:30 a.m. today, May 10, in memory of Dixie Lincoln of Arkansas.

The motion prevailed.

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

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. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

(V. Taylor in the chair)

ADJOURNMENT

In accordance with a previous motion, the house, at 12:14 a.m. May 10, adjourned until 9:30 a.m. today.

ADDENDUM

REFERRED TO COMMITTEES

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

List No. 1

HB 3866 (By D. Miller), Relating to the date for the election of directors of the Hill Country Underground Water Conservation District.

To Natural Resources.

HCR 146 (By V. Gonzales), Urging Congress to enact legislation to provide sufficient manpower, infrastructure, and technology to ensure the security and efficiency of land ports of entry on the southwestern border.

To Border and Intergovernmental Affairs.

HCR 147 (By Button), Encouraging cities to promote long-term economic development and job growth by working together on the regional level to attract and retain business investment.

To Economic and Small Business Development.

HCR 149 (By S. Davis), Recognizing the King Street Patriots for their commitment to freedom and election integrity.

To Rules and Resolutions.

SB 32 to Higher Education.

SB 34 to Higher Education.

SB 66 to Public Education.

SB 105 to Energy Resources.

SB 546 to Public Health.

- SB 570 to Public Education.
- SB 682 to Ways and Means.
- SB 812 to Pensions, Investments, and Financial Services.
- SB 905 to Criminal Jurisprudence.
- SB 954 to County Affairs.
- SB 955 to County Affairs.
- SB 956 to Natural Resources.
- SB 1032 to Agriculture and Livestock.
- SB 1057 to Transportation.
- SB 1113 to Public Education.
- SB 1120 to Ways and Means.
- SB 1198 to Judiciary and Civil Jurisprudence.
- SB 1209 to Corrections.
- SB 1214 to Public Education.
- SB 1234 to Urban Affairs.
- SB 1286 to Pensions, Investments, and Financial Services.
- SB 1334 to Licensing and Administrative Procedures.
- SB 1386 to Transportation.
- SB 1417 to Judiciary and Civil Jurisprudence.
- SB 1422 to Transportation.
- SB 1438 to Public Health.
- SB 1471 to Environmental Regulation.
- SB 1529 to Homeland Security and Public Safety.
- SB 1532 to Homeland Security and Public Safety.
- SB 1533 to Public Education.
- SB 1543 to Public Education.
- SB 1579 to Appropriations.
- SB 1583 to Appropriations.
- SB 1584 to Appropriations.
- SB 1636 to Homeland Security and Public Safety.
- SB 1727 to Higher Education.
- SB 1729 to Higher Education.
- SB 1731 to Higher Education.
- SB 1737 to Defense and Veterans' Affairs.
- SB 1742 to Transportation.
- SB 1743 to State Affairs.
- SB 1751 to Judiciary and Civil Jurisprudence.
- SB 1760 to Land and Resource Management.
- SB 1789 to Land and Resource Management.

- SB 1806** to Insurance.
- SB 1816** to Land and Resource Management.
- SB 1849** to State Affairs.
- SB 1875** to Natural Resources.
- SB 1877** to Natural Resources.
- SB 1878** to Human Services.
- SB 1882** to Urban Affairs.
- SB 1895** to Natural Resources.
- SB 1905** to Culture, Recreation, and Tourism.
- SB 1909** to Higher Education.
- SB 1910** to State Affairs.
- SCR 35** to Culture, Recreation, and Tourism.
- SCR 39** to Culture, Recreation, and Tourism.
- SCR 54** to Rules and Resolutions.

SIGNED BY THE SPEAKER

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

House List No. 24

HB 15, HB 46, HB 906, HB 984, HB 1032, HB 1346, HB 1625, HB 2561, HCR 45

House List No. 25

HB 74

Senate List No. 24

SB 18, SB 265, SB 378, SB 528, SB 653, SB 820, SB 877, SB 918, SB 1195, SB 1272, SB 1303, SB 1490, SB 1568, SB 1716, SJR 4

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 9, 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 571 Huberty SPONSOR: Williams
Relating to the regulation of certain aggregate production operations by the Texas Commission on Environmental Quality; providing penalties.

HB 610 Zerwas SPONSOR: Seliger
Relating to certain notices sent by the Texas Commission on Environmental Quality.

HB 1806 Flynn SPONSOR: Hegar
Relating to fishing tournament fraud; providing penalties.

HB 1832 Ritter SPONSOR: Williams
Relating to the law governing the Lower Neches Valley Authority; providing authority to issue bonds.

HB 2785 Davis, John SPONSOR: Shapiro
Relating to the creation of the Select Committee on Economic Development.

HCR 116 Davis, John SPONSOR: Harris
In memory of the Reverend Clinton Roderick Dobson of Arlington.

HCR 139 Beck SPONSOR: Ellis
In memory of former Texas secretary of state Myra McDaniel.

THE SENATE HAS CONCURRED IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 501 (31 Yeas, 0 Nays)

SB 893 (31 Yeas, 0 Nays)

SB 980 (31 Yeas, 0 Nays)

THE SENATE HAS REFUSED TO CONCUR IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

SB 201
Senate Conferees: Uresti - Chair/Birdwell/Hinojosa/Wentworth/Williams

THE SENATE HAS GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

HB 1555
Senate Conferees: Ellis - Chair/Huffman/Patrick/Shapiro/Whitmire

THE SENATE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

SB 14 (19 Yeas, 12 Nays)

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Monday, May 9, 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:

SB 303 Nichols
Relating to health care services provided or paid by a hospital district.

SB 905 Patrick
Relating to the application of certain concealed handgun license laws to statewide elected officials, certain current and former members of the legislature, and certain federal and state employees.

SB 1334 Deuell
Relating to the dismissal of complaints against property tax professionals.

SB 1386 Lucio
Relating to the refusal to register motor vehicles by a county assessor-collector or the Texas Department of Motor Vehicles.

SB 1809 Lucio
Relating to a study by the comptroller of public accounts of the economic impact of the Texas-Mexico border wall in the State of Texas.

SB 1866 Davis
Relating to the selection of providers of professional services by governmental entities.

SB 1895 Hegar
Relating to director elections and powers of the Texana Groundwater Conservation District.

SCR 32 Seliger
Expressing opposition to federal regulation of intrastate water resources.

THE SENATE HAS CONCURRED IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 656 (31 Yeas, 0 Nays)

SB 1153 (31 Yeas, 0 Nays)

SB 1160 (31 Yeas, 0 Nays)

THE SENATE HAS GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

HB 1
Senate Conferees: Ogden - Chair/Duncan/Hinojosa/Nelson/Williams

HB 1956
Senate Conferees: Carona - Chair/Eltife/Harris/Lucio/Watson

Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

May 7

Business and Industry - **HB 3593**

County Affairs - **SB 860**

Criminal Jurisprudence - **SB 887**

Environmental Regulation - **HB 3399, HR 930, SB 1250**

Homeland Security and Public Safety - **SB 244**

Human Services - **HB 2819, HB 3451**

Insurance - **HB 1192, HB 3799**

Judiciary and Civil Jurisprudence - **HB 3172, SB 479**

Licensing and Administrative Procedures - **HB 1563, HB 1809, HB 3042**

Natural Resources - **HB 3859**

Pensions, Investments, and Financial Services - **HB 1681**

Public Health - **HB 167, HB 1128, HB 2788, HB 3371**

State Affairs - **HB 12**

Transportation - **SB 469, SB 1043, SB 1100, SB 1248, SB 1578, SB 1608**

Urban Affairs - **HB 2672, HB 3344**

Ways and Means - **HB 199, HB 472, HB 1358, HB 3704, HJR 48, SB 432, SB 551, SB 977, SB 1385, SB 1505**

ENGROSSED

May 7 - HB 710, HB 751, HB 1278, HB 1418, HB 1788, HB 2029, HB 2329, HB 2610, HB 2678, HB 2704, HB 2814, HB 3393, HB 3483

ENROLLED

May 7 - HB 15, HB 46, HB 906, HB 984, HB 1032, HB 1346, HB 1625, HB 2561, HCR 45

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SEVENTY-THIRD DAY — TUESDAY, MAY 10, 2011

The house met at 9:30 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 877).

Present — Mr. Speaker; Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycoc; Beck; Berman; Bohac; Bonnen; 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; 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; 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.

Absent, Excused — Lucio.

Absent — Coleman; Dutton.

The invocation was offered by A. O. Martinez, pastor, Latin American Bible Institute, San Antonio.

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

LEAVE OF ABSENCE GRANTED

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

Lucio on motion of Scott.

CAPITOL PHYSICIAN

The speaker recognized Representative Naishtat who presented Dr. Timothy Vachris of Austin as the "Doctor for the Day."

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

(Aycock in the chair)

MESSAGES FROM THE SENATE

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

(Speaker in the chair)

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today to attend a meeting of the Conference Committee on **HB 1**:

Otto on motion of Orr.

FIVE-DAY POSTING RULE SUSPENDED

Representative Cook moved to suspend the five-day posting rule to allow the Committee on State Affairs to consider **SB 15** and pending business at 8 a.m. Thursday, May 12 in JHR 140.

The motion prevailed.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Cook requested permission for the Committee on State Affairs to meet while the house is in session, at 8 a.m. Thursday, May 12, in JHR 140, to consider **SB 15** and pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

State Affairs, 8 a.m. Thursday, May 12, JHR 140, for a public hearing, to consider **SB 15** and pending business.

FIVE-DAY POSTING RULE SUSPENDED

Representative Jackson moved to suspend the five-day posting rule to allow the Committee on Judiciary and Civil Jurisprudence to consider **HCR 141**, **SB 473**, **SB 481**, **SB 482**, **SB 791**, **SB 1025**, **SB 1159**, **SB 1216**, **SB 1228**, **SB 1236**, **SB 1322**, **SB 1545**, **SB 1560**, and **SB 1887** at 8 a.m. tomorrow, in E2.036.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Judiciary and Civil Jurisprudence, 8 a.m. tomorrow, E2.036, for a public hearing, to consider **HCR 141, SB 473, SB 481, SB 482, SB 791, SB 1025, SB 1159, SB 1216, SB 1228, SB 1236, SB 1322, SB 1545, SB 1560, and SB 1887.**

REGULAR ORDER OF BUSINESS SUSPENDED

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

(Harper-Brown in the chair)

HR 1819 - ADOPTED (by Garza)

Representative Garza moved to suspend all necessary rules to take up and consider at this time **HR 1819.**

The motion prevailed.

The following resolution was laid before the house:

HR 1819, Honoring the public school superintendents of Texas House District 117.

HR 1819 was adopted.

HR 1649 - ADOPTED (by Cain)

Representative Cain moved to suspend all necessary rules to take up and consider at this time **HR 1649.**

The motion prevailed.

The following resolution was laid before the house:

HR 1649, Welcoming members of the Sulphur Springs Chamber of Commerce Adult Leadership Class to the State Capitol.

HR 1649 was adopted.

On motion of Representative Cain, the names of all the members of the house were added to **HR 1649** as signers thereof.

(Speaker in the chair)

(Otto now present)

EMERGENCY CALENDAR HOUSE BILLS THIRD READING

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

HB 12 ON THIRD READING (by Solomons, Bohac, Harless, et al.)

HB 12, A bill to be entitled An Act relating to the enforcement of state and federal laws governing immigration by certain governmental entities.

Amendment No. 1

Representative Castro offered the following amendment to **HB 12**:

Amend **HB 12** on third reading (house committee printing) as follows:

(1) On page 1, line 15, strike "and".

(2) On page 1, between lines 15 and 16, insert the following:

(3) an independent contractor, general contractor, or subcontractor of a general contractor that is doing business with a municipality, county, or special district or authority; and

(3) On page 1, line 16, strike "(3)" and substitute "(4)".

(Dutton now present)

Amendment No. 1 - Point of Order

Representative Geren raised a point of order against further consideration of Amendment No. 1 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

LEAVE OF ABSENCE GRANTED

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

Coleman on motion of Veasey.

HB 12 - (consideration continued)

The speaker sustained the point of order.

The ruling precluded further consideration of Amendment No. 1.

Amendment No. 2

Representative Burnam offered the following amendment to **HB 12**:

Amend **HB 12** on third reading (house committee printing) on page 2, lines 1-3, by striking "state or federal law relating to immigrants or immigration, including the federal Immigration and Nationality Act (8 U.S.C. Section 1101 et seq.)." and substituting the following:

state or federal law, including:

(1) law relating to immigrants or immigration, including the federal Immigration and Nationality Act (8 U.S.C. Section 1101 et seq.); and

(2) the Internal Revenue Code (26 U.S.C. Section 1 et seq.).

Amendment No. 2 was withdrawn.

Amendment No. 3

Representative Alvarado offered the following amendment to **HB 12**:

Amend **HB 12** on third reading (house committee report) as follows:

(1) On page 2, line 9, strike "detained for the investigation of a criminal offense or".

(2) On page 2, line 13, strike "detained for the investigation of a criminal offense or".

Amendment No. 3 failed of adoption by (Record 878): 43 Yeas, 100 Nays, 1 Present, not voting.

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

Nays — 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; 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.; 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; 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.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman; Lucio.

Absent — Dutton; Eiland; Guillen; Villarreal.

Amendment No. 4

Representative Gallego offered the following amendment to **HB 12**:

Amend **HB 12** on third reading (house committee printing) on page 3, lines 26-27, through page 4, line 1, by striking "or in a county in which the principal office of an entity described by Subsection (a) is located".

Amendment No. 4 was withdrawn.

Amendment No. 5

Representative Walle offered the following amendment to **HB 12**:

Amend **HB 12** on third reading (house committee printing) as follows:

(1) On page 3, strike lines 12-21.

(2) On page 3, lines 22-24, strike "(g) If the attorney general determines that a complaint filed under Subsection (f) against an entity described by Subsection (a) is valid, the" and substitute "(f) The".

(3) On page 4, line 10, strike "(h) An appeal of a suit brought under Subsection (g)" and substitute "(g) An appeal of a suit brought under Subsection (f)".

Amendment No. 5 failed of adoption by (Record 879): 43 Yeas, 101 Nays, 1 Present, not voting.

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

Nays — 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; Eiland; 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.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Madden; Margo; Miller, D.; Miller, S.; 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; Villarreal; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman; Lucio.

Absent — Dutton; Lyne; Miles.

STATEMENTS OF VOTE

When Record No. 879 was taken, I was in the house but away from my desk. I would have voted yes.

Miles

I was shown voting no on Record No. 879. I intended to vote yes.

Villarreal

Amendment No. 6

Representative Alonzo offered the following amendment to **HB 12**:

Amend **HB 12** on third reading(house committee printing) as follows:

(1) On page 4, line 6, between the period and "The", insert the following:

The state shall pay the reasonable attorney's fees incurred by an entity described by Subsection (a) in defending an action brought under this subsection regardless of whether the entity prevails in the action.

(2) On page 4, line 6, between "recover" and "reasonable", insert "from the entity that is the subject of the action".

Amendment No. 6 failed of adoption by (Record 880): 43 Yeas, 95 Nays, 1 Present, not voting.

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

Nays — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Harless; Harper-Brown; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keifer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Morrison; Murphy; Nash; Orr; Otto; Parker; 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.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman; Lucio.

Absent — Callegari; Dutton; Farias; Hardcastle; Hartnett; Miller, S.; Patrick; Pickett; Walle.

STATEMENTS OF VOTE

When Record No. 880 was taken, I was in the house but away from my desk. I would have voted no.

Callegari

When Record No. 880 was taken, my vote failed to register. I would have voted no.

S. Miller

Amendment No. 7

Representative Castro offered the following amendment to **HB 12**:

Amend **HB 12** on third reading (house committee printing) on page 4, lines 6 and 7, by striking "The attorney general may recover reasonable expenses incurred in obtaining relief under this subsection" and substituting "The prevailing party in an action brought under this subsection may recover reasonable expenses".

Amendment No. 7 was withdrawn.

Amendment No. 8

Representative Rodriguez offered the following amendment to **HB 12**:

Amend **HB 12** on third reading (house committee printing) on page 4, between lines 14 and 15, by adding a new Subsection (i) as follows:

(i) An entity described by Subsection (a) that provides quantifiable data to the comptroller regarding additional costs to be incurred by the entity in the calendar year to comply with this section relating to the enforcement of the laws of this state or federal law relating to immigrants or immigration is required to comply with this section only if the comptroller certifies the costs to be incurred and that the legislature has made an appropriation or otherwise provided, from a source other than the revenue of the entity, for the payment or reimbursement of those costs.

Amendment No. 8 failed of adoption by (Record 881): 45 Yeas, 100 Nays, 1 Present, not voting.

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

Nays — 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; 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.; 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; 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.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman; Lucio.

Absent — Dukes; McClendon.

STATEMENTS OF VOTE

When Record No. 881 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

When Record No. 881 was taken, I was in the house but away from my desk. I would have voted yes.

McClendon

Amendment No. 9

Representative Castro offered the following amendment to **HB 12**:

Amend **HB 12** on third reading (house committee printing) on page 4, lines 6 and 7, by striking "The attorney general may recover reasonable expenses incurred in obtaining relief under this subsection" and substituting "The prevailing party in an action brought under this subsection may recover reasonable expenses".

HR 1762 - ADOPTED

(by Callegari)

Representative Callegari moved to suspend all necessary rules to take up and consider at this time **HR 1762**.

The motion prevailed.

The following resolution was laid before the house:

HR 1762, In memory of James Clarke Box of Houston.

HR 1762 was read and was unanimously adopted by a rising vote.

On motion of Representative C. Howard, the names of all the members of the house were added to **HR 1762** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative Callegari who introduced family members of James Clarke Box.

HB 12 - (consideration continued)

(Hochberg in the chair)

Amendment No. 9 was withdrawn.

Amendment No. 10

Representative Alonzo offered the following amendment to **HB 12**:

Amend **HB 12** on third reading (house committee report), on page 4, between lines 14 and 15, by inserting the following:

(i) Notwithstanding any other law, a local law enforcement agency may not provide any form of legal advice to a person who is being detained for a suspected violation of a federal immigration law.

Amendment No. 10 was withdrawn.

Amendment No. 11

Representative Gallego offered the following amendment to **HB 12**:

Amend **HB 12** on third reading on page 4, line 26, by striking "in Travis County or".

(Speaker in the chair)

Amendment No. 11 failed of adoption by (Record 882): 48 Yeas, 97 Nays, 1 Present, not voting.

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

Nays — 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; 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.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Madden; Margo; Miller, D.; Miller, S.; 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.; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman; Lucio.

Absent — Lyne; Smithee.

Amendment No. 12

Representative Castro offered the following amendment to **HB 12**:

Amend **HB 12** on third reading (house committee printing) on page 4, lines 6 and 7, by striking "The attorney general may recover reasonable expenses incurred in obtaining relief under this subsection" and substituting "The prevailing party in an action brought under this subsection may recover reasonable expenses".

Amendment No. 12 failed of adoption by (Record 883): 47 Yeas, 98 Nays, 1 Present, not voting.

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

Nays — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; 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.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Madden; Margo; Miller, D.; Miller, S.; 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.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman; Lucio.

Absent — Lyne; Miles.

STATEMENT OF VOTE

When Record No. 883 was taken, I was in the house but away from my desk. I would have voted yes.

Miles

Amendment No. 13

Representative Alonzo offered the following amendment to **HB 12**:

Amend **HB 12** on third reading (house committee report), on page 4, between lines 14 and 15, by inserting the following:

(i) Notwithstanding any other law, a local law enforcement agency may not provide any form of legal advice to a person who is being detained for a suspected violation of a federal immigration law.

Amendment No. 13 failed of adoption by (Record 884): 47 Yeas, 100 Nays, 1 Present, not voting.

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

Nays — 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; 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.; 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; 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.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman; Lucio.

Amendment No. 14

Representative Menendez offered the following amendment to **HB 12**:

Amend **HB 12** on third reading by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION _____. Article 2.13, Code of Criminal Procedure, is amended by adding Subsection (d) to read as follows:

(d) A commissioned peace officer who stops a motor vehicle based on the officer's reasonable suspicion of an alleged violation of a law or ordinance shall inquire as to the nationality or immigration status of the operator of the motor vehicle.

Amendment No. 14 failed of adoption by (Record 885): 44 Yeas, 101 Nays, 1 Present, not voting.

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

Nays — Aliseda; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Cain; Callegari; Carter; Chisum; 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; Lyne; Madden; Margo; Miller, S.; 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; Strama; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman; Lucio.

Absent — Button; Miller, D.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 885. I intended to vote no.

Alonzo

I was shown voting yes on Record No. 885. I intended to vote present, not voting.

Castro

I was shown voting yes on Record No. 885. I intended to vote no.

Giddings

I was shown voting yes on Record No. 885. I intended to vote no.

T. King

I was shown voting yes on Record No. 885. I intended to vote no.

Marquez

I was shown voting yes on Record No. 885. I intended to vote no.

Muñoz

I was shown voting yes on Record No. 885. I intended to vote no.

Naishtat

I was shown voting yes on Record No. 885. I intended to vote no.

Rodriguez

I was shown voting yes on Record No. 885. I intended to vote no.

Turner

I was shown voting yes on Record No. 885. I intended to vote no.

Veasey

I was shown voting yes on Record No. 885. I intended to vote no.

Vo

Amendment No. 15

Representative Burnam offered the following amendment to **HB 12**:

Amend **HB 12** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Article 2.131, Code of Criminal Procedure, is amended to read as follows:

Art. 2.131. RACIAL PROFILING PROHIBITED. (a) A peace officer ~~may not~~ commits an offense if the officer engages in racial profiling.

(b) An offense under this section is a Class B misdemeanor.

Amendment No. 15 - Point of Order

Representative Phillips raised a point of order against further consideration of Amendment No. 15 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

The point of order was withdrawn.

Amendment No. 15 failed of adoption by (Record 886): 41 Yeas, 102 Nays, 1 Present, not voting.

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

Nays — 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; 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.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Martinez Fischer; Miller, D.; Miller, S.; 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; Veasey; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman; Lucio.

Absent — Anchia; King, T.; Strama; Thompson.

STATEMENTS OF VOTE

I was shown voting no on Record No. 886. I intended to vote yes.

Martinez Fischer

I was shown voting no on Record No. 886. I intended to vote yes.

Veasey

Amendment No. 16

Representative Alonzo offered the following amendment to **HB 12**:

Amend **HB 12** on third reading (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subtitle C, Title 7, Local Government Code, is amended by adding Chapter 247 to read as follows:

CHAPTER 247. CERTAIN PROHIBITIONS APPLYING TO MORE THAN ONE TYPE OF LOCAL GOVERNMENT

Sec. 247.001. PROHIBITION AGAINST REGULATING RESIDENTIAL TENANCIES BASED ON IMMIGRATION STATUS. (a) A political subdivision may not adopt a rule, order, ordinance, or policy under which the political subdivision requires a landlord to:

(1) refuse to lease to a prospective tenant or renew the lease of a tenant solely on the basis of the immigration status of the tenant or a member of the tenant's family; or

(2) inquire as to the immigration status of a tenant or prospective tenant or a member of the tenant's family.

(b) To the extent the prohibition imposed by Subsection (a) conflicts with common law, another state statute, or a local rule, order, ordinance, or policy, the prohibition in Subsection (a) prevails.

Amendment No. 16 - Point of Order

Representative Jackson raised a point of order against further consideration of Amendment No. 16 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

INTRODUCTION OF GUEST

The speaker recognized Representative Turner who introduced Freedom Rider Robert Farrell.

HB 12 - (consideration continued)

(Keffer in the chair)

The point of order was withdrawn.

Amendment No. 16 failed of adoption by (Record 887): 35 Yeas, 92 Nays, 2 Present, not voting.

Yeas — Alonzo; Alvarado; Anchia; Burnam; Castrc; Davis, Y.; Deshotel; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hochberg; Howard, D.; Johnson; King, T.; Mallory Caraway; Marquez; Martinez Fischer; Menendez; Muñoz; Naishtat; Peña; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Turner; Vo; Walle.

Nays — Aliseda; Anderson, C.; Anderson, R.; Aycocck; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Chisum; Christian; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eiland; Eissler; Elkins; Fletcher; Flynn; Frullo; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; King, P.; King, S.; Kleinschmidt; Kolkhorst; Landtroop; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; 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.; Taylor, V.; Torres; Truitt; Villarreal; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Coleman; Lucio.

Absent — Allen; Carter; Cook; Dukes; Dutton; Garza; Hartnett; Hernandez Luna; Hilderbran; Kuempel; Larson; Lozano; Martinez; McClendon; Miles; Miller, S.; Oliveira; Thompson; Veasey.

STATEMENTS OF VOTE

When Record No. 887 was taken, I was temporarily out of the house chamber. I would have voted no.

Cook

When Record No. 887 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

When Record No. 887 was taken, I was in the house but away from my desk. I would have voted no.

Hilderbran

When Record No. 887 was taken, I was temporarily out of the house chamber in the senate. I would have voted no.

Kuempel

When Record No. 887 was taken, I was in the house but away from my desk. I would have voted yes.

McClendon

When Record No. 887 was taken, I was in the house but away from my desk. I would have voted yes.

Miles

When Record No. 887 was taken, I was in the house but away from my desk. I would have voted no.

S. Miller

I was shown voting no on Record No. 887. I intended to vote yes.

Villarreal

Amendment No. 17

Representative Gallego offered the following amendment to **HB 12**:

Amend **HB 12** on third reading (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Chapter 107, Civil Practice and Remedies Code, is amended by adding Section 107.006 to read as follows:

Sec. 107.006. INFORMATION PROVIDED TO PERSON QUESTIONED REGARDING IMMIGRATION STATUS. A municipality, county, or special district or authority subject to Section 370.0031, Local Government Code, must require that a person detained by an officer or employee of the municipality, county, or special district or authority regarding the person's immigration status be provided written information regarding the person's recognized rights outlined by the Vienna Convention on Consular Relations.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Callegari requested permission for the Committee on Government Efficiency and Reform to meet while the house is in session, at 2:30 p.m. today, in 3W.9, to consider **SB 1618**.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Government Efficiency and Reform, 2:30 p.m. today, 3W.9, for a formal meeting, to consider **SB 1618**.

HB 12 - (consideration continued)

Amendment No. 17 failed of adoption by (Record 888): 48 Yeas, 97 Nays, 2 Present, not voting.

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

Nays — 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; 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; 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; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Coleman; Lucio.

Absent — Raymond.

Amendment No. 18

Representative Walle offered the following amendment to **HB 12**:

Amend **HB 12** on third reading (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS accordingly:

SECTION _____. Subchapter F, Chapter 1701, Occupations Code, is amended by adding Section 1701.260 to read as follows:

Sec. 1701.260. IMMIGRATION LAW ENFORCEMENT TRAINING PROGRAM. The commission shall establish a training program on the enforcement of the laws of this state or federal law relating to immigrants or immigration for each officer licensed under this chapter whose duties include the enforcement of those laws. The program must provide information regarding the identification of and strategies for handling issues related to offenses involving the trafficking of persons.

Amendment No. 18 failed of adoption by (Record 889): 48 Yeas, 96 Nays, 2 Present, not voting.

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

Nays — 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; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; 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; 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; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Coleman; Lucio.

Absent — Hardcastle; Jackson.

Amendment No. 19

Representative Farrar offered the following amendment to **HB 12**:

Amend **HB 12** on third reading by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS accordingly:

SECTION _____. Article 2.13, Code of Criminal Procedure, is amended by adding Subsection (d) to read as follows:

(d) Subject to Section 370.0031(d)(1), Local Government Code, a peace officer may not inquire as to the nationality or immigration status of a victim of or witness to a criminal offense except as necessary to investigate that offense.

Amendment No. 19 failed of adoption by (Record 890): 47 Yeas, 97 Nays, 2 Present, not voting.

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

Nays — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; 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; Huberty; Hughes; Hunter; Isaac; Jackson; 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; 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.

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

Absent, Excused — Coleman; Lucio.

Absent — Christian; Howard, C.

(Coleman now present)

(Speaker in the chair)

HB 12 was passed by (Record 891): 100 Yeas, 47 Nays, 1 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; 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.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; 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; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hochberg; Howard, D.; Johnson; King, T.; Lozano; 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).

Absent, Excused — Lucio.

Absent — Hernandez Luna.

REMARKS

REPRESENTATIVE QUINTANILLA: Members, members, I've got to tell you something that I'm very proud of. If you'll look over there at the, what is it, southwest corner—south corner up there. A group from Tornillo, Texas, and Fort Hancock—they came to listen to this but they didn't quite get here to listen to me so—my sisters, the two coaches up there, Selma Quintanilla Trevizo, Maria Quintanilla Saldaña, and then we have a state champion up there in tennis. The state champion in tennis—he just won this morning, his name is Jesse. Tennis state champion Jesse Guerra and his parents, Pat and Sylvia Guerra, I think, is what Texas is all about. The state champion is up there, and we also have some people from Fort Hancock that are here. Welcome to your house, and sisters, we'll see you back home. Thank you for being here and they'll have a tour for you.

REMARKS ORDERED PRINTED

Representative Alonzo moved to print remarks by Representative Quintanilla.

The motion prevailed.

FIVE-DAY POSTING RULE SUSPENDED

Representative Keffer moved to suspend the five-day posting rule to allow the Committee on Energy Resources to consider **SB 105**, **SB 924**, **SB 1293**, **SB 1294**, **SB 1296**, and **SB 1434** at 8 a.m. tomorrow in E2.010.

The motion prevailed.

Representative Branch moved to suspend the five-day posting rule to allow the Committee on Higher Education to consider **SB 794** at 8:30 a.m. tomorrow in E1.014.

The motion prevailed.

MESSAGE FROM THE SENATE

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

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Rules and Resolutions, during lunch recess today, Desk 89, for a formal meeting, to set a congratulatory and memorial calendar.

Higher Education, 8:30 a.m. tomorrow, E1.014, for a public hearing, to consider **SB 794** and the previously posted agenda.

RECESS

At 2:11 p.m., the speaker announced that the house would stand recessed until 3:15 p.m. today.

AFTERNOON SESSION

The house met at 3:15 p.m. and was called to order by the speaker.

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. 25).

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. 4).

**ADDRESS BY REPRESENTATIVE HERNANDEZ LUNA
ON A MATTER OF PERSONAL PRIVILEGE**

The chair recognized Representative Hernandez Luna who addressed the house on a matter of personal privilege.

**MAJOR STATE CALENDAR
HOUSE BILLS
THIRD READING**

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

**HB 3025 ON THIRD READING
(by Branch, Guillen, and Lozano)**

HB 3025, A bill to be entitled An Act relating to measures to facilitate the transfer of students within the public higher education system and the timely graduation of students from public institutions of higher education.

HB 3025 was passed by (Record 892): 147 Yeas, 0 Nays, 1 Present, not voting.

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

Absent, Excused — Lucio.

Absent — Aycock.

HB 2660 ON THIRD READING
(by J. Davis and Dutton)

HB 2660, A bill to be entitled An Act relating to transferring certain functions of the Texas Department of Housing and Community Affairs to the Texas State Affordable Housing Corporation.

Amendment No. 1

Representatives Menendez and J. Davis offered the following amendment to **HB 2660**:

Amend **HB 2660** on third reading by adding the following section and renumbering the sections accordingly:

SECTION 1. Subchapter K, Chapter 2306, Government Code, is amended by adding Section 2306.2585 to read as follows:

Sec. 2306.2585. HOMELESS HOUSING AND SERVICES PROGRAM.

(a) The department may administer a homeless housing and services program in each municipality in this state with a population of 285,500 or more to:

(1) provide for the construction, development, or procurement of housing for homeless persons; and

(2) provide local programs to prevent and eliminate homelessness.

(b) If the department implements the homeless housing and services program under Subsection (a), the department shall adopt rules to govern the program, including rules that:

(1) provide for the allocation of any available funding; and

(2) provide detailed guidelines as to the scope of the local programs in the municipalities described by Subsection (a).

(c) The department may use any available revenue, including legislative appropriations, and shall solicit and accept gifts and grants for the purposes of this section. The department shall use gifts and grants received for the purposes of this section before using any other revenue.

Amendment No. 1 was adopted.

LEAVE OF ABSENCE GRANTED

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

Deshotel on motion of Peña.

HB 2660 - (consideration continued)

HB 2660, as amended, was passed by (Record 893): 140 Yeas, 4 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; 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; 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; 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; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; White; Woolley; Workman; Zedler; Zerwas.

Nays — Hartnett; Phillips; Sheffield; Weber.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Deshotel; Lucio.

Absent — Aycock; Callegari; Creighton.

STATEMENTS OF VOTE

When Record No. 893 was taken, I was in the house but away from my desk. I would have voted yes.

Callegari

I was shown voting yes on Record No. 893. I intended to vote no.

Quintanilla

**HB 1818 ON THIRD READING
(by Harper-Brown)**

HB 1818, A bill to be entitled An Act relating to the continuation and functions of the Texas State Affordable Housing Corporation; providing penalties.

HB 1818 was passed by (Record 894): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook;

Craddick; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; 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.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; 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(C).

Absent, Excused — Deshotel; Lucio.

Absent — Aycock; Creighton; King, T.

**HCR 157 - ADOPTED
(by Hughes and Simpson)**

Representative Hughes moved to suspend all necessary rules to take up and consider at this time **HCR 157**.

The motion prevailed.

The following resolution was laid before the house:

HCR 157, Congratulating Bill and Marlena Terry of White Oak on the occasion of their 50th wedding anniversary.

HCR 157 was adopted.

**MAJOR STATE CALENDAR
SENATE BILLS
THIRD READING**

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

**SB 1693 ON THIRD READING
(Thompson - House Sponsor)**

SB 1693, A bill to be entitled An Act relating to periodic rate adjustments by electric utilities.

SB 1693 was passed by (Record 895): 140 Yeas, 3 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Castro; Chisum; Christian; Coleman; Cook; Craddick; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; 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; Hernandez Luna; 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; Legler; Lewis; Lozano; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; 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.

Nays — Bonnen; Carter; Hartnett.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Deshotel; Lucio.

Absent — Aycocock; Creighton; King, T.; Muñoz.

STATEMENTS OF VOTE

When Record No. 895 was taken, I was in the house but away from my desk. I would have voted yes.

Muñoz

I was shown voting yes on Record No. 895. I intended to vote no.

Truitt

GENERAL STATE CALENDAR HOUSE BILLS THIRD READING

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

HB 3308 ON THIRD READING (by Rodriguez)

HB 3308, A bill to be entitled An Act relating to the operation of plug-in electric motor vehicles.

Representative Rodriguez moved to postpone consideration of **HB 3308** until 5 p.m. today.

The motion prevailed.

HB 2825 ON THIRD READING**(by Otto)**

HB 2825, A bill to be entitled An Act relating to the composition and appointment of the board of directors of a corporation to which the board of regents of The University of Texas System delegates investment authority for the permanent university fund or other funds under the control of the board of regents.

HB 2825 was passed by (Record 896): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; 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(C).

Absent, Excused — Deshotel; Lucio.

Absent — Aycock; Garza.

HB 1799 ON THIRD READING**(by Bonnen)**

HB 1799, A bill to be entitled An Act relating to the exemption of certain real estate professionals from registration as property tax consultants.

HB 1799 was passed by (Record 897): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; 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; 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; 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(C).

Absent, Excused — Deshotel; Lucio.

Absent — Aycock; Burkett; Coleman; Hilderbran; Lyne.

STATEMENT OF VOTE

When Record No. 897 was taken, I was in the house but away from my desk. I would have voted yes.

Hilderbran

HB 2078 ON THIRD READING (by Villarreal)

HB 2078, A bill to be entitled An Act relating to the independence of appraisal review boards; changing the elements of an offense.

(Bonnen in the chair)

Representative Lozano moved to postpone consideration of **HB 2078** until 4 p.m. today.

The motion prevailed.

HB 2203 ON THIRD READING (by Otto)

HB 2203, A bill to be entitled An Act relating to the pilot program authorizing a property owner to appeal to the State Office of Administrative Hearings certain appraisal review board determinations.

HB 2203 was passed by (Record 898): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Beck; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; 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; 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; Bonnen(C).

Absent, Excused — Deshotel; Lucio.

Absent — Aycock; Berman; Carter; Lyne.

STATEMENTS OF VOTE

When Record No. 898 was taken, I was in the house but away from my desk. I would have voted yes.

Carter

When Record No. 898 was taken, I was in the house but away from my desk. I would have voted yes.

Lyne

HB 2237 ON THIRD READING

(by Lyne, et al.)

HB 2237, A bill to be entitled An Act relating to the taxation and titling of certain off-road vehicles.

HB 2237 was passed by (Record 899): 113 Yeas, 24 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anderson, R.; Berman; Branch; Brown; Cain; Callegari; Castro; Chisum; Christian; Coleman; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Gallego; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hardcastle; Harless; Harper-Brown; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Kuempel; Larson; Laubenberg; Lavender; Lewis; Lozano; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, S.; Morrison; Muñoz; Murphy; Nash; Oliveira; Orr; Otto; Peña; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Thompson; Torres; Turner; Veasey; Villarreal; Vo; Walle; White; Woolley; Workman; Zedler; Zerwas.

Nays — Anderson, C.; Beck; Bohac; Button; Carter; Cook; Driver; Frullo; Hancock; Hartnett; Howard, C.; Kleinschmidt; Landtroop; Legler; Madden; Miller, D.; Parker; Paxton; Perry; Sheffield; Shelton; Taylor, V.; Truitt; Weber.

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

Absent, Excused — Deshotel; Lucio.

Absent — Anchia; Aycock; Burkett; Burnam; Garza; Geren; Lyne; Naishtat; Patrick.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 899. I intended to vote no.

Berman

When Record No. 899 was taken, my vote failed to register. I would have voted yes.

Burkett

I was shown voting yes on Record No. 899. I intended to vote no.

Christian

I was shown voting yes on Record No. 899. I intended to vote no.

Creighton

I was shown voting yes on Record No. 899. I intended to vote no.

Flynn

When Record No. 899 was taken, I was in the house but away from my desk. I would have voted yes.

Geren

I was shown voting yes on Record No. 899. I intended to vote no.

Huberty

When Record No. 899 was taken, I was in the house but away from my desk. I would have voted yes.

Lyne

When Record No. 899 was taken, I was in the house but away from my desk. I would have voted yes.

Naishtat

I was shown voting yes on Record No. 899. I intended to vote no.

T. Smith

**HB 2596 ON THIRD READING
(by Garza)**

HB 2596, A bill to be entitled An Act relating to the authority of local governments to enact and enforce certain traffic regulations.

HB 2596 was passed by (Record 900): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; 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; 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; 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; Bonnen(C).

Absent, Excused — Deshotel; Lucio.

Absent — Aycock; Sheets.

HB 2098 ON THIRD READING (by J. Davis)

HB 2098, A bill to be entitled An Act relating to the authority of physicians and physician assistants to form certain entities.

HB 2098 was passed by (Record 901): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; 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; 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; 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; Bonnen(C).

Absent, Excused — Deshotel; Lucio.

Absent — Aycock; Shelton.

STATEMENT OF VOTE

I was shown voting yes on Record No. 901. I intended to vote no.

Garza

**HB 2439 ON THIRD READING
(by Gallego)**

HB 2439, A bill to be entitled An Act relating to posting suggestions and ideas on cost-efficiency on certain state agency websites.

HB 2439 was passed by (Record 902): 113 Yeas, 30 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Anchia; Berman; Bohac; Branch; Brown; Burnam; Button; Cain; Castro; Chisum; Coleman; Craddick; Crownover; Darby; Davis, J.; Davis, Y.; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hochberg; Hopson; Howard, D.; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Larson; Legler; Lewis; Lozano; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Morrison; Muñoz; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Peña; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Turner; Veasey; Villarreal; Vo; Walle; White; Woolley; Workman; Zerwas.

Nays — Anderson, C.; Anderson, R.; Beck; Bonnen(C); Burkett; Carter; Christian; Cook; Creighton; Davis, S.; Driver; Geren; Hardcastle; Hilderbran; Howard, C.; Huberty; Hughes; Kuempel; Landtroop; Laubenberg; Lavender; Miller, S.; Murphy; Paxton; Perry; Phillips; Sheffield; Truitt; Weber; Zedler.

Present, not voting — Mr. Speaker.

Absent, Excused — Deshotel; Lucio.

Absent — Alvarado; Aycock; Callegari; Giddings.

STATEMENTS OF VOTE

I was shown voting no on Record No. 902. I intended to vote yes.

Burkett

I was shown voting no on Record No. 902. I intended to vote yes.

Carter

HB 2389 ON THIRD READING
(by Fletcher)

HB 2389, A bill to be entitled An Act relating to records of a holder of a motor vehicle title service license.

HB 2389 was passed by (Record 903): 140 Yeas, 3 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Davis, J.; Davis, S.; Davis, Y.; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; 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; Lyne; Madden; Mallory Caraway; Margo; 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.

Nays — Gonzales, V.; Gonzalez; Marquez.

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

Absent, Excused — Deshotel; Lucio.

Absent — Aycock; Coleman; Darby.

HB 2889 ON THIRD READING
(by Madden)

HB 2889, A bill to be entitled An Act relating to the expunction of records and files relating to a person's arrest.

HB 2889 was passed by (Record 904): 141 Yeas, 1 Nays, 3 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Beck; Berman; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; 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; 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; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Bohac.

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

Absent, Excused — Deshotel; Lucio.

Absent — Aycock; Strama; Villarreal.

STATEMENT OF VOTE

I was shown voting no on Record No. 904. I intended to vote yes.

Bohac

HB 3017 ON THIRD READING (by Smithee)

HB 3017, A bill to be entitled An Act relating to the prohibited use of discretionary clauses in certain health maintenance organization and insurance contracts.

HB 3017 was passed by (Record 905): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; 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; 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; Bonnen(C).

Absent, Excused — Deshotel; Lucio.

Absent — Aycock; Gonzales, L.

HB 3036 ON THIRD READING
(by Alvarado)

HB 3036, A bill to be entitled An Act relating to the municipal sales and use tax for street maintenance.

HB 3036 failed to pass by (Record 906): 67 Yeas, 78 Nays, 2 Present, not voting. (The vote was reconsidered later today, and **HB 3036** was postponed until 6:59 a.m. tomorrow.)

Yeas — Allen; Alonzo; Alvarado; Anchia; Burkett; Burnam; Castro; Chisum; Coleman; Davis, Y.; Dukes; Dutton; Eiland; Eissler; Farias; Farrar; Gallego; Garza; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Harless; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Hunter; Isaac; Johnson; Keffer; King, T.; Lozano; Lyne; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Murphy; Naishtat; Oliveira; Orr; Otto; Phillips; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Scott; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Nays — Aliseda; Anderson, C.; Anderson, R.; Beck; Berman; Bohac; Branch; Brown; Button; Cain; Callegari; Carter; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Elkins; Fletcher; Flynn; Frullo; Geren; Gooden; Hamilton; Hancock; Hardcastle; Harper-Brown; Hartnett; Huberty; Hughes; Jackson; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landroop; Larson; Laubenberg; Lavender; Legler; Lewis; Madden; Margo; Miller, D.; Miller, S.; Morrison; Nash; Parker; Patrick; Paxton; Peña; Perry; Price; Riddle; Schwertner; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Deshotel; Lucio.

Absent — Aycock.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 906. I intended to vote no.

Eissler

I was shown voting yes on Record No. 906. I intended to vote no.

Hilderbran

I was shown voting no on Record No. 906. I intended to vote yes.

Nash

I was shown voting yes on Record No. 906. I intended to vote no.

Orr

HB 3133 ON THIRD READING

(by Rodriguez)

HB 3133, A bill to be entitled An Act relating to the appraisal for ad valorem tax purposes of property on which housing is being or has been built or repaired for sale to a low-income individual or family.

HB 3133 was passed by (Record 907): 94 Yeas, 50 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Branch; Brown; Burkett; Burnam; Castro; Chisum; Coleman; Crownover; Davis, J.; Davis, Y.; Dukes; Dutton; Eiland; Eissler; Farias; Farrar; Gallego; Garza; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hancock; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, D.; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, S.; King, T.; Kleinschmidt; Kolkhorst; Landtroop; Larson; Laubenberg; Lozano; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Murphy; Naishtat; Oliveira; Orr; Otto; Patrick; Peña; Perry; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Schwertner; Scott; Sheets; Simpson; Smith, W.; Smithee; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Turner; Veasey; Villarreal; Vo; Walle; Workman.

Nays — Aliseda; Beck; Berman; Bohac; Button; Cain; Callegari; Carter; Christian; Cook; Craddick; Creighton; Darby; Davis, S.; Driver; Elkins; Fletcher; Flynn; Frullo; Geren; Gooden; Hamilton; Hardcastle; Harless; Howard, C.; Huberty; King, P.; Kuempel; Lavender; Legler; Lewis; Lyne; Madden; Miller, D.; Miller, S.; Morrison; Nash; Parker; Paxton; Phillips; Riddle; Sheffield; Shelton; Smith, T.; Truitt; Weber; White; Woolley; Zedler; Zerwas.

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

Absent, Excused — Deshotel; Lucio.

Absent — Aycock; Solomons.

STATEMENTS OF VOTE

I was shown voting no on Record No. 907. I intended to vote yes.

Frullo

I was shown voting yes on Record No. 907. I intended to vote no.

Landtroop

I was shown voting yes on Record No. 907. I intended to vote no.

Orr

HB 2759 ON THIRD READING**(by Hartnett)**

HB 2759, A bill to be entitled An Act relating to the nonsubstantive revision of provisions of the Texas Probate Code relating to durable powers of attorney, guardianships, and other related proceedings and alternatives, and the redesignation of certain other provisions of the Texas Probate Code, including conforming amendments and repeals.

HB 2759 was passed by (Record 908): 145 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; 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; 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; Bonnen(C).

Absent, Excused — Deshotel; Lucio.

Absent — Aycock.

HB 1013 ON THIRD READING**(by Brown, Callegari, Creighton, J. Davis, et al.)**

HB 1013, A bill to be entitled An Act relating to the powers and duties of the Texas Medical Board.

HB 1013 was passed by (Record 909): 141 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Berman; Bohac; Bonnen(C); Branch; Brown; Burkett; Burnam; Button; Cain; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; 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; 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; Simpson; Smith, T.; Smith, W.; Smithee; Strama; Taylor, L.; Taylor, V.; Thompson; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Torres.

Present, not voting — Mr. Speaker; Shelton.

Absent, Excused — Deshotel; Lucio.

Absent — Aycock; Beck; Callegari; Solomons.

STATEMENT OF VOTE

When Record No. 909 was taken, my vote failed to register. I would have voted yes.

Beck

HB 3727 ON THIRD READING (by Hilderbran and Martinez Fischer)

HB 3727, A bill to be entitled An Act relating to the appraisal for ad valorem tax purposes of certain commercial aircraft that are temporarily located in this state for manufacturing or assembly purposes.

HB 3727 was passed by (Record 910): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; 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; 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; Bonnen(C).

Absent, Excused — Deshotel; Lucio.

Absent — Aycock; Callegari; Gonzales, L.

STATEMENTS OF VOTE

When Record No. 910 was taken, I was temporarily out of the house chamber. I would have voted yes.

Callegari

When Record No. 910 was taken, my vote failed to register. I would have voted yes.

L. Gonzales

HB 174 ON THIRD READING

(by Jackson, Burkett, Branch, Bohac, Patrick, et al.)

HB 174, A bill to be entitled An Act relating to the cancellation of the voter registration and to the eligibility to vote of persons who are deceased or not citizens of the United States.

HB 174 was passed by (Record 911): 143 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; 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; 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; 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.

Nays — Quintanilla.

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

Absent, Excused — Deshotel; Lucio.

Absent — Aycock; Peña.

HB 2817 ON THIRD READING
(by L. Taylor)

HB 2817, A bill to be entitled An Act relating to certain election practices and procedures.

Amendment No. 1

Representative L. Taylor offered the following amendment to **HB 2817**:

Amend **HB 2817** on third reading by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 43.007, Election Code, is amended by adding Subsections (k) and (l) to read as follows:

(k) Each county that previously participated in a program under this section is authorized to continue participation in the program for future elections described by Subsection (a) if:

(1) the commissioners court of the county approves participation in the program; and

(2) the secretary of state determines the county's participation in the program was successful.

(l) Subsections (b), (c), and (d) do not apply to a county participating in the program under Subsection (k).

SECTION _____. Subchapter E, Chapter 127, Election Code, is amended by adding Section 127.1311 to read as follows:

Sec. 127.1311. ANNOUNCING UNOFFICIAL RESULTS. (a) Except as provided by Subsection (b), unofficial election results shall be released as soon as they are available after the polls close.

(b) The presiding judge of the central counting station, in cooperation with the county clerk, may withhold the release of unofficial election results until the last voter has voted.

SECTION _____. Section 174.092(a), Election Code, is amended to read as follows:

(a) The biennial state convention shall be convened on any day in June or July.

SECTION _____. Section 573.061, Government Code, is amended to read as follows:

Sec. 573.061. GENERAL EXCEPTIONS. Section 573.041 does not apply to:

(1) an appointment to the office of a notary public or to the confirmation of that appointment;

(2) an appointment of a page, secretary, attendant, or other employee by the legislature for attendance on any member of the legislature who, because of physical infirmities, is required to have a personal attendant;

(3) a confirmation of the appointment of an appointee appointed to a first term on a date when no individual related to the appointee within a degree described by Section 573.002 was a member of or a candidate for the legislature, or confirmation on reappointment of the appointee to any subsequent consecutive term;

(4) an appointment or employment of a bus driver by a school district if:

(A) the district is located wholly in a county with a population of less than 35,000; or

(B) the district is located in more than one county and the county in which the largest part of the district is located has a population of less than 35,000;

(5) an appointment or employment of a personal attendant by an officer of the state or a political subdivision of the state for attendance on the officer who, because of physical infirmities, is required to have a personal attendant;

(6) an appointment or employment of a substitute teacher by a school district; ~~or~~

(7) an appointment or employment of a person by a municipality that has a population of less than 200; or

(8) an appointment of an election clerk under Section 32.031, Election Code, who is not related in the first degree by consanguinity or affinity to an elected official of the authority that appoints the election judges for that election.

Amendment No. 1 was adopted.

Amendment No. 2

On behalf of Representative Villarreal, Representative Lozano offered the following amendment to **HB 2817**:

Amend **HB 2817** on third reading by adding the following to added Section 33.008, Election Code (second reading engrossment, page 10, between lines 19 and 20):

(d) It is an exception to the application of Subsection (b) that information described by Subsection (a) was provided to a peace officer.

Amendment No. 2 was withdrawn.

Amendment No. 3

Representatives Madden and Strama offered the following amendment to **HB 2817**:

Amend **HB 2817** on third reading (second reading engrossment) as follows:

(1) In SECTION 58 of the bill, strike the repeal of Section 127.201, Election Code (page 36, line 20).

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

SECTION _____. Section 127.201, Election Code, is amended by adding Subsection (g) to read as follows:

(g) This section does not apply to the tabulation of electronic voting system results for a voting system that uses direct recording electronic voting machines.

Amendment No. 3 was adopted.

Amendment No. 4

Representative Chisum offered the following amendment to **HB 2817**:

Amend **HB 2817** on third reading by adding the following appropriately numbered SECTION to the bill and renumbering remaining SECTIONS of the bill accordingly:

SECTION _____. Section 87.0241, Election Code, is amended by amending Subsection (b) and adding Subsection (d) to read as follows:

(b) Except as provided by Subsection (d), the [The] board may not count early voting ballots until:

(1) the polls open on election day; or

(2) in an election conducted by an authority of a county with a population of 100,000 or more or conducted jointly with such a county, the end of the period for early voting by personal appearance.

(d) An early voting ballot board may establish a process for removing data from voting machines used in early voting before the polls open on election day if:

(1) the county will use the voting machines on election day; and

(2) the secretary of state approves the process.

Amendment No. 4 was adopted.

Amendment No. 5

Representative Hochberg offered the following amendment to **HB 2817**:

Amend **HB 2817** on third reading by adding the following appropriately numbered SECTION to the bill and by renumbering the existing SECTIONS as appropriate:

SECTION _____. Subchapter A, Chapter 13, Election Code, is amended by adding Section 13.009 to read as follows:

Sec. 13.009. ELECTRONIC VOTER REGISTRATION. (a) The secretary of state shall implement a program to allow a person who has a valid driver's license or personal identification card issued in this state to complete a voter registration application over the Internet from the official website of this state and either directly or via links to the websites of the secretary of state, the Department of Public Safety, and counties participating in the program.

(b) An applicant for electronic voter registration must:

(1) attest to the truth of the information provided on the application by affirmatively accepting the information as true; and

(2) affirmatively consent to the use of the address and signature on the applicant's driver's license or personal identification card for voter registration purposes.

(c) For each application submitted, the program shall require that a digital copy of the applicant's signature be obtained from the Department of Public Safety.

(d) An application submitted under this section is considered for all purposes as an application submitted by mail under this title.

(e) The secretary of state shall adopt rules as necessary to implement this section, including rules to provide for additional security measures necessary to ensure the accuracy and integrity of applications submitted electronically.

(f) The rules adopted under Subsection (e) must require that each Internet website through which a person may complete a voter registration application include a description of the offense described by Section 13.007 in a conspicuous location on the website near the place where the person begins or submits the application.

Amendment No. 5 was adopted.

Amendment No. 6

Representative S. Davis offered the following amendment to **HB 2817**:

Amend **HB 2817** (second reading engrossment) on third reading as follows:

(1) Strike amended Section 15.022(a)(3), Election Code (page 32, lines 14 through 16), and substitute the following:

(3) after receipt of [~~a registration omissions list and~~] any affidavits executed under Section 63.006 [~~63.007~~], following an election;

(2) Strike Subdivision (b) of SECTION 57 (page 32, line 27 through page 33, line 3), and reletter the remaining subdivisions accordingly.

(3) Strike amended Sections 66.0241(3)-(5), Election Code (page 36, lines 1 through 6), and substitute the following:

(3) [~~the registration omissions list;~~

[~~4~~] any statements of residence executed under Section 63.0011; and

(4) [~~5~~] any affidavits executed under Section 63.006 [~~63.007~~] or 63.011.

Amendment No. 6 was adopted.

LEAVE OF ABSENCE GRANTED

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

Veasey on motion of Raymond.

HB 2817 - (consideration continued)

HB 2817, as amended, was passed by (Record 912): 120 Yeas, 23 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alvarado; Anderson, C.; Anderson, R.; Beck; Berman; Bohac; Bonnen(C); Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Driver; Dukes; Eiland; Eissler; Elkins; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Gonzales, L.; Gooden; Guillen;

Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; 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; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Raymond; Reynolds; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Villarreal; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Alonzo; Anchia; Burnam; Dutton; Farias; Farrar; Gonzales, V.; Gonzalez; Gutierrez; Howard, D.; Johnson; Marquez; Miles; Muñoz; Naishtat; Oliveira; Quintanilla; Rodriguez; Strama; Thompson; Turner; Vo; Walle.

Present, not voting — Mr. Speaker; Giddings.

Absent, Excused — Deshotel; Lucio; Veasey.

Absent — Aycoc; Castro.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 912. I intended to vote no.

Alvarado

I was shown voting yes on Record No. 912. I intended to vote no.

Y. Davis

I was shown voting present, not voting on Record No. 912. I intended to vote no.

Giddings

GENERAL STATE CALENDAR SENATE BILLS THIRD READING

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

SB 1082 ON THIRD READING (Laubenberg - House Sponsor)

SB 1082, A bill to be entitled An Act relating to strategic partnerships for the continuation of certain water districts annexed by a municipality.

Amendment No. 1

Representative Elkins offered the following amendment to **SB 1082**:

Amend **SB 1082** on third reading by striking Amendment No. 2 by Elkins, adding Section 43.0751(k-1), Local Government Code, and a transition section related to that added subsection.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Elkins offered the following amendment to **SB 1082**:

Amend **SB 1082** on third reading as follows:

(1) Strike Amendment No. 1 by Elkins, adding Section 43.0751(f-1), Local Government Code, and the transition section related to that added subsection.

(2) Add the following appropriately numbered SECTIONS to the bill as follows:

SECTION _____. Subchapter D, Chapter 43, Local Government Code, is amended by adding Section 43.07515 to read as follows:

Sec. 43.07515. REGULATION OF FIREWORKS UNDER STRATEGIC PARTNERSHIP AGREEMENT LAW. (a) A municipality may not regulate under Section 43.0751 or 43.0752 the sale, use, storage, or transportation of fireworks outside of the municipality's boundaries.

(b) To the extent of a conflict with any other law, this section controls.

SECTION _____. Section 43.07515, Local Government Code, as added by this Act, applies only to a regulation adopted on or after the effective date of this Act.

(3) Renumber the remaining SECTIONS of the bill appropriately.

Amendment No. 2 was adopted.

SB 1082, as amended, was passed by (Record 913): 141 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Driver; Dukes; Dutton; Eiland; 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; 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; 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; 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; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Harless.

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

Absent, Excused — Deshotel; Lucio; Veasey.

Absent — Aycock; Eissler; Phillips.

SB 529 ON THIRD READING**(Hunter, Margo, Cook, Guillen, and Woolley - House Sponsors)**

SB 529, A bill to be entitled An Act relating to the regulation of motor vehicle dealers, manufacturers, distributors, and representatives.

SB 529 was passed by (Record 914): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; 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; 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; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Deshotel; Lucio; Veasey.

Absent — Aycoc; Giddings.

STATEMENT OF VOTE

When Record No. 914 was taken, I was in the house but away from my desk. I would have voted yes.

Giddings

SB 1024 ON THIRD READING**(Rodriguez - House Sponsor)**

SB 1024, A bill to be entitled An Act relating to the prosecution of the offense of theft of service.

SB 1024 was passed by (Record 915): 139 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; 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; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Villarreal; Vo; Walle; Weber; White; Woolley; Zedler; Zerwas.

Nays — Riddle.

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

Absent, Excused — Deshotel; Lucio; Veasey.

Absent — Aycock; Creighton; Miles; Nash; Workman.

SB 198 ON THIRD READING
(T. Smith - House Sponsor)

SB 198, A bill to be entitled An Act relating to exempting persons who are convicted of certain sexual offenses from registering as a sex offender in this state.

SB 198 was passed by (Record 916): 136 Yeas, 5 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Castro; Chisum; Christian; Coleman; Cook; Craddick; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, 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; 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; Perry; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Carter; Harper-Brown; Phillips; Price; Schwertner.

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

Absent, Excused — Deshotel; Lucio; Veasey.

Absent — Aycock; Creighton; Peña; Riddle.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 916. I intended to vote no.

Hilderbran

When Record No. 916 was taken, I was temporarily out of the house chamber. I would have voted yes.

Peña

SB 758 ON THIRD READING (Hilderbran - House Sponsor)

SB 758, A bill to be entitled An Act relating to sales and use tax information provided to certain local governmental entities.

SB 758 was passed by (Record 917): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; 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; 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; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; 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; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Deshotel; Lucio; Veasey.

Absent — Aycock; Peña; Raymond.

STATEMENT OF VOTE

When Record No. 917 was taken, I was temporarily out of the house chamber. I would have voted yes.

Peña

SB 1478 ON THIRD READING
(Crownover - House Sponsor)

SB 1478, A bill to be entitled An Act relating to deadlines for the Railroad Commission of Texas to review certain applications for surface coal mining operation permits.

SB 1478 was passed by (Record 918): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Beck; Berman; Bohac; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; 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; 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; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Deshotel; Lucio; Veasey.

Absent — Aycock; Burnam; Reynolds.

SB 250 ON THIRD READING
(Anchia, Gallego, and Hartnett - House Sponsors)

SB 250, A bill to be entitled An Act relating to protective orders for stalking victims.

Representative Gallego moved to postpone consideration of **SB 250** until 5 p.m. today.

The motion prevailed.

POSTPONED BUSINESS

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

CSHB 1359 ON SECOND READING
(by Veasey)

CSHB 1359, A bill to be entitled An Act relating to authorization for a caregiver who is a relative to enroll a child in school.

CSHB 1359 was read second time on May 9 and was postponed until 6:45 p.m. May 9.

CSHB 1359 was passed to engrossment.

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. 5).

HB 2078 ON THIRD READING

(by Villarreal)

HB 2078, A bill to be entitled An Act relating to the independence of appraisal review boards; changing the elements of an offense.

HB 2078 was read third time earlier today and was postponed until this time.

Amendment No. 1

Representative Larson offered the following amendment to **HB 2078**:

Amend **HB 2078** on third reading by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 41.08, Tax Code, is amended to read as follows:

Sec. 41.08. CORRECTION OF RECORDS ON ORDER OF BOARD. The chief appraiser shall make the reappraisals or other corrections of the appraisal records ordered by the appraisal review board as provided by this subchapter. The chief appraiser may not change a reappraisal or other correction ordered by the board. The chief appraiser shall submit a copy of the corrected records to the board for its approval as promptly as practicable.

(Speaker in the chair)

Amendment No. 1 was adopted.

HB 2078, as amended, was passed by (Record 919): 95 Yeas, 46 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Branch; Burkett; Burnam; Castro; Chisum; Coleman; Cook; Davis, J.; Davis, S.; Davis, Y.; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hancock; Hardcastle; Hartnett; Hernandez Luna; Hochberg; Howard, C.; Howard, D.; Hunter; Jackson; Johnson; Keffer; King, S.; King, T.; Kleinschmidt; Kuempel; Larson; Lewis; Lozano; Lyne; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Patrick; Peña; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Rodriguez; Schwertner; Scott; Shelton; Smith, W.; Smithee; Strama; Taylor, V.; Thompson; Torres; Turner; Villarreal; Vo; Walle; Woolley; Workman.

Nays — Beck; Berman; Bohac; Bonnen; Brown; Button; Cain; Carter; Christian; Craddick; Creighton; Crownover; Flynn; Frullo; Gooden; Hamilton; Harless; Harper-Brown; Hilderbran; Hopson; Huberty; Hughes; Isaac; King, P.; Kolkhorst; Landtroop; Laubenberg; Lavender; Legler; Madden; Miller, D.; Morrison; Parker; Paxton; Perry; Ritter; Sheets; Sheffield; Simpson; Smith, T.; Taylor, L.; Truitt; Weber; White; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Deshotel; Lucio; Veasey.

Absent — Aycock; Callegari; Darby; Miller, S.; Solomons.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 919. I intended to vote no.

C. Anderson

I was shown voting yes on Record No. 919. I intended to vote no.

R. Anderson

When Record No. 919 was taken, my vote failed to register. I would have voted no.

Callegari

I was shown voting no on Record No. 919. I intended to vote yes.

Carter

I was shown voting yes on Record No. 919. I intended to vote no.

Kuempel

When Record No. 919 was taken, my vote failed to register. I would have voted no.

S. Miller

I was shown voting yes on Record No. 919. I intended to vote no.

Phillips

When Record No. 919 was taken, I was in the house but away from my desk. I would have voted no.

Solomons

I was shown voting yes on Record No. 919. I intended to vote no.

Woolley

CSHB 272 ON SECOND READING

(by Smithee, Chisum, Hancock, Margo, Sheets, et al.)

CSHB 272, A bill to be entitled An Act relating to the operation of the Texas Windstorm Insurance Association and to the resolution of certain disputes concerning claims made to that association; providing penalties.

CSHB 272 was read second time on May 7 and was postponed until 7 p.m. May 9.

CSHB 272 - POINT OF ORDER

Representative Gallego raised a point of order against further consideration of **CSHB 272** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

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

Representative Gallego raised a point of order against further consideration of **CSHB 272** under Rule 4, Section 32(c) because the bill analysis is substantially and materially misleading. The chair has reviewed the bill and bill analysis, as well as the argument presented by both Representative Gallego and Representative Smithee. The chair finds that the bill analysis of **CSHB 272** is not substantially or materially misleading. Accordingly, the point of order is respectfully overruled.

Amendment No. 1

Representative Smithee offered the following amendment to **CSHB 272**:

Amend **CSHB 272** (house committee printing) as follows:

(1) On page 2, line 14, between "Sections" and "2210.010", insert "2210.0081,".

(2) On page 2, between lines 15 and 16, insert:

Sec. 2210.0081. CERTAIN ACTIONS BROUGHT AGAINST ASSOCIATION BY COMMISSIONER. In an action brought by the commissioner against the association under Chapter 441:

(1) the association's inability to satisfy obligations under Subchapter M related to the issuance of public securities under this chapter constitutes a condition that makes the association's continuation in business hazardous to the public or to the association's policy holders for the purposes of Section 441.052;

(2) the time for the association to comply with the requirements of supervision or for the conservator to complete the conservator's duties, as applicable, is limited to three years from the date the commissioner commences the action against the association; and

(3) unless the commissioner takes further action against the association under Chapter 441, as a condition of release from supervision, the association must demonstrate to the satisfaction of the commissioner that the association is able to satisfy obligations under Subchapter M related to the issuance of public securities under this chapter.

Amendment No. 2

Representatives Eiland and L. Taylor offered the following amendment to Amendment No. 1:

Amend Amendment No. 1 by Smithee to **CSHB 272** as follows:

(1) On page 2, strike lines 30 and 31 and substitute:

"(4) the amount of court costs, reasonable and necessary attorney's fees, and interest on any recovery awarded to the claimant."

(2) On page 3, strike lines 9 and 10 and substitute:

"(4) the amount of court costs, reasonable and necessary attorney's fees, and interest on any recovery awarded to the claimant."

(3) On page 3, strike lines 25-32.

Amendment No. 2 was withdrawn.

Amendment No. 1 was adopted.

Amendment No. 3

Representative Smithee offered the following amendment to **CSHB 272**:

Amend **CSHB 272** (house committee printing) as follows:

(1) On page 2, strike lines 16-23 and substitute:

Sec. 2210.010. APPLICABILITY OF CERTAIN OTHER LAW. (a) A person may not bring a private action against the association, including a claim against an agent or representative of the association, under Chapter 541 or 542.

(b) Chapter 542 does not apply to the processing and settlement of claims by the association.

(2) On page 9, line 4, strike "insurable" and substitute "insured".

(3) On page 16, lines 3-4, strike "insured under this chapter".

(4) On page 16, lines 4-5, strike "concerning a causation, coverage, or damage dispute".

(5) On page 16, lines 17-18, strike "OTHER THAN CAUSATION, COVERAGE, AND DAMAGE DISPUTES" and substitute "OTHER THAN CLAIM DISPUTES".

(6) On page 18, lines 5-6, strike "following damage to property insured, or alleged to be insured, under the policy." and substitute ". The term also includes any other claim against the association, or an agent or representative of the association, relating to an insured loss, under any theory or cause of action of any kind, regardless of the theory under which the claim is asserted, the cause of action brought, or the type of damages sought."

(7) On page 18, strike lines 16-23 and substitute:

Sec. 2210.572. EXCLUSIVE REMEDIES AND LIMITATION ON AWARD. (a) This subchapter provides the exclusive remedies for a claim against the association, including an agent or representative of the association.

(b) The association or an agent or representative of the association may not be held liable for any amount on a claim other than:

(1) amounts payable under the terms of the association policy for loss to an insured structure, loss to contents of an insured structure, and additional living expenses; and

(2) any costs and fees awarded under Section 2210.578.

(c) The association or an agent or representative of the association may not be held liable for damages under Chapter 17, Business & Commerce Code, or under any provision of any law providing for trebling of damages or a penalty.

(8) On page 19, lines 20-21, strike "in accordance with" and substitute "within the period required by".

(9) On page 27, between lines 19 and 20, insert:

(d) Notwithstanding Subsection (b), a claimant aggrieved by an appraisal process under Section 2210.575 or the determination of an independent review panel under Section 2210.576 may appeal to a district court in the county in which the loss that, as applicable, is the subject of the appraisal or independent review occurred, for a determination concerning:

(1) the amount of the loss;

(2) whether the loss is covered by or insured under the association policy;

(3) whether the loss was caused by a hazard or risk insured under the policy; and

(4) the amount of court costs and reasonable and necessary attorney's fees.

(e) An appeal to a district court under Subsection (d) shall be trial de novo. The only questions that may be presented and determined at the trial de novo are:

(1) the amount of the loss;

(2) whether the loss is covered by or insured under the association policy;

(3) whether the loss was caused by a hazard or risk insured under the policy; and

(4) the amount of court costs and reasonable and necessary attorney's fees.

(f) The only evidence that may be admitted in a trial de novo under Subsection (d) is evidence that was admitted or presented in the appraisal process under Section 2210.575 or the independent review process under Section 2210.576. The Texas Rules of Evidence govern whether evidence presented during the appraisal process under Section 2210.575 or the independent review process under Section 2210.576 is admissible in a trial de novo under Subsection (d).

(g) A petition for trial de novo under Subsection (d) must be filed with a district court in the county in which the loss that, as applicable, is the subject of the appraisal or independent review occurred, not later than the 30th day after the date on which the determination being appealed is final and appealable under this subchapter.

(h) The appeal seeking a trial de novo under Subsection (d) shall be presided over by a judge appointed by the judicial panel on multidistrict litigation designated under Section 74.161, Government Code. A judge appointed under this section must be a resident of a first tier coastal county or a second tier coastal county.

(i) The Texas Supreme Court shall adopt rules governing the proceedings of a trial de novo under Subsection (d).

(10) On page 27, line 26, between "a" and "dispute", insert "claim or".

(11) On page 28, line 3, between "a" and "dispute", insert "claim or".

(12) On page 28, lines 7-9, strike "on the date the policy was delivered, issued for delivery, or renewed" and substitute "immediately before the effective date of this Act".

(13) On page 28, strike lines 13-18, and renumber SECTIONS of the bill appropriately.

Amendment No. 4

Representatives Eiland and L. Taylor offered the following amendment to Amendment No. 3:

Amend Amendment No. 3 by Smithee to **CSHB 272** as follows:

(1) On page 2, strike lines 30 and 31 and substitute:

"(4) the amount of court costs, reasonable and necessary attorney's fees, and interest on any recovery awarded to the claimant."

(2) On page 3, strike lines 9 and 10 and substitute:

"(4) the amount of court costs, reasonable and necessary attorney's fees, and interest on any recovery awarded to the claimant."

(3) On page 3, strike lines 25-32.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence temporarily for today because of important business in the district:

Anchia on motion of V. Gonzales.

Strama on motion of V. Gonzales.

CSHB 272 - (consideration continued)

Representative Smithee moved to table Amendment No. 4.

The motion to table prevailed by (Record 920): 87 Yeas, 51 Nays, 2 Present, not voting.

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

Nays — Aliseda; Allen; Alonzo; Alvarado; Bonnen; Burnam; Castro; Coleman; Davis, Y.; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Geren; Giddings; Gonzales, V.; Gutierrez; Hamilton; Hochberg; Howard, D.; Hunter; Johnson; King, T.; Legler; Lewis; Lozano; Mallory Caraway; Martinez; Martinez

Fischer; McClendon; Menendez; Morrison; Muñoz; Naishtat; Oliveira; Otto; Pickett; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Taylor, L.; Thompson; Villarreal; Vo; Walle; Weber.

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

Absent, Excused — Anchia; Deshotel; Lucio; Strama; Veasey.

Absent — Aycock; Guillen; Hernandez Luna; Schwertner; Turner.

STATEMENT OF VOTE

When Record No. 920 was taken, I was in the house but away from my desk. I would have voted yes.

Schwertner

Amendment No. 3 was adopted by (Record 921): 93 Yeas, 44 Nays, 2 Present, not voting.

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

Nays — Aliseda; Allen; Alonzo; Alvarado; Burnam; Castro; Coleman; Davis, Y.; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Gonzales, V.; Gutierrez; Hamilton; Hernandez Luna; Hochberg; Howard, D.; Hunter; Johnson; King, T.; Legler; Lozano; Mallory Caraway; Martinez Fischer; McClendon; Menendez; Morrison; Muñoz; Naishtat; Oliveira; Otto; Pickett; Quintanilla; Raymond; Reynolds; Riddle; Rodriguez; Taylor, L.; Thompson; Vo; Walle.

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

Absent, Excused — Anchia; Deshotel; Lucio; Strama; Veasey.

Absent — Anderson, C.; Aycock; Giddings; Paxton; Solomons; Turner.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 921. I intended to vote no.

Martinez

When Record No. 921 was taken, I was in the house but away from my desk. I would have voted yes.

Paxton

When Record No. 921 was taken, I was temporarily out of the house chamber. I would have voted present, not voting.

Solomons

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. 6).

CSHB 272 - (consideration continued)

Amendment No. 5

Representative Smithee offered the following amendment to **CSHB 272**:

Amend **CSHB 272** (house committee printing) as follows:

- (1) On page 3, line 2, strike "or serving as an arbitrator".
- (2) On page 10, line 6, strike "ARBITRATION" and substitute "RESOLUTION OF CERTAIN DISPUTES".

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

SECTION _____. If any provision of this Act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

LEAVE OF ABSENCE GRANTED

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

Farrar on motion of Burnam.

CSHB 272 - (consideration continued)

Amendment No. 5 was adopted.

Amendment No. 6

Representative Smithee offered the following amendment to **CSHB 272**:

Amend **CSHB 272** (house committee printing) on page 7 by inserting the following at the end of line 6:

The commissioner or the commissioner's designated representative shall maintain the confidentiality of, and may not disclose the content of, any confidential information discussed in a closed meeting authorized by Subchapter D, Chapter 551, Government Code.

Amendment No. 6 was adopted.

Amendment No. 7

Representative Smithee offered the following amendment to **CSHB 272**:

Amend **CSHB 272** (house committee printing) by striking SECTIONS 13 and 14 of the bill (page 9, line 7, through page 10, line 1), substituting the following appropriately numbered SECTIONS of the bill, and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 2210.202, Insurance Code, is amended to read as follows:

Sec. 2210.202. APPLICATION FOR COVERAGE. (a) A person who has an insurable interest in insurable property may apply to the association for insurance coverage provided under the plan of operation and an inspection of the property, subject to any rules established by the board of directors and approved by the commissioner. The association shall make insurance available to each applicant in the catastrophe area whose property is insurable property but who, after diligent efforts, is unable to obtain property insurance through the voluntary market, as evidenced by one declination from an insurer authorized to engage in the business of, and writing, property insurance providing windstorm and hail coverage in the first tier coastal counties. For purposes of this section, "declination" has the meaning assigned by the plan of operation and shall include a refusal to offer coverage for the perils of windstorm and hail and the inability to obtain substantially equivalent insurance coverage for the perils of windstorm and hail. Notwithstanding Section 2210.203(c), evidence of one declination every three calendar years is also required with an application for renewal of an association policy.

(b) A property and casualty agent must submit an application for initial ~~[the]~~ insurance coverage on behalf of the applicant on forms prescribed by the association. A person insured under this chapter may submit an application for renewal coverage directly to the association on forms prescribed by the association. An [The] application for initial or renewal coverage must contain:

(1) a statement as to whether the applicant has submitted or will submit the premium in full from personal funds or, if not, to whom a balance is or will be due; and

(2) ~~[. Each application for initial or renewal coverage must also contain]~~ a statement that the agent acting on behalf of the applicant possesses proof of the declination described by Subsection (a) and proof of flood insurance coverage or unavailability of that coverage as described by Section 2210.203(a-1), regardless of whether the agent or the applicant submits the application for coverage.

SECTION _____. Section 2210.203, Insurance Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) If the association determines that the property for which an application for initial insurance coverage is made is insurable property, the association, on payment of the premium, shall direct the issuance of an insurance policy as provided by the plan of operation.

(d) The commissioner shall adopt rules governing the rate of agent commissions on policies renewed under Subsection (c). Rules adopted under this subsection must require that commission rates be reasonable and not excessive, based on the time required of, and the nature of work to be performed by, an agent.

SECTION _____. Sections 2210.204(d) and (e), Insurance Code, are amended to read as follows:

(d) If an insured requests cancellation of the insurance coverage, the association shall refund the unearned premium, less any minimum retained premium set forth in the plan of operation, payable to the insured and the holder of an unpaid balance. The property and casualty agent who received a commission as the result of the issuance of an association policy providing the canceled coverage ~~[submitted the application]~~ shall refund the agent's commission on any unearned premium in the same manner.

(e) For cancellation of insurance coverage under this section, the minimum retained premium in the plan of operation must be for a period of not less than 90 ~~[180]~~ days, except for events specified in the plan of operation that reflect a significant change in the exposure or the policyholder concerning the insured property, including:

- (1) the purchase of similar coverage in the voluntary market;
- (2) sale of the property to an unrelated party;
- (3) death of the policyholder; or
- (4) total loss of the property.

Amendment No. 7 was adopted.

Amendment No. 8

Representative Smithee offered the following amendment to **CSHB 272**:

Amend **CSHB 272** (house committee printing) as follows:

(1) Strike SECTION 22 of the bill (page 14, line 23, through page 15, line 4).

(2) Strike page 15, lines 13-22, and substitute the following:

(b) The catastrophe plan must:

(1) describe the manner in which the association will, during the period covered by the plan, evaluate losses and process claims after the following windstorms affecting an area of maximum exposure to the association:

(A) a windstorm with a four percent chance of occurring during the period covered by the plan;

(B) a windstorm with a two percent chance of occurring during the period covered by the plan; and

(C) a windstorm with a one percent chance of occurring during the period covered by the plan; and

(2) include, if the association does not purchase reinsurance under Section 2210.453 for the period covered by the plan, an actuarial plan for paying losses in the event of a catastrophe with estimated damages of \$2.5 billion or more.

(3) Renumber SECTIONS of the bill appropriately.

Amendment No. 8 was adopted.

Amendment No. 9

Representative Smithee offered the following amendment to **CSHB 272**:

Amend **CSHB 272** (house committee printing) as follows:

(1) On page 22, after line 27, insert the following:

(e) If a claimant requests appraisal under this section, the claimant is responsible for paying any costs incurred or charged by an appraiser retained by and on behalf of the claimant, the association is responsible for paying any costs incurred or charged by an appraiser retained by and on behalf of the association, and the claimant and the association are responsible in equal shares for any costs incurred or charged by any other appraiser chosen by the claimant's and the association's appraisers to participate in the resolution of the dispute.

(2) One page 23, line 1, strike "(e)" and substitute "(f)".

Amendment No. 9 was adopted.

Amendment No. 10

Representative Smithee offered the following amendment to **CSHB 272**:

Amend **CSHB 272** (house committee printing) on page 27 by inserting the following between lines 22 and 23:

Sec. 2210.580. MEDIATION; CERTAIN DEADLINES TOLLED. A deadline imposed on a claimant under Section 2210.574, 2210.575, or 2210.576 is tolled for a single period not to exceed 45 consecutive days during which the claimant is actively seeking resolution of the causation dispute, coverage dispute, or damage dispute through a mediation administered by the department.

Amendment No. 10 was adopted.

Amendment No. 11

Representative Smithee offered the following amendment to **CSHB 272**:

Amend **CSHB 272** (house committee printing) on page 2 by striking the text on lines 24 and 25.

Amendment No. 11 was adopted.

Amendment No. 12

Representative Smithee offered the following amendment to **CSHB 272**:

Amend **CSHB 272** (house committee printing) on page 8 by inserting the following between lines 25 and 26:

(c) Subsection (b) may not be construed to limit or otherwise restrict the categories of information that are public information under Section 552.022, Government Code.

Amendment No. 12 was adopted.

Amendment No. 13

Representative Smithee offered the following amendment to **CSHB 272**:

Amend **CSHB 272** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 2210.053, Insurance Code, is amended by adding Subsection (c) to read as follows:

(c) The association may not be considered a debtor authorized to file a petition or seek relief in bankruptcy under Title 11, United States Code.

Amendment No. 13 was adopted.

Amendment No. 14

Representative Smithee offered the following amendment to **CSHB 272**:

Amend **CSHB 272** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter B, Chapter 2210, Insurance Code, is amended by adding Section 2210.058 to read as follows:

Sec. 2210.058. CLAIMS PRACTICES AUDIT. (a) If the commissioner determines that 100 or more claims have been filed under association policies the bases of which are damage to insured property caused by the same storm, the department shall conduct a random audit of the claim files of those claims to:

(1) determine whether the association is adequately and properly documenting claims decisions in each claim file; and

(2) ensure that each claim is being handled appropriately, including being handled in accordance with the terms of the policy under which the claim is filed.

(b) The department shall conduct an audit required under this section as soon as possible after the filing of the 100th claim described by Subsection (a) to ensure the quality of the process with which the association is handling claims described by Subsection (a).

(c) If, following an audit conducted under this section, the commissioner determines that the association is not adequately and properly documenting claims decisions or that claims described by Subsection (a) are not otherwise being handled appropriately, the commissioner shall:

(1) notify the board of directors of that determination; and

(2) identify the manner in which the association should correct any deficiencies identified by the commissioner.

Amendment No. 14 was adopted.

CSHB 272 - POINT OF ORDER

Representative Martinez Fischer raised a point of order against further consideration of **CSHB 272** under Rule 8, Section 5(b) of the House Rules.

The speaker overruled the point of order.

Amendment No. 15

Representative Smithee offered the following amendment to **CSHB 272**:

Amend **CSHB 272** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 2210.102, Insurance Code, is amended by amending Subsection (i) to read as follows:

(i) Notwithstanding Subsection (f), for a vacancy occurring in a position under Subsection (b), the commissioner may appoint, for the lesser of 120 days or until the vacancy is filled, a person who has demonstrated knowledge in insurance principles. This subsection does not apply to a vacancy due to the expiration of a term occurring under Section 2210.103. This subsection expires December 31, 2012, and any appointment in effect on that date is continued until the expiration of the term of the appointment.

Amendment No. 15 was adopted.

Amendment No. 16

Representative Smithee offered the following amendment to **CSHB 272**:

Amend **CSHB 272** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) A legislative interim study committee shall conduct a study of alternative ways to provide insurance to the seacoast territory of this state through a quasi-governmental entity.

(b) The committee is composed of nine members appointed as follows:

- (1) three members of the senate appointed by the lieutenant governor;
- (2) three members of the house of representatives appointed by the speaker of the house of representatives; and
- (3) three public members with a background in actuarial science or insurance appointed as follows:

(A) one by the governor;

(B) one by the lieutenant governor; and

(C) one by the speaker of the house of representatives.

(c) The speaker of the house of representatives and the lieutenant governor shall jointly designate a chair or, alternatively, designate two co-chairs, from among the committee membership.

(d) The committee shall:

(1) examine alternative ways to provide insurance to the seacoast territory of this state through a quasi-governmental entity;

(2) recommend:

(A) the appropriate scope of authority and responsibility for the entity to provide insurance to the seacoast territory of this state;

(B) an organizational structure to exercise authority and responsibility over the provision of insurance to the seacoast territory of this state;

(C) a timetable for implementation; and

(D) specific amendments to state laws and rules that are necessary to implement the committee's recommendations under this subdivision; and

(3) estimate funding requirements to implement the recommendations.

(e) The committee may adopt rules necessary to conduct business under and implement this section.

(f) Except as specifically provided by this section, the committee may operate in the same manner as a joint committee of the 82nd Legislature.

(g) Not later than December 1, 2012, the committee shall report to the governor and the legislature the recommendations made under this section.

Amendment No. 16 was adopted.

Amendment No. 17

Representative Eiland offered the following amendment to **CSHB 272**:

Amend **CSHB 272** (house committee printing) as follows:

(1) On page 1, line 24, strike "2210.002(b)" and substitute "Section 2210.002".

(2) On page 2, between lines 1 and 2, insert:

Sec. 2210.002. SHORT TITLE; SUNSET PROVISION. (a) This chapter may be cited as the Texas Coastal ~~[Windstorm]~~ Insurance Plan ~~[Association]~~ Act. A reference to the Texas Windstorm Insurance Act means this chapter.

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

SECTION _____. The heading to Chapter 2210, Insurance Code, is amended to read as follows:

CHAPTER 2210. TEXAS COASTAL ~~[WINDSTORM]~~ INSURANCE PLAN
[ASSOCIATION]

SECTION _____. Section 2210.003(1), Insurance Code, is amended to read as follows:

(1) "Association" means the Texas Coastal ~~[Windstorm]~~ Insurance Plan Association.

SECTION _____. (a) The name of the Texas Windstorm Insurance Association is changed to the Texas Coastal Insurance Plan Association.

(b) A reference in law to the Texas Windstorm Insurance Association or the Texas Windstorm Insurance Association Act means the Texas Coastal Insurance Plan Association or the Texas Coastal Insurance Plan Act, respectively.

Amendment No. 17 was adopted.

Amendment No. 18

Representative L. Taylor offered the following amendment to **CSHB 272**:

Amend **CSHB 272** (house committee printing) as follows:

(1) On page 2, line 14, strike "2210.011".

(2) Strike page 2, line 26, through page 3, line 2.

Amendment No. 18 was adopted.

Amendment No. 19

Representative Walle offered the following amendment to **CSHB 272**:

Amend **CSHB 272** as follows:

1. On pages 2-3, strike Section 2210.011 and renumber accordingly.

Amendment No. 19 was withdrawn.

Amendment No. 20

Representative Walle offered the following amendment to **CSHB 272**:

Amend **CSHB 272** as follows:

1. On page 3, line 5, between "association" and "may" insert "Any board member, employee or member of the Windstorm Legislative Oversight Committee who reasonably suspects that a fraudulent insurance act has been or is about to be committed by any board member, employee or member of the Windstorm Legislative Oversight Committee, not later than the 30th day after discovering the conduct, shall report the conduct and identity of the person engaging in the conduct to the Travis County District Attorney and the Texas Department of Insurance."

Amendment No. 20 was adopted.

Amendment No. 21

Representative Hancock offered the following amendment to **CSHB 272**:

Amend **CSHB 272** (house committee printing) by striking SECTIONS 5, 6, and 7 of the bill (page 4, line 27, through page 6, line 2), inserting the following appropriately numbered SECTIONS, and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 2210.003, Insurance Code, is amended by adding Subdivision (3-b) to read as follows:

(3-b) "Catastrophe year" means a calendar year in which an occurrence or a series of occurrences results in insured losses, regardless of when the insured losses are ultimately paid.

SECTION _____. Section 2210.071(a), Insurance Code, is amended to read as follows:

(a) If, in a catastrophe year, an occurrence or series of occurrences in a catastrophe area results in insured losses and operating expenses of the association in excess of premium and other revenue of the association, the excess losses and operating expenses shall be paid as provided by this subchapter.

SECTION _____. Section 2210.072, Insurance Code, is amended by amending Subsections (a), (b), and (c) and adding Subsection (b-1) to read as follows:

(a) Losses not paid under Section 2210.071 shall be paid as provided by this section from the proceeds from Class 1 public securities authorized to be issued in accordance with Subchapter M before, on, or after the date of any occurrence or series of occurrences that results in insured losses. Public securities

issued under this section must be repaid within a period not to exceed 10 years, and may be repaid sooner if the board of directors elects to do so and the commissioner approves.

(b) Public securities described by Subsection (a) that are issued before an occurrence or series of occurrences that results in incurred losses may be issued if the board of directors determines, before the date of any occurrence, that the amount available from premium and other revenue, in combination with the amounts available from the catastrophe reserve trust fund, may be insufficient to pay insured losses.

(b-1) Public securities described by Subsection (a) shall be issued as necessary in a principal amount not to exceed \$1 billion per catastrophe year, in the aggregate, for securities issued before the occurrence or series of occurrences that results in incurred losses in that year and securities issued on or after the date of that occurrence or series of occurrences.

(c) If ~~[the losses are paid with]~~ public securities are issued as described by this section, the public securities shall be repaid in the manner prescribed by Subchapter M from association premium revenue.

SECTION _____. Section 2210.073(b), Insurance Code, is amended to read as follows:

(b) Public securities described by Subsection (a) may be issued as necessary in a principal amount not to exceed \$1 billion per catastrophe year. If the losses are paid with public securities described by this section, the public securities shall be repaid in the manner prescribed by Subchapter M.

SECTION _____. Section 2210.074(b), Insurance Code, is amended to read as follows:

(b) Public securities described by Subsection (a) may be issued as necessary in a principal amount not to exceed \$500 million per catastrophe year. If the losses are paid with public securities described by this section, the public securities shall be repaid in the manner prescribed by Subchapter M through member assessments as provided by this section. The association shall notify each member of the association of the amount of the member's assessment under this section. The proportion of the losses allocable to each insurer under this section shall be determined in the manner used to determine each insurer's participation in the association for the year under Section 2210.052. A member of the association may not recoup an assessment paid under this subsection through a premium surcharge or tax credit.

SECTION _____. Section 2210.602(2), Insurance Code, is amended to read as follows:

(2) "Class 1 public securities" means public securities authorized to be issued before, on, or after an occurrence or series of occurrences by Section 2210.072, including a commercial paper program authorized before the occurrence of a catastrophic event but in which ~~[so long as]~~ no tranche of commercial paper is issued under the program until after the catastrophic event.

SECTION _____. Section 2210.604, Insurance Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) At the request of the association and with the approval of the commissioner, the Texas Public Finance Authority shall issue Class 1, Class 2, or Class 3 public securities. The association shall submit to the commissioner a cost-benefit analysis of various financing methods and funding structures when requesting the issuance of public securities under this subsection.

(a-1) The association and the commissioner must approve each tranche of commercial paper issued under a commercial paper program established under this chapter.

SECTION _____. Section 2210.609(b), Insurance Code, is amended to read as follows:

(b) The board shall notify the association of the amount of the public security obligations and the estimated amount of public security administrative expenses, if any, each calendar year in a period sufficient, as determined by the association, to permit the association to determine the availability of funds and assess a premium surcharge if necessary.

SECTION _____. Section 2210.611, Insurance Code, is amended to read as follows:

Sec. 2210.611. EXCESS REVENUE COLLECTIONS AND INVESTMENT EARNINGS. Revenue collected in any calendar year from a premium surcharge under Section 2210.613 that exceeds the amount of the public security obligations and public security administrative expenses payable in that calendar year and interest earned on the public security obligation fund may, in the discretion of the association, be:

(1) used to pay public security obligations payable in the subsequent calendar year, offsetting the amount of the premium surcharge that would otherwise be required to be levied for the year under this subchapter;

(2) used to redeem or purchase outstanding public securities; or

(3) deposited in the catastrophe reserve trust fund.

SECTION _____. Section 2210.612(b), Insurance Code, is amended to read as follows:

(b) The association may enter financing arrangements as described by Section 2210.072(d) as necessary to obtain public securities issued under that section. Nothing in this subsection prevents [~~shall prevent~~] the authorization and creation of one or more programs for the issuance of commercial paper before the date of an occurrence that results in insured losses under Section 2210.072(a) but in which [~~so long as~~] no tranche of commercial paper is issued under a commercial paper program until after such an occurrence.

SECTION _____. Section 2210.613, Insurance Code, is amended to read as follows:

Sec. 2210.613. PAYMENT OF CLASS 2 PUBLIC SECURITIES. (a) The association shall pay Class 2 public securities issued under Section 2210.073 as provided by this section. Thirty percent of the cost of the public securities shall be paid through member assessments as provided by this section. The association shall notify each member of the association of the amount of the member's assessment under this section. The proportion of the losses allocable to each

insurer under this section shall be determined in the manner used to determine each insurer's participation in the association for the year under Section 2210.052. A member of the association:

(1) may not recoup an assessment paid under this subsection through a premium surcharge or tax credit; and

(2) notwithstanding Section 2210.073(a), may elect to pay an assessment under this subsection in a lump sum.

(b) Seventy percent of the cost of the public securities shall be paid by a ~~nonrefundable~~ premium surcharge collected under this section in an amount set by the commissioner. On approval by the commissioner, each insurer, the association, and the Texas FAIR Plan Association shall assess, as provided by this section, a premium surcharge to each policyholder of a policy that is in effect on or after the 180th day after the date the commissioner issues notice of the approval of the public securities ~~[its policyholders as provided by this section]~~. The premium surcharge must be set in an amount sufficient to pay, for the duration of the issued public securities, all debt service not already covered by available funds and all related expenses on the public securities.

(c) The premium surcharge under Subsection (b) shall be assessed on all policyholders of policies that cover ~~who reside or have operations in, or whose~~ insured property that is located in a catastrophe area, including automobiles principally garaged in a catastrophe area. The premium surcharge shall be assessed on ~~for~~ each Texas windstorm and hail insurance policy and each property and casualty insurance policy, including an automobile insurance policy, issued for automobiles and other property located in the catastrophe area. A premium surcharge under Subsection (b) applies to:

(1) all policies written under the following lines of insurance:

(A) fire and allied lines;

(B) farm and ranch owners;

(C) residential property insurance;

(D) private passenger automobile liability and physical damage

insurance; and

(E) commercial passenger automobile liability and physical damage insurance; and

(2) the property insurance portion of a commercial multiple peril insurance ~~[that provide coverage on any premises, locations, operations, or property located in the area described by this subsection for all property and casualty lines of insurance, other than federal flood insurance, workers' compensation insurance, accident and health insurance, and medical malpractice insurance]~~.

(d) A premium surcharge under Subsection (b) is a separate ~~nonrefundable~~ charge in addition to the premiums collected and is not subject to premium tax or commissions. Failure by a policyholder to pay the surcharge constitutes failure to pay premium for purposes of policy cancellation.

SECTION _____. Sections 2210.6135(a) and (c), Insurance Code, are amended to read as follows:

(a) The association shall pay Class 3 public securities issued under Section 2210.074 as provided by this section through member assessments. The association, for the payment of the losses, shall assess the members of the association an amount not to exceed \$500 million per catastrophe year [~~for the payment of the losses~~]. The association shall notify each member of the association of the amount of the member's assessment under this section.

(c) A member of the association:

(1) may not recoup an assessment paid under this section through a premium surcharge or tax credit; and

(2) notwithstanding Section 2210.074(a), may elect to pay an assessment under this section in a lump sum.

Amendment No. 21 was adopted.

Amendment No. 22

Representative Vo offered the following amendment to **CSHB 272**:

Amend **CSHB 272** as follows:

Add the following after page 9, line 15:

SECTION _____. Section 2210.203(c), Insurance Code, is amended to read as follows:

(c) A policy is automatically [~~may be~~] renewed annually [~~on application for renewal~~] as long as the property continues to be insurable property, or until the policy is canceled as provided by Section 2210.204.

Amendment No. 22 was withdrawn.

Amendment No. 23

Representative Martinez offered the following amendment to **CSHB 272**:

Amend **CSHB 272** as follows:

1. On page 10, line 10 between "occurs" and ";", insert "except property owned by a charitable organization as defined by 26 USC Sec. 501C3, whereby they are required to file a claim under the policy not later than the two year anniversary of the date on which the insured discovered the damage to the property that is basis of the claim".

2. On page 13, line 4 between "2009," and "and", insert "except those policies issued to insure property owned by a charitable organization as defined by 26 USC Sec. 501C3,"

3. On page 14, line 12, strike "and".

4. On page 14, line 13, strike "." and substitute "; and"

5. On page 14, line 14, insert "(3) is not a policy issued to cover a property owned by a charitable organization as defined by 26 USC Sec. 501C3."

6. On page 17, line 6, strike "only"

7. On page 17, line 10, strike "." and substitute "unless such person is bringing an action on a policy covering property owned by a charitable organization as defined by 26 USC Sec. 501C3."

8. On page 17, line 19, strike "." and substitute "unless such property is owned by a charitable organization as defined by 26 USC Sec. 501C3."

9. On page 21, line 24, after "." insert "This section shall not apply to claims for property owned by a charitable organization as defined by 26 USC Sec. 501C3. These claimants' right to judicial review and trial by jury shall not be constricted, abridged or restrained."

Representative Smithee moved to table Amendment No. 23.

The motion to table prevailed by (Record 922): 103 Yeas, 36 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Giddings; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Howard, D.; 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; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Turner; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Burnam; Castro; Coleman; Davis, Y.; Dukes; Dutton; Eiland; Farias; Gallego; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Johnson; Lozano; Mallory Caraway; Marquez; Martinez; McClendon; Menendez; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Thompson; Vo; Walle.

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

Absent, Excused — Anchia; Deshotel; Farrar; Lucio; Strama; Veasey.

Absent — Aycock; Martinez Fischer; Villarreal.

STATEMENT OF VOTE

When Record No. 922 was taken, I was in the house but away from my desk. I would have voted no.

Martinez Fischer

Amendment No. 24

Representative Farias offered the following amendment to **CSHB 272**:

Amend **CSHB 272** as follows:

1. On page 10, line 10 between "occurs" and ";", insert "except any property used as an educational facility, whereby they are required to file a claim under the policy not later than the two year anniversary of the date on which the insured discovered the damage to the property that is basis of the claim".

2. On page 13, line 4 between "2009," and "and", insert "except those policies issued to cover any property used as an educational facility,"

3. On page 14, line 12, strike "and".

4. On page 14, line 13, strike "." and substitute "; and"
5. On page 14, line 14, insert "(3) is not a policy issued to any property used as an educational facility."
6. On page 17, line 6, strike "only"
7. On page 17, line 10, strike "." and substitute "unless such person is bringing an action on a policy covering an educational facility."
8. On page 17, line 19, strike "." and substitute "except any property used as an educational facility."
9. On page 21, line 24, after "." insert "This section shall not apply to claims involving any property used as an educational facility. These claimants' right to judicial review and trial by jury shall not be constricted, abridged or restrained."

Representative Smithee moved to table Amendment No. 24.

The motion to table prevailed by (Record 923): 101 Yeas, 38 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; 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.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Burnam; Castro; Davis, Y.; Dukes; Dutton; Eiland; Farias; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Johnson; Lozano; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Thompson; Turner; Villarreal; Vo.

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

Absent, Excused — Anchia; Deshotel; Farrar; Lucio; Strama; Veasey.

Absent — Aycoc; Coleman; Smith, T.

STATEMENT OF VOTE

I was shown voting yes on Record No. 923. I intended to vote no.

Peña

Amendment No. 25

Representative Farias offered the following amendment to **CSHB 272**:

Amend **CSHB 272** as follows:

1. On page 10, line 10 between "occurs" and ";", insert "unless the insured is an active duty member of the United States Armed forces, whereby they are required to file a claim under the policy not later than the two year anniversary of the date on which the insured discovered the damage to the property that is basis of the claim".

2. On page 13, line 4 between "2009," and "and", insert "except those policies issued to an active duty member of the United States Armed forces,"

3. On page 14, line 12, strike "and".

4. On page 14, line 13, strike "." and substitute "; and"

5. On page 14, line 14, insert "(3) is not a policy issued to an active duty member of the United States Armed forces".

6. On page 17, line 6, strike "only"

7. On page 17, line 10, strike "." and substitute "unless such person is an active duty member of the United States Armed forces."

8. On page 17, line 19, strike "." and substitute "unless such person is an active duty member of the United States Armed forces whereby by such person must bring the action within fourth anniversary."

9. On page 21, line 24, after "." insert "This section shall not apply to claimants who are active duty members of the United States Armed forces. These claimants' right to judicial review and trial by jury shall not be constricted, abridged or restrained."

Representative Smithee moved to table Amendment No. 25.

The motion to table prevailed by (Record 924): 98 Yeas, 41 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; 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.; Howard, D.; Huberty; Hughes; 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; 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; White; Woolley; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Burnam; Castro; Davis, Y.; Dukes; Dutton; Eiland; Farias; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Johnson; King, T.; Lozano; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Thompson; Turner; Villarreal; Vo; Walle; Weber.

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

Absent, Excused — Anchia; Deshotel; Farrar; Lucio; Strama; Veasey.

Absent — Aycocock; Coleman; Geren.

STATEMENT OF VOTE

When Record No. 924 was taken, I was in the house but away from my desk. I would have voted yes.

Geren

Amendment No. 26

Representative Farias offered the following amendment to **CSHB 272**:

Amend **CSHB 272** as follows:

1. On page 10, line 10 between "occurs" and ";", insert "unless the insured is an active duty member of the United States Armed forces deployed overseas, whereby they are required to file a claim under the policy not later than the two year anniversary of the date on which the insured discovered the damage to the property that is basis of the claim".

2. On page 13, line 4 between "2009," and "and", insert "except an active duty member of the United States Armed forces deployed overseas,"

3. On page 14, line 12, strike "and".

4. On page 14, line 13, strike "." and substitute "; and"

5. On page 14, line 14, insert "(3) is not a policy issued to an active duty member of the United States Armed forces deployed overseas."

6. On page 17, line 6, strike "only"

7. On page 17, line 10, strike "." and substitute "unless such person is an active duty member of the United States Armed forces deployed overseas."

8. On page 17, line 19, strike "." and substitute "unless such person is an active duty member of the United States Armed forces deployed overseas."

9. On page 21, line 24, after "." insert "This section shall not apply to claimants who are active duty members of the United States Armed forces deployed overseas. These claimants' right to judicial review and trial by jury shall not be constricted, abridged or restrained."

AMENDMENT NO. 26 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE SMITHEE: Once again members, this is exactly the reason why we put the good cause exception in there. If you're overseas, you're going to have good cause for late filing. The good cause provision is to be applied liberally; we don't want any gotchas in this bill. We just want to get the claims in. So, I'm going to oppose this as another carve-out. Once again, it's the classic good cause, and with good cause they would be able to file past the one year.

REPRESENTATIVE BONNEN: Okay, so I want to be abundantly clear. This amendment is necessary for someone who, let's say, is serving in Iraq or in Afghanistan. And, at the 18-month period they come home and they say they need to file a claim, the bill already covers them in the good cause to be able still file that claim, is that correct?

SMITHEE: Dennis, this is the classic good cause. I mean, if someone is disabled, if they're overseas—

BONNEN: Is there a limit on good cause? A time limit?

SMITHEE: I'll look and see. I don't know if we have a time limit on that. I can't remember. I don't think there is a limit. It's up to the commissioner, therefore, it's not TWIA, it's the commissioner of insurance.

BONNEN: So, I want to go on record then. So, if any active duty military for some reason is not given a good cause exemption, I hope they would contact their state representative, and they would help them with that matter.

SMITHEE: They can. We could do this a little different way. We could say service overseas is considered. We can do it. Thank you.

REMARKS ORDERED PRINTED

Representative Weber moved to print remarks between Representative Bonnen and Representative Smithee.

The motion prevailed.

Representative Smithee moved to table Amendment No. 26.

The motion to table prevailed by (Record 925): 98 Yeas, 42 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; 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.; Howard, D.; 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; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Woolley; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Burnam; Castro; Davis, Y.; Dukes; Dutton; Eiland; Farias; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Johnson; King, T.; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Muñoz; Naishtat; Oliveira; Peña; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Thompson; Turner; Villarreal; Vo; Walle; Weber; White.

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

Absent, Excused — Anchia; Deshotel; Farrar; Lucio; Strama; Veasey.

Absent — Aycock; Coleman.

Amendment No. 27

Representative Burnam offered the following amendment to **CSHB 272**:

Amend **CSHB 272** (house committee printing) as follows:

(1) On page 10, line 8, between "1" and "require", insert "except as provided by Subsection (c),".

(2) On page 10, between lines 21 and 22, insert the following:

(c) Notwithstanding Subsection (a)(1), an insured that is a church or other house of worship, prayer, or religious purpose may file a claim under a policy to which this section applies not later than the two-year anniversary of the date on which the insured discovers the damage to the property that is the basis of the claim.

(3) On page 13, line 3, between "2009," and "and", insert "except a policy issued to a church or other house of worship, prayer, or religious purpose,".

(4) On page 14, line 12, strike "and".

(5) On page 14, line 13, between "discriminatory" and the period, insert the following:
;and

(3) is not applied to a policy issued to a church or other house of worship, prayer, or religious purpose".

(6) On page 17, line 6, strike "only".

(7) On page 17, line 10, between "Code" and the period, insert ", unless the action is brought under or in relation to a policy issued to an insured that is a church or other house of worship, prayer, or religious purpose".

(8) On page 17, line 19, between "aggrieved" and the period, insert ", unless the action is on a policy issued to an insured that is a church or other house of worship, prayer, or religious purpose".

(9) On page 21, line 24, immediately following the period, insert "This section does not apply to claims involving a church or other house of worship, prayer, or religious purpose. The right of a church or other house of worship, prayer, or religious purpose to judicial review and trial by jury may not be abridged or restrained."

LEAVE OF ABSENCE GRANTED

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

Cook on motion of Driver.

CSHB 272 - (consideration continued)

Representative Smithee moved to table Amendment No. 27.

The motion to table prevailed by (Record 926): 102 Yeas, 35 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gonzalez;

Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Madden; Mallory Caraway; Margo; Marquez; 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.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Burnam; Castro; Davis, Y.; Dukes; Dutton; Eiland; Farias; Gallego; Giddings; Gonzales, V.; Guillen; Gutierrez; Hernandez Luna; Hochberg; Johnson; Martinez; Martinez Fischer; McClendon; Menendez; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Thompson; Turner; Villarreal; Vo; Walle.

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

Absent, Excused — Anchia; Cook; Deshotel; Farrar; Lucio; Strama; Veasey.

Absent — Aycock; Coleman; Lyne; Peña.

Amendment No. 28

On behalf of Representative Deshotel, Representative Eiland offered the following amendment to **CSHB 272**:

Amend **CSHB 272** as follows:

1. On page 10, strike line 27.
2. On page 11, strike lines 1-3.

Amendment No. 28 failed of adoption.

Amendment No. 29

Representative W. Smith offered the following amendment to **CSHB 272**:

Amend **CSHB 272** (house committee printing) on page 11, between lines 19 and 20, by inserting the following:

(c) Subsection (b) applies only to a determination concerning the appointment of a qualified inspector under this chapter. The exclusive jurisdiction of the department under this section does not apply to the practice of engineering as defined by Section 1001.003, Occupations Code, or to a license issued, qualification required, determination made, order issued, judgment rendered, or other action of a board operating under Chapter 1001, Occupations Code. In the event of conflict, the authority of that board prevails with regard to the practice of engineering.

Amendment No. 29 was adopted.

Amendment No. 30

Representative L. Taylor offered the following amendment to **CSHB 272**:

Amend **CSHB 272** (house committee printing) as follows:

(1) Strike SECTIONS 20 and 21 of the bill (page 12, line 18, through page 14, line 22).

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

SECTION _____. (a) The adjuster advisory board established under this section is composed of the following nine members appointed by the commissioner:

(1) two public insurance adjusters;

(2) two members who represent the general public;

(3) two independent adjusters;

(4) one adjuster who represents a domestic insurer authorized to engage in business in this state;

(5) one adjuster who represents a foreign insurer authorized to engage in business in this state; and

(6) one representative of the Independent Insurance Agents of Texas.

(b) A member who represents the general public may not be:

(1) an officer, director, or employee of:

(A) an adjuster or adjusting company;

(B) an insurance agent or agency;

(C) an insurance broker;

(D) an insurer; or

(E) any other business entity regulated by the department;

(2) a person required to register as a lobbyist under Chapter 305, Government Code; or

(3) a person related within the second degree of affinity or consanguinity to a person described by Subdivision (1) or (2).

(c) The advisory board shall make recommendations to the commissioner regarding:

(1) matters related to the licensing, testing, and continuing education of licensed adjusters;

(2) matters related to claims handling, catastrophic loss preparedness, ethical guidelines, and other professionally relevant issues; and

(3) any other matter the commissioner submits to the advisory board for a recommendation.

(d) A member of the advisory board serves without compensation. If authorized by the commissioner, a member is entitled to reimbursement for reasonable expenses incurred in attending meetings of the advisory board.

(e) The advisory board is subject to Chapter 2110, Government Code.

(3) Renumber SECTIONS of the bill accordingly.

Amendment No. 30 was adopted.

Amendment No. 31

Representative Walle offered the following amendment to **CSHB 272**:

Amend **CSHB 272** as follows:

Add the following to the section starting at page 13, line 16:

SECTION 21. Section 2210.355, Insurance Code, is amended by amending Subsections (g) and (i) and adding Subsections (j), (k), and (l) to read as follows:

(g) A commission paid to an agent for a windstorm and hail insurance policy issued by the association:

(1) must be reasonable, adequate, not unfairly discriminatory, and nonconfiscatory; and

(2) may not exceed 10 percent of the earned premium for the policy.

Representative Smithee moved to table Amendment No. 31.

The motion to table prevailed by (Record 927): 107 Yeas, 29 Nays, 3 Present, not voting.

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

Nays — Allen; Alvarado; Burnam; Castro; Coleman; Davis, Y.; Dukes; Dutton; Farias; Gallego; Giddings; Gonzales, V.; Gutierrez; Hernandez Luna; Hochberg; Johnson; Lozano; Mallory Caraway; Martinez; Martinez Fischer; McClendon; Naishtat; Oliveira; Quintanilla; Reynolds; Rodriguez; Turner; Vo; Walle.

Present, not voting — Mr. Speaker(C); Miles; Taylor, L.

Absent, Excused — Anchia; Cook; Deshotel; Farrar; Lucio; Strama; Veasey.

Absent — Alonzo; Guillen; Lyne; Thompson.

Amendment No. 32

Representative Reynolds offered the following amendment to **CSHB 272**:

Amend **CSHB 272** as follows:

1. On page 14, line 9 strike "15" and substitute "10".

Amendment No. 32 was withdrawn.

Amendment No. 33

Representative Sheets offered the following amendment to **CSHB 272**:

Amend **CSHB 272** (house committee printing) by striking page 14, line 23, through page 15, line 4, and substituting the following:

SECTION 22. Section 2210.453, Insurance Code, is amended by adding Subsections (c) and (d) to read as follows:

(c) If the association does not purchase reinsurance as authorized by this section, the board, not later than June 1 of each year, shall submit to the commissioner, the legislative oversight board established under Subchapter N, the governor, the lieutenant governor, and the speaker of the house of representatives a report containing an actuarial plan for paying losses in the event of a catastrophe with estimated damages of \$2.5 billion or more. The report required by this subsection must:

(1) document and denominate the association's resources available to pay claims, including cash or other highly liquid assets, assessments that the association is projected to impose, pre-event and post-event bonding capacity, and private-sector recognized risk-transfer mechanisms, including catastrophe bonds and reinsurance;

(2) include an independent, third-party appraisal of the likelihood of an assessment, the maximum potential size of the assessment, and an estimate of the probability that the assessment would not be adequate to meet the association's needs; and

(3) include an analysis of financing alternatives to assessments that includes the costs of borrowing and the consequences that additional purchase of reinsurance, catastrophe bonds, or other private-sector recognized risk-transfer instruments would have in reducing the size or potential of assessments.

(d) A person who prepares a report required by Subsection (c) may not contract to provide any other service to the association, except for the preparation of similar reports, before the third anniversary of the date the last report prepared by the person under that subsection is submitted.

Amendment No. 33 was adopted.

Amendment No. 34

Representative Eiland offered the following amendment to **CSHB 272**:

Amend **CSHB 272** as follows:

After page 16, line 14, insert the following:

SECTION _____. Subchapter L, Chapter 2210, Insurance Code, is amended by adding Section 2210.5510 to read as follows:

Sec. 2210.5515. SINGLE ADJUSTER PROGRAM. (a) A request for benefits under an insurance policy issued by the association shall be reported to, reviewed, and adjusted by the insurer that issued a homeowners, dwelling, condo, or other residential or commercial property policy for the property covered by the association.

(b) An insurer described in Subsection (a) shall process any request for benefits under an insurance policy issued by the association in the same manner as a request for benefits under a policy issued by the insurer.

(c) The insurer described in Subsection (a) may accept or reject a request for benefits under an insurance policy issued by the association on behalf of the association.

(d) The association shall pay a claim accepted under Subsection (b) within five business days of the date the insurer notifies the claimant the claim was accepted. If the payment of the claim or part of the claim is conditioned upon the performance of an act by the claimant, the insurer shall pay the claim not later than the fifth business day after the date the act is performed.

(e) The commissioner, by rule, shall determine the amount the association shall pay an insurer for any functions performed under this section. This amount shall be paid from the premiums collected by the association or other funds available to the association.

(f) The commissioner shall adopt procedures, including penalties, to ensure that an insurer performs the functions required by this section in a prompt, fair, and equitable manner.

Representative Smithee moved to table Amendment No. 34.

The motion to table prevailed by (Record 928): 100 Yeas, 40 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; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gonzalez; 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; Lyne; Madden; Margo; Marquez; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Villarreal; White; Woolley; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Burnam; Castro; Coleman; Davis, Y.; Dukes; Dutton; Eiland; Farias; Gallego; Giddings; Gonzales, V.; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; Lozano; Mallory Caraway; Martinez; Martinez Fischer; McClendon; Menendez; Muñoz; Naishtat; Oliveira; Pickett; Raymond; Reynolds; Ritter; Rodriguez; Thompson; Turner; Vo; Walle; Weber.

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

Absent, Excused — Anchia; Cook; Deshotel; Farrar; Lucio; Strama; Veasey.

Absent — Quintanilla.

Amendment No. 35

Representative Eiland offered the following amendment to **CSHB 272**:

Amend **CSHB 272** (house committee printing) as follows:

(1) On page 18, line 16, strike "EXCLUSIVE".

(2) On page 18, line 17, strike "exclusive".

Amendment No. 35 was withdrawn.

Amendment No. 36

Representative Rodriguez offered the following amendment to **CSHB 272**:

Amend **CSHB 272** as follows:

(1) On page 20, line 6, strike "the association may request in writing the necessary information from the claimant" and substitute "the association shall request in writing, within ten (10) days of receiving notice of the claim, the necessary information from the claimant"

Amendment No. 36 was withdrawn.

Amendment No. 37

Representative Eiland offered the following amendment to **CSHB 272**:

Amend **CSHB 272** (house committee printing) as follows:

(1) On page 22, strike the text on lines 18-27.

(2) On page 23, line 1, strike "(e)" and substitute "(d)".

Representative Smithee moved to table Amendment No. 37.

The motion to table prevailed by (Record 929): 101 Yeas, 39 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; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gonzalez; 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; Lyne; Madden; Margo; Marquez; 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.; Torres; Truitt; White; Woolley; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Burnam; Castro; Coleman; Davis, Y.; Dukes; Dutton; Eiland; Farias; Gallego; Gonzales, V.; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; Lozano; Mallory Caraway; Martinez; Martinez Fischer; McClendon; Menendez; Muñoz; Naishtat; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Thompson; Turner; Villarreal; Vo; Walle; Weber.

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

Absent, Excused — Anchia; Cook; Deshotel; Farrar; Lucio; Strama; Veasey.

Absent — Giddings.

Amendment No. 38

Representative L. Taylor offered the following amendment to **CSHB 272**:

Amend **CSHB 272** (house committee printing) as follows:

(1) On page 27, line 15, strike "the substantial evidence rule" and substitute "de novo".

(2) On page 27, between lines 19 and 20, insert:

(d) A claimant seeking judicial review under this section may file the petition in Travis County or the county in which the insured property that is the subject of the dispute is located.

Amendment No. 38 was withdrawn.

Amendment No. 39

Representative Alonzo offered the following amendment to **CSHB 272**:

Amend **CSHB 272** (house committee printing) on page 27, by inserting the following appropriately numbered SECTION between lines 22 and 23 and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter N, Chapter 2210, Insurance Code, is amended by adding Section 2210.655 to read as follows:

Sec. 2210.655. STANDARDS OF CONDUCT: LEGISLATIVE OVERSIGHT BOARD. (a) Section 2210.012 applies to a member of the windstorm insurance legislative oversight board to the same extent and in the same manner as that section applies to a member of the board of directors of the association.

(b) A member of the windstorm legislative oversight board who violates Section 2210.012 is subject to any applicable civil or criminal penalty if the violation also constitutes a violation of another statute or rule.

Amendment No. 39 was withdrawn.

Amendment No. 40

Representative Hancock offered the following amendment to **CSHB 272**:

Amend **CSHB 272** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter H, Chapter 2210, Insurance Code, is amended by adding Section 2210.364 to read as follows:

Sec. 2210.364. CATASTROPHE RESERVE TRUST FUND SURCHARGE. (a) A policy issued by the association is subject to an annual premium surcharge in an amount equal to five percent of the premium for insurance coverage obtained through the association. The surcharge under this subsection is due on the issuance or renewal of the policy.

(b) A premium surcharge collected under this section shall be deposited in the catastrophe reserve trust fund. A premium surcharge under this section is a separate nonrefundable charge in addition to the premiums collected and is not

subject to premium tax or commissions. Failure to pay the surcharge by a policyholder constitutes failure to pay premium for purposes of policy cancellation.

Amendment No. 40 was withdrawn.

Amendment No. 41

Representatives Bonnen, Flynn, Sheets, Paxton, L. Taylor, Hancock, Smithee, and Weber offered the following amendment to **CSHB 272**:

Amend **CSHB 272** (house committee printing) as follows:

- (1) On page 11, line 1, strike "or".
- (2) On page 11, line 3, strike the underlined period and substitute "; or".'
- (3) On page 11, between lines 3 and 4, insert:
"(4) a structure in which, or in any portion of which, an establishment is located that is used primarily for the operation of video lottery machines, eight-liners, or other gambling devices, regardless of whether the gambling devices are regulated under state law."

Amendment No. 41 was adopted.

Amendment No. 42

Representative Rodriguez offered the following amendment to **CSHB 272**:

Amend **CSHB 272** as follows:

- (1) On page 20, line 6, strike "the association may request in writing the necessary information from the claimant" and substitute "the association shall request in writing, within ten (10) days of receiving notice of the claim, the necessary information from the claimant"

Amendment No. 42 was withdrawn.

Amendment No. 43

Representative Rodriguez offered the following amendment to **CSHB 272**:

Amend **CSHB 272** as follows:

Add the following after the "panel." On page 26, line 15:

All meetings of the panel shall be open to any interested party. Notice of panel meetings shall be posted on the association and department websites no later than 7 days before the meeting. All meetings of the panel shall be broadcast live on the association website and archived on the association website for at least two years.

Representative Smithee moved to table Amendment No. 43.

The motion to table prevailed by (Record 930): 96 Yeas, 42 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; 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.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Orr; Otto; Parker; Patrick; Paxton; Peña; 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; Burnam; Castro; Coleman; Davis, Y.; Dukes; Dutton; Eiland; Farias; Gallego; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; Lozano; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Muñoz; Naishtat; Nash; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Thompson; Turner; Villarreal; Vo; Walle.

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

Absent, Excused — Anchia; Cook; Deshotel; Farrar; Lucio; Strama; Veasey.

Absent — Giddings; Landtroop; Perry.

Amendment No. 44

Representative Alonzo offered the following amendment to **CSHB 272**:

Amend **CSHB 272** (house committee printing) on page 27, by inserting the following appropriately numbered SECTION between lines 22 and 23 and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____ . Subchapter N, Chapter 2210, Insurance Code, is amended by adding Section 2210.655 to read as follows:

Sec. 2210.655. STANDARDS OF CONDUCT: LEGISLATIVE OVERSIGHT BOARD. (a) Section 2210.012 applies to a member of the windstorm insurance legislative oversight board to the same extent and in the same manner as that section applies to a member of the board of directors of the association.

(b) A member of the windstorm legislative oversight board who violates Section 2210.012 is subject to any applicable civil or criminal penalty if the violation also constitutes a violation of another statute or rule.

Amendment No. 44 was withdrawn.

Amendment No. 45

Representative Martinez Fischer offered the following amendment to **CSHB 272**:

Amend **CSHB 272** by striking everything below the enacting clause and replace with the following.

SECTION 1. Subchapter A, Chapter 2210, Insurance Code, is amended by adding Sections 2210.010 and 2210.011 to read as follows:

Sec. 2210.010. APPLICABILITY OF CERTAIN OTHER LAW. (a) A person insured under this chapter may not bring an action against the association under Chapter 541.

(b) Chapter 542 does not apply to the processing and settlement of claims by the association.

Sec. 2210.011. CERTAIN CONDUCT IN DISPUTE RESOLUTION PROHIBITED. A person insured under this chapter may not preside over a matter or action to which the association is a party, including by sitting as a judge or serving as an arbitrator.

SECTION 2. Section 2210.104, Insurance Code, is amended to read as follows:

Sec. 2210.104. OFFICERS; SALARIES AND BONUSSES. (a) The board of directors shall elect from the board's membership an executive committee consisting of a presiding officer, assistant presiding officer, and secretary-treasurer.

(b) The association shall post on the association's Internet website the salary of each officer of the association and any bonuses paid to an officer of the association.

SECTION 3. Section 2210.105, Insurance Code, is amended by amending Subsections (a) and (b) and adding Subsections (b-1) and (e) to read as follows:

(a) Except for an emergency meeting, the association shall:

(1) notify the department not later than the 11th day before the date of a meeting of the board of directors or of the members of the association; and

(2) not later than the seventh day before the date of a meeting of the board of directors, post notice of the meeting on the association's Internet website and the department's Internet website.

(b) Except for a closed meeting authorized by Subchapter D, Chapter 551, Government Code, a meeting of the board of directors or of the members of the association is open to[~~]~~

~~[(1) the commissioner or the commissioner's designated representative;~~
~~and~~

~~[(2)] the public.~~

(b-1) A meeting of the board of directors or the members of the association, including a closed meeting authorized by Subchapter D, Chapter 551, Government Code, is open to the commissioner or the commissioner's designated representative.

(e) The association shall broadcast live on the association's Internet website all meetings of the board of directors.

SECTION 4. Section 2210.107, Insurance Code, is amended to read as follows:

Sec. 2210.107. PRIMARY BOARD OBJECTIVES; REPORT. (a) The primary objectives of the board of directors are to ensure that the association:

- (1) operates in accordance with this chapter and commissioner rules;
- (2) complies with sound insurance principles; and
- (3) meets all standards imposed under this chapter.

(b) Not later than June 1 of each year, the association shall submit to the commissioner, the legislative oversight board established under Subchapter N, the governor, the lieutenant governor, and the speaker of the house of representatives a report evaluating the extent to which the board met the objectives described by Subsection (a) in the 12-month period immediately preceding the date of the report.

SECTION 5. Subchapter C, Chapter 2210, Insurance Code, is amended by adding Section 2210.108 to read as follows:

Sec. 2210.108. OPEN MEETINGS AND OPEN RECORDS. Except as specifically provided by this chapter or another law, the association is subject to Chapters 551 and 552, Government Code.

SECTION 6. Section 2210.202, Insurance Code, is amended by adding Subsection (c) to read as follows:

(c) The commissioner shall adopt rules to simplify and streamline the process through which:

(1) a person who has an insurable interest in insurable property may apply with the association for insurance coverage; and

(2) a person insured under this chapter may apply with the association for renewal of the person's insurance coverage.

SECTION 7. Section 2210.203, Insurance Code, is amended by amending Subsection (a-1) and adding Subsection (a-2) to read as follows:

~~(a-1) [This subsection applies only to a structure constructed, altered, remodeled, or enlarged on or after September 1, 2009, and only for insurable property located in areas designated by the commissioner.]~~ Notwithstanding Subsection (a), if all or any part of the property to be insured [which this subsection applies] is located in Zone A or another similar zone with a high level of flood risk or in Zone V or another similar zone with an additional hazard associated with storm waves, as defined by the National Flood Insurance Program, ~~[and if flood insurance under that federal program is available,]~~ the association may not issue an insurance policy for initial or renewal coverage unless evidence is submitted to the association that the property to be covered under the policy is also covered by a flood insurance policy issued under the National Flood Insurance Program in an amount equal to or greater than the amount of coverage under the policy to be issued by the association. This subsection does not apply to property for which flood insurance is not available under the National Flood Insurance Program [is submitted to the association].

(a-2) An agent offering or selling a Texas windstorm and hail insurance policy [in any area designated by the commissioner under this subsection] shall offer flood insurance coverage required under Subsection (a-1) to a [the] prospective insured, if that coverage is available.

SECTION 8. The heading to Subchapter E, Chapter 2210, Insurance Code, is amended to read as follows:

SUBCHAPTER E. INSURANCE COVERAGE; CLAIMS SETTLEMENT AND PAYMENT

SECTION 9. Subchapter E, Chapter 2210, Insurance Code, is amended by adding Sections 2210.205, 2210.210, 2210.211, and 2210.212 to read as follows:

Sec. 2210.205. REQUIRED POLICY PROVISIONS: DEADLINE FOR FILING CLAIM; NOTICE CONCERNING ARBITRATION. (a) A windstorm and hail insurance policy issued by the association must:

(1) require an insured to file a claim under the policy not later than the first anniversary of the date on which the damage or loss that is the basis of the claim occurs; and

(2) contain, in boldface type, a conspicuous notice concerning the mandatory arbitration of coverage and claim disputes under Section 2210.553, including the prerequisites and deadlines for requesting arbitration described by Sections 2210.212 and 2210.553.

(b) The commissioner, on a showing of good cause by a person insured under this chapter, may extend the one-year period described by Subsection (a)(1) for a period not to exceed 90 days.

Sec. 2210.210. COVERAGE OF CERTAIN STRUCTURES PROHIBITED. The association may not issue coverage for the following structures, regardless of whether the structure is otherwise insurable property under this chapter:

(1) a wind turbine;

(2) a structure used primarily as a casino or other gambling establishment; or

(3) a structure used as a sexually oriented business, as defined by Section 243.002, Local Government Code.

Sec. 2210.211. PROOF OF OTHER COVERAGE REQUIRED FOR SETTLEMENT OF CERTAIN CLAIMS. (a) This section applies only to a claim filed under an association policy the issuance or renewal of which, under Section 2210.203(a-1), requires evidence of coverage by a flood insurance policy.

(b) The association may not pay or settle a claim described by Subsection (a) unless the person filing the claim provides evidence satisfactory to the association that, on the date of the loss that is the basis of the claim, the property insured under the association policy was also covered by a flood insurance policy in the amount required for issuance or renewal of the association policy under Section 2210.203(a-1).

Sec. 2210.212. NOTICE AND APPRAISAL OF CERTAIN CLAIMS. (a) Not later than the 30th day after the date a person insured under this chapter files a claim with the association, the association shall provide the person notice of whether the claim is accepted or denied and, if the claim is accepted, a written appraisal of the damage to the insured property.

(b) A person who receives notice that a claim is denied may, after providing the association the notice required by Subsection (f), request binding arbitration under Section 2210.553.

(c) Not later than the 60th day after the date the association provides a written appraisal under Subsection (a), the person shall:

(1) accept the written appraisal and request payment of the person's claim in accordance with the appraisal; or

(2) request a supplemental review of the claim by the association.

(d) Not later than the 30th day after the date of a request for a supplemental review under Subsection (c)(2), the association shall:

(1) conduct the requested supplemental review and, if necessary, revise the written appraisal originally provided under Subsection (b) to reflect any changes resulting from the supplemental review; or

(2) notify the person who filed the claim that the association will not conduct the requested supplemental review.

(e) On receipt of the results of a supplemental review conducted under Subsection (d)(1), or notice under Subsection (d)(2) that the association will not conduct a supplemental review, the person who filed the claim may:

(1) accept the written appraisal following the supplemental review and request payment of the claim in accordance with that appraisal; or

(2) after providing the association the notice required under Subsection (f), dispute the written appraisal by requesting binding arbitration in the manner described by Section 2210.553.

(f) Not later than the 30th day before the date a person requests binding arbitration under Section 2210.553, the person shall provide the association with written notice of the person's intent to request binding arbitration. The notice provided under this subsection must advise the association of each of the person's specific complaints concerning the association's denial of the claim or appraisal of the insured property, including the amount of damage that the person believes should have been but was not accounted for in any appraisal performed by the association.

(g) In addition to the notice required under Subsection (f), not later than the 30th day before the date of an arbitration under Section 2210.553, the person who filed the disputed claim and the association shall submit to the department all final offers of settlement concerning the disputed claim. The department, the person, and the association may not disclose the settlement offers received under this subsection to an arbitrator assigned under Section 2210.553.

SECTION 10. Section 2210.259, Insurance Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) A noncompliant residential structure insured by the association as of September 1, 2009, under Section 2210.251(f) that had been approved for insurability under the approval process regulations in effect on September 1, 2009, is subject to an annual premium surcharge in an amount determined under Subsection (c) ~~[equal to 15 percent of the premium for insurance coverage obtained through the association]~~. The surcharge under this subsection applies to each policy issued or renewed by the association on or after the effective date of Sections 5 through 49, **HB 4409**, Acts of the 81st Legislature, Regular Session, 2009, and is due on the issuance or renewal of the policy.

(c) The commissioner, after receiving a recommendation from the board concerning the amount of the annual premium surcharge required under Subsection (a), by rule shall establish the amount of the annual premium surcharge. The amount of the surcharge must be actuarially justifiable and may not be less than 15 percent of the premium for insurance coverage obtained through the association. Before the commissioner by rule establishes the amount

of the annual premium surcharge, the commissioner shall report to the legislative oversight board established under Subchapter N concerning the methodology the commissioner used to determine the amount of the annual premium surcharge.

SECTION 11. Section 2210.355(g), Insurance Code, is amended to read as follows:

(g) A commission paid to an agent must be reasonable, adequate, not unfairly discriminatory, and nonconfiscatory and must comply with rules adopted by the commissioner under Section 2210.356.

SECTION 12. Subchapter H, Chapter 2210, Insurance Code, is amended by adding Section 2210.356 to read as follows:

Sec. 2210.356. AGENT COMMISSIONS. (a) The commissioner by rule shall establish a commission structure for payment of an agent who submits an application for coverage to the association on behalf of a person who has an insurable interest in insurable property.

(b) The commission structure adopted by the commissioner must be fair and reasonable, taking into consideration the amount of work performed by an agent in submitting an application to the association and the prevailing commission structure in the private windstorm insurance market.

SECTION 13. Section 2210.453, Insurance Code, is amended by adding Subsection (c) to read as follows:

(c) If the association does not purchase reinsurance as authorized by this section, the board, not later than June 1 of each year, shall submit to the commissioner, the legislative oversight board established under Subchapter N, the governor, the lieutenant governor, and the speaker of the house of representatives a report containing an actuarial plan for paying losses in the event of a catastrophe with estimated damages of \$2.5 billion or more.

SECTION 14. Section 2210.501, Insurance Code, is amended by amending Subsection (b) and adding Subsection (d) to read as follows:

(b) Except as provided by Subsection (d) and subject [Subject] to Section 2210.502, the maximum liability limits for coverage on a single insurable property may not be less than:

(1) \$350,000 for:

(A) a dwelling, including an individually owned townhouse unit;
and

(B) the corporeal movable property located in or about the dwelling and, as an extension of coverage, away from those premises, as provided under the policy;

(2) \$2,192,000 for a building, and the corporeal movable property located in the building, if the building is:

(A) owned by, and at least 75 percent of which is occupied by, a governmental entity; or

(B) not owned by, but is wholly and exclusively occupied by, a governmental entity;

(3) \$125,000 for individually owned corporeal movable property located in an apartment unit, residential condominium unit, or townhouse unit that is occupied by the owner of that property and, as an extension of coverage, away from those premises, as provided under the policy; and

(4) \$1,500,000 for:

(A) a structure other than a dwelling or a public building; and

(B) the corporeal movable property located in that structure and, as an extension of coverage, away from those premises, as provided under the policy.

(d) The maximum liability limits for insurable property the issuance or renewal of coverage by the association of which requires evidence of coverage by a flood insurance policy under Section 2210.203(a-1) may not exceed the maximum liability limits in effect for the property under the National Flood Insurance Program on the date the association policy is issued.

SECTION 15. Section 2210.502, Insurance Code, is amended by adding Subsection (e) to read as follows:

(e) The board of directors may not propose, and the commissioner may not approve, maximum liability limits for insurable property described by Section 2210.501(d), and for the corporeal movable property located in or about that property, that exceed the maximum liability limits in effect for the property or contents under the National Flood Insurance Program.

SECTION 16. The heading to Subchapter L, Chapter 2210, Insurance Code, is amended to read as follows:

SUBCHAPTER L. APPEALS AND OTHER ACTIONS; ARBITRATION

SECTION 17. Sections 2210.551(a) and (b), Insurance Code, are amended to read as follows:

(a) This section:

(1) does not apply to a person insured under this chapter who is required to resolve a dispute concerning the payment of, the amount of, or the denial of a particular claim under Section 2210.553; and

(2) applies only to:

(A) [(+) a person not described by Subdivision (1) who is insured under this chapter or an authorized representative of the person; or

(B) [(2)] an affected insurer.

(b) A person or entity described by Subsection (a)(2) [(+)] who is aggrieved by an act, ruling, or decision of the association may appeal to the commissioner not later than the 30th day after the date of that act, ruling, or decision.

SECTION 18. The heading to Section 2210.552, Insurance Code, is amended to read as follows:

Sec. 2210.552. [~~CLAIM~~] DISPUTES OTHER THAN CLAIM AND COVERAGE DISPUTES; VENUE.

SECTION 19. Section 2210.552, Insurance Code, is amended by amending Subsection (a) and adding Subsection (e) to read as follows:

(a) Except as provided by Sections 2210.007, ~~[and]~~ 2210.106, and 2210.553, a person insured under this chapter who is aggrieved by an act, ruling, or decision of the association ~~[relating to the payment of, the amount of, or the denial of a claim]~~ may:

(1) bring an action against the association~~[-including an action under Chapter 541];~~ or

(2) appeal the act, ruling, or decision under Section 2210.551.

(e) A person who brings an action against the association under this section:

(1) may recover the amount of actual damages, plus court costs and reasonable and necessary attorney's fees; and

(2) may not recover punitive or exemplary damages, including damages under Section 17.50, Business & Commerce Code.

SECTION 20. Subchapter L, Chapter 2210, Insurance Code, is amended by adding Sections 2210.553, 2210.554, and 2210.555 to read as follows:

Sec. 2210.553. ARBITRATION OF COVERAGE AND CLAIM DISPUTES. (a) A dispute involving an act, ruling, or decision of the association relating to the payment of, the amount of, or the denial of a particular claim:

(1) must be resolved through binding arbitration in accordance with this section; and

(2) may not be resolved in the manner described by Section 2210.551 or 2210.552.

(b) A person insured under this chapter who is aggrieved by an act, ruling, or decision of the association relating to the payment of, the amount of, or the denial of a claim may request binding arbitration of the person's grievance.

(c) A person insured under this chapter must, in the manner prescribed by the commissioner by rule, request binding arbitration under this section not later than the earlier of:

(1) the 90th day after the date the person receives under Section 2210.212 notice from the association that a claim is denied or receives notice concerning a supplemental review requested under Section 2210.212(c); or

(2) the second anniversary of the date on which the damage or loss that is the basis of the particular claim occurs.

(d) The commissioner, on a showing of good cause by a person insured under this chapter, may extend each of the deadlines described by Subsection (c) by a period not to exceed 90 days.

(e) The commissioner by rule shall establish procedures for the conduct of the arbitration of grievances under this section. The rules adopted under this subsection must:

(1) be consistent with any applicable rules of the American Arbitration Association that were in effect on the date on which the policy under which the denied claim is filed was issued;

(2) establish the qualifications necessary for an arbitrator to become certified to conduct arbitrations under this section, including prohibiting a person to whom Section 2210.011 applies from serving as an arbitrator under this section;

(3) establish a procedure through which arbitrators may become certified to conduct arbitrations under this section;

(4) require an arbitrator conducting an arbitration under this section to be certified by the department;

(5) provide that the commissioner will randomly assign a certified arbitrator to conduct an arbitration under this section;

(6) establish a procedure through which a certified arbitrator's fees under this section are paid, including the maximum allowable rate for those fees, which party or parties are liable for the payment of those fees, and the manner in which an arbitrator may seek the commissioner's approval of those fees;

(7) establish the parameters for mandatory and permissible discovery for an arbitration under this section; and

(8) establish deadlines for an arbitration conducted under this section and require an arbitrator conducting an arbitration under this section to issue a scheduling order in accordance with those deadlines.

(f) If a person insured under this chapter or the association is not satisfied with the commissioner's assignment of an arbitrator under Subsection (e)(5), either party may, not later than the 10th day after the date of assignment, request that the commissioner randomly assign a different arbitrator to the dispute. Each party may request one reassignment under this section, and the commissioner shall grant a request for reassignment authorized under this subsection.

(g) The procedure established by the commissioner under Subsection (e)(6) must require that an arbitrator's fees be approved by the commissioner before those fees are paid.

(h) In addition to the rules required under Subsection (e), the commissioner may adopt any other rules necessary to implement this section, including rules that are specific to a particular storm or particular period and are intended to prevent unfair deviations in, and to encourage fairness in, arbitration awards under this section.

(i) The department shall maintain and make publicly available a list of arbitrators certified to conduct arbitrations under this section.

(j) Except to the extent of any conflict with this section, Chapter 171, Civil Practice and Remedies Code, applies to an arbitration conducted under this section.

(k) A person insured under this chapter who requests binding arbitration under this section may be represented by an attorney.

Sec. 2210.554. ARBITRATION AWARDS; ATTORNEY'S FEES. (a) If, after an arbitration under Section 2210.553, the arbitrator awards damages to a person insured under this chapter in an amount that is 110 percent or more of the final offer of settlement from the association, the person insured under this chapter may also recover from the association reasonable and necessary attorney's fees.

(b) An arbitrator who awards damages to the person insured under this chapter may assess interest on the damage recovery owed the insured, at a rate of six percent per annum from the date of loss through the date of payment of the arbitration award by the association.

Sec. 2210.555. ABATEMENT OF ARBITRATION. (a) The association, not later than the 30th day after the date a person requests binding arbitration under Section 2210.553, may request from the commissioner an abatement of the arbitration if the association does not receive the notice required under Section 2210.212(f).

(b) The commissioner shall abate a requested arbitration if the commissioner finds that a person insured under this chapter did not provide the notice required under Section 2210.212(f).

(c) An abatement under this section continues until the 30th day after the date notice is provided in compliance with Section 2210.212(f).

SECTION 21. Section 2210.551(e), Insurance Code, is repealed.

SECTION 22. This Act applies only to a Texas windstorm and hail insurance policy, and a dispute arising under a Texas windstorm and hail insurance policy, delivered, issued for delivery, or renewed by the Texas Windstorm Insurance Association on or after the 30th day after the effective date of this Act. A Texas windstorm and hail insurance policy, and a dispute arising under a Texas windstorm and hail insurance policy, delivered, issued for delivery, or renewed by the Texas Windstorm Insurance Association before the 30th day after the effective date of this Act, are governed by the law in effect on the date the policy was delivered, issued for delivery, or renewed, and the former law is continued in effect for that purpose.

SECTION 23. The Texas Windstorm Insurance Association shall amend the association's plan of operation to conform to the changes in law made by this Act not later than January 1, 2012.

SECTION 24. This Act takes effect immediately if it 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 Act takes effect September 1, 2011.

Amendment No. 45 was withdrawn.

(Anchia and Strama now present)

Amendment No. 46

Representative L. Taylor offered the following amendment to **CSHB 272**:

Amend **CSHB 272** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter F, Chapter 2210, Insurance Code, is amended by adding Section 2210.260 to read as follows:

Sec. 2210.260. ALTERNATIVE ELIGIBILITY FOR COVERAGE. (a) On and after January 1, 2012, a person who has an insurable interest in a residential structure may obtain insurance coverage through the association for that structure without obtaining a certificate of compliance under Section 2210.251(g) in accordance with this section and rules adopted by the commissioner.

(b) The department may issue an alternative certification for a residential structure if the person who has an insurable interest in the structure demonstrates that at least one qualifying structural building component of the structure has been:

(1) inspected by a department inspector or by a qualified inspector; and
(2) determined to be in compliance with applicable building code standards, as set forth in the plan of operation.

(c) The commissioner shall adopt reasonable and necessary rules to implement this section. The rules adopted under this section must establish which structural building components are considered qualifying structural building components for the purposes of Subsection (b), taking into consideration those items that are most probable to generate losses for the association's policyholders and the cost to upgrade those items.

(d) Except as provided in Section 2210.251(f), a person who has an insurable interest in a residential structure that is insured by the association as of January 1, 2012, but for which the person has not obtained a certificate of compliance under Section 2210.251(g), must obtain an alternative certification under this section before the association, on or after January 1, 2013, may renew coverage for the structure.

(e) Each residential structure for which a person obtains an alternative certification under this section must comply with:

(1) the requirements of this chapter, including Section 2210.258; and
(2) the association's underwriting requirements, including maintaining the structure in an insurable condition and paying premiums in the manner required by the association.

(f) The association shall develop and implement an actuarially sound rate, credit, or surcharge that reflects the risks presented by structures with reference to which alternative certifications have been obtained under this section. A rate, credit, or surcharge under this subsection may vary based on the number of qualifying structural building components included in a structure with reference to which an alternative certification is obtained under this section.

Amendment No. 46 was adopted.

CSHB 272, as amended, was passed to engrossment. (Burnam recorded voting no.)

COMMITTEE GRANTED PERMISSION TO MEET

Representative Hunter requested permission for the Committee on Calendars to meet while the house is in session, at 7:05 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, 7:05 p.m. today, 3W.9, for a formal meeting, to set a calendar.

FIVE-DAY POSTING RULE SUSPENDED

Representative Gallego moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Criminal Jurisprudence to consider **SB 144, SB 158, SB 159, SB 167, SB 348, SB 377, SB 462, SB 496, SB 779, SB 838, SB 1010, SB 1066, SB 1273, SB 1522, SB 1551, SB 1681, SB 1701, SB 1702**, and pending business at 8 a.m. tomorrow in JHR 120.

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 **HCR 146, SB 1364, and SB 1462** at 8:30 a.m. tomorrow in E1.010.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Criminal Jurisprudence, 8 a.m. tomorrow, JHR 120, for a public hearing, to consider **SB 144, SB 158, SB 159, SB 167, SB 348, SB 377, SB 462, SB 496, SB 779, SB 838, SB 1010, SB 1066, SB 1273, SB 1522, SB 1551, SB 1681, SB 1701, SB 1702**, and pending business.

Border and Intergovernmental Affairs, 8:30 a.m. tomorrow, E1.010, for a public hearing, to consider **HCR 146, SB 1364, and SB 1462**.

HB 3036 - VOTE RECONSIDERED

Representative Kolkhorst moved to reconsider the vote by which **HB 3036** failed to pass.

The motion to reconsider prevailed.

HB 3036 ON THIRD READING (by Alvarado)

The speaker laid before the house, on its third reading and final passage,

HB 3036, A bill to be entitled An Act relating to the municipal sales and use tax for street maintenance.

HB 3036 was read third time earlier today and failed to pass.

Representative Alvarado moved to postpone consideration of **HB 3036** until 6:59 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:

T. King on motion of Raymond.

POSTPONED BUSINESS

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

SB 250 ON THIRD READING
(Anchia, Gallego, and Hartnett - House Sponsors)

SB 250, A bill to be entitled An Act relating to protective orders for stalking victims.

SB 250 was read third time earlier today and was postponed until this time.

SB 250 was passed by (Record 931): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lyne; Madden; Mallory Caraway; 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; 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; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Cook; Deshotel; Farrar; Lucio; Veasey.

Absent, Excused, Committee Meeting — King, T.

Absent — McClendon.

STATEMENT OF VOTE

When Record No. 931 was taken, I was in the house but away from my desk. I would have voted yes.

McClendon

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 71**, **SB 223**, **SB 264**, **SB 426**, **SB 436**, **SB 1178**, and pending business at 8:15 a.m. Thursday, May 12 in E2.030.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Human Services, 8:15 a.m. Thursday, May 12, E2.030, for a public hearing, to consider **SB 71, SB 223, SB 264, SB 426, SB 436, SB 1178**, and pending business.

(T. King now present)

**HB 3308 ON THIRD READING
(by Rodriguez)**

HB 3308, A bill to be entitled An Act relating to the operation of plug-in electric motor vehicles.

HB 3308 was read third time earlier today and was postponed until this time.

Representative Rodriguez moved to postpone consideration of **HB 3308** until 8 a.m. tomorrow.

The motion prevailed.

(Bonnen in the chair)

**CSHB 2746 ON SECOND READING
(by Martinez Fischer)**

CSHB 2746, A bill to be entitled An Act relating to liability for the additional tax imposed on land appraised for ad valorem tax purposes as qualified open-space land in the event of a change of use of the land if the land is transferred to a charitable organization for purposes of building housing for sale without profit to a low-income individual or family.

CSHB 2746 was read second time on May 9 and was postponed until 6 a.m. today.

Representative Anchia moved to postpone consideration of **CSHB 2746** until 7:37 p.m. today.

The motion prevailed.

**CSSB 1125 ON SECOND READING
(Anchia - House Sponsor)**

CSSB 1125, A bill to be entitled An Act relating to energy efficiency goals and programs, public information regarding energy efficiency programs, and the participation of loads in certain energy markets.

CSSB 1125 was considered in lieu of **CSHB 1629**.

CSSB 1125 was read second time.

LEAVE OF ABSENCE GRANTED

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

Schwertner on motion of Price.

CSSB 1125 - (consideration continued)**Amendment No. 1**

Representative Chisum offered the following amendment to **CSSB 1125**:

Amend **CSSB 1125** as follows:

(1) On page 1, line 7, strike "(a) and (b)" and substitute "(a), (b) and (d)"

(2) On page 5, between lines 7 and 8, insert the following:

(d) The commission shall establish a procedure for reviewing and evaluating market-transformation program options described by this subsection and other options. In evaluating program options, the commission may consider the ability of a program option to reduce costs to customers through reduced demand, energy savings, and relief of congestion. Utilities may choose to implement any program option approved by the commission after its evaluation in order to satisfy the goal in Subsection (a), including:

(1) energy-smart schools;

(2) appliance retirement and recycling;

(3) air conditioning system tune-ups;

(4) the installation of variable speed air conditioning system, motors and drives;

(5) the use of trees or other landscaping for energy efficiency.;

(6) [~~5~~] customer energy management and demand response programs;

(7) [~~6~~] high performance residential and commercial buildings that will achieve the levels of energy efficiency sufficient to qualify those buildings for federal tax incentives;

(8) commissioning services for commercial and institutional buildings that result in operational and maintenance practices that reduce the buildings' energy consumption;

(9) [~~7~~] programs for customers who rent or lease their residence or commercial space;

(10) [~~8~~] programs providing energy monitoring equipment to customers that enable a customer to better understand the amount, price, and time of the customer's energy use;

(11) [~~9~~] energy audit programs for owners and other residents of single-family or multifamily residences and for small commercial customers;

(12) [~~10~~] net-zero energy new home programs;

(13) [~~11~~] solar thermal or solar electric programs; ~~and~~

(14) [~~12~~] programs for using windows and other glazing systems, glass doors, and skylights in residential and commercial buildings that reduce solar gain by at least 30 percent from the level established for the federal Energy Star windows program;

(15) data center efficiency programs; and

(16) energy use programs with measurable and verifiable results that reduce energy consumption through behavioral changes that lead to efficient use patterns and practices.

Amendment No. 1 was adopted.

CSSB 1125 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE HARDCASTLE: In Section 1 of the bill, it added Section 39.905(a)(3)(A) and (B) where they are revising energy efficiency goals, is that correct?

REPRESENTATIVE ANCHIA: Yes, that's correct, we're revising the goal on energy efficiency from 10 percent to 30 percent of annual growth in demand beginning in 2013. We're also including a transition period for moving to a goal based on percent of peak demand metric for those electric utilities who achieve actual reductions of four-tenths of one percent of their summer weather adjusted peak demand.

HARDCASTLE: Thank you, and could you explain the intent behind the transition period?

ANCHIA: You bet. Under this bill, it's the intent that the electric utilities goal will not change from the growth and demand goal to the percent of peak demand goal until that utility actually hits four-tenths of one percent of its summer weather peak demands. Once that happens with the utility it will transition to a goal of four-tenths of its summer weather adjusted peak demand.

REMARKS ORDERED PRINTED

Representative Hardcastle moved to print remarks between Representative Anchia and Representative Hardcastle.

The motion prevailed.

(Deshotel now present)

CSSB 1125, as amended, was passed to third reading by (Record 932): 77 Yeas, 56 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Aycock; Bohac; Branch; Brown; Burkett; Burnam; Carter; Castro; Chisum; Crownover; Darby; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Eissler; Farias; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gutierrez; Hardcastle; Harless; Hernandez Luna; Hochberg; Hunter; Johnson; Keffer; King, T.; Kleinschmidt; Kuempel; Larson; Lozano; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Miles; Muñoz; Naishtat; Nash; Oliveira; Orr; Otto; Patrick; Phillips; Pitts; Price; Quintanilla; Reynolds; Rodriguez; Scott; Shelton; Smith, T.; Smith, W.; Smithee; Strama; Thompson; Torres; Truitt; Turner; Villarreal; Vo; Walle; Woolley.

Nays — Aliseda; Anderson, R.; Beck; Berman; Bonnen; Button; Cain; Callegari; Christian; Craddick; Creighton; Davis, J.; Elkins; Fletcher; Flynn; Frullo; Garza; Gooden; Hamilton; Hancock; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Isaac; Jackson; King, S.; Kolkhorst; Landtroop; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Miller, D.; Miller, S.; Murphy; Parker; Paxton; Peña; Perry; Riddle; Ritter; Sheets; Simpson; Solomons; Taylor, V.; Weber; White; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Cook; Farrar; Lucio; Schwertner; Veasey.

Absent — Coleman; Driver; Guillen; Howard, D.; King, P.; Menendez; Morrison; Pickett; Raymond; Sheffield; Taylor, L.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 932. I intended to vote no.

Branch

I was shown voting yes on Record No. 932. I intended to vote no.

Harless

I was shown voting no on Record No. 932. I intended to vote yes.

C. Howard

When Record No. 932 was taken, I was in the house but away from my desk. I would have voted yes.

D. Howard

When Record No. 932 was taken, I was in the house but away from my desk. I would have voted yes.

P. King

I was shown voting yes on Record No. 932. I intended to vote no.

Nash

I was shown voting yes on Record No. 932. I intended to vote no.

Truitt

CSHB 1629 - LAID ON THE TABLE SUBJECT TO CALL

Representative Anchia moved to lay **CSHB 1629** on the table subject to call. The motion prevailed.

CSHB 2746 ON SECOND READING (by Martinez Fischer)

CSHB 2746, A bill to be entitled An Act relating to liability for the additional tax imposed on land appraised for ad valorem tax purposes as qualified open-space land in the event of a change of use of the land if the land is transferred to a charitable organization for purposes of building housing for sale without profit to a low-income individual or family.

CSHB 2746 was read second time on May 9, postponed until 6 a.m. today, and was again postponed until this time.

Amendment No. 1

Representative Martinez Fischer offered the following amendment to **CSHB 2746**:

Amend **CSHB 2746** (house committee printing) on page 1 by striking lines 11-18 and substituting the following:

(p) The sanctions provided by Subsection (a) do not apply to real property transferred to an organization described by Section 11.181(a) if the organization converts the real property to a use for which the real property is eligible for an exemption under Section 11.181(a). This subsection does not apply to the sanctions provided by Subsection (a) in connection with a change in use described by this subsection that are due to a county or school district unless the governing body of the county or school district, as applicable, waives the sanctions in the manner required by law for official action by the body.

Amendment No. 1 was adopted.

CSHB 2746 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE CHISUM: Mr. Fischer, I just wanted to establish some legislative intent here. We're taking ag. land, which is under ag. exemption, and moving it to a charitable organization, in this case being Habitat for Humanity. But, it's not your intent in this bill to change the criteria for ag. exempt land and the transition. The transition is completely separate from the ag. exemption, the rest of the land?

REPRESENTATIVE MARTINEZ FISCHER: Absolutely not, we don't want to interfere with the ag. exemption. It'll exist as it is. This just prevents a look-back when the property is changed for affordable housing for Habitat.

REMARKS ORDERED PRINTED

Representative Chisum moved to print remarks between Representative Martinez Fischer and Representative Chisum.

The motion prevailed.

CSHB 2746, as amended, was passed to engrossment. (Landtroop and Perry recorded voting no.)

(Farrar now present)

SB 551 ON SECOND READING (Otto - House Sponsor)

SB 551, A bill to be entitled An Act relating to liability for interest on ad valorem taxes on improvements that escaped taxation in a previous year.

SB 551 was considered in lieu of **HB 234**.

SB 551 was read second time and was passed to third reading.

HB 234 - LAID ON THE TABLE SUBJECT TO CALL

Representative Darby moved to lay **HB 234** on the table subject to call.

The motion prevailed.

CSHB 3790 ON SECOND READING (by Pitts)

CSHB 3790, A bill to be entitled An Act relating to certain state fiscal matters; providing penalties.

CSHB 3790 was read second time on May 3, postponed until May 4, postponed until May 5, postponed until May 9, and was again postponed until 8 a.m. today.

Representative Hochberg moved to postpone consideration of **CSHB 3790** until 8 a.m. tomorrow.

The motion prevailed.

CSHB 3640 ON SECOND READING

(by Pitts)

CSHB 3640, A bill to be entitled An Act relating to the remittance and allocation of certain taxes and fees.

CSHB 3640 was read second time on May 3, postponed until May 4, postponed until May 5, postponed until May 9, and was again postponed until 8 a.m. today.

Representative Hochberg moved to postpone consideration of **CSHB 3640** until 8 a.m. tomorrow.

The motion prevailed.

CSHB 3665 ON SECOND READING

(by Otto)

CSHB 3665, A bill to be entitled An Act relating to state fiscal matters related to general government.

CSHB 3665 was read second time on May 3, postponed until May 4, postponed until May 5, postponed until May 9, and was again postponed until 8 a.m. today.

Representative Hochberg moved to postpone consideration of **CSHB 3665** until 8 a.m. tomorrow.

The motion prevailed.

CSHB 3639 ON SECOND READING

(by Pitts and Aycock)

CSHB 3639, A bill to be entitled An Act relating to state fiscal matters related to public and higher education.

CSHB 3639 was read second time on May 3, postponed until May 4, postponed until May 5, postponed until May 9, and was again postponed until 8 a.m. today.

Representative Hochberg moved to postpone consideration of **CSHB 3639** until 8 a.m. tomorrow.

The motion prevailed.

HB 3648 ON SECOND READING
(by Otto)

HB 3648, A bill to be entitled An Act relating to state fiscal matters related to the judiciary.

HB 3648 was read second time on May 3, postponed until May 4, postponed until May 5, postponed until May 9, and was again postponed until 8 a.m. today.

Representative Hochberg moved to postpone consideration of **HB 3648** until 8 a.m. tomorrow.

The motion prevailed.

CSHB 3418 ON SECOND READING
(by Darby)

CSHB 3418, A bill to be entitled An Act relating to certain state fiscal matters related to natural resources or the environment.

CSHB 3418 was read second time on May 3, postponed until May 4, postponed until May 5, postponed until May 9, and was again postponed until 8 a.m. today.

Representative Darby moved to postpone consideration of **CSHB 3418** until 8 a.m. tomorrow.

The motion prevailed.

SB 1338 ON SECOND READING
(Geren - House Sponsor)

SB 1338, A bill to be entitled An Act relating to the membership, powers, and duties of the State Preservation Board.

SB 1338 was considered in lieu of **HB 3132**.

SB 1338 was read second time.

Representative Geren moved to postpone consideration of **SB 1338** until 8 a.m. Friday, May 13.

The motion prevailed.

CSHB 400 ON SECOND READING
(by Eissler, Aycock, Crownover, C. Anderson, Garza, et al.)

CSHB 400, A bill to be entitled An Act relating to flexibility for public schools to administer primary and secondary education efficiently.

CSHB 400 was read second time on May 9, postponed until later that day, and was again postponed until 9:30 a.m. today.

CSHB 400 - POINT OF ORDER

Representative Y. Davis raised a point of order against further consideration of **CSHB 400** under Rule 6, Section 16 of the House Rules.

The speaker sustained the point of order.

CSHB 400 was returned to the Committee on Calendars.

CSHB 2233 ON SECOND READING**(by Huberty, Rodriguez, et al.)**

CSHB 2233, A bill to be entitled An Act relating to certain contracts entered into by school districts for another entity to provide food services at one or more district schools.

CSHB 2233 was read second time on May 4, postponed until May 9, and was again postponed until 3 p.m. today.

Representative Huberty moved to postpone consideration of **CSHB 2233** until 7 a.m. tomorrow.

The motion prevailed.

MAJOR STATE CALENDAR**HOUSE BILLS****SECOND READING**

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

(Veasey now present)

HB 1950 ON SECOND READING**(by L. Taylor)**

HB 1950, A bill to be entitled An Act relating to the continuation and operation of the office of public insurance counsel.

Representative L. Taylor moved to postpone consideration of **HB 1950** until 8 a.m. tomorrow.

The motion prevailed.

HB 1951 ON SECOND READING**(by L. Taylor)**

HB 1951, A bill to be entitled An Act relating to the continuation and operation of the Texas Department of Insurance and the operation of certain insurance programs; imposing administrative penalties.

Representative L. Taylor moved to postpone consideration of **HB 1951** until 8:25 p.m. today.

The motion prevailed.

(Lavender in the chair)

CSHB 3647 ON SECOND READING**(by Turner)**

CSHB 3647, A bill to be entitled An Act relating to directing payment, after approval, of certain miscellaneous claims and judgments against the state out of funds designated by this Act; making appropriations.

CSHB 3647 was passed to engrossment. (Perry recorded voting no.)

CSHB 13 ON SECOND READING
(by Kolkhorst, S. King, Truitt, and Zerwas)

CSHB 13, A bill to be entitled An Act relating to the Medicaid program and alternate methods of providing health services to low-income persons in this state.

Amendment No. 1

Representative Kolkhorst offered the following amendment to **CSHB 13**:

Amend **CSHB 13** (house committee printing) as follows:

(1) On page 3, line 7, strike "and".

(2) On page 3, line 11, between "coverage" and the underlined period, insert the following:

(11) allow for unmatched municipal and county government funds or expenditures to serve as the state portion under a federal matching program for the provision of mental health services to eligible individuals

Amendment No. 1 was adopted.

Amendment No. 2

Representative Kolkhorst offered the following amendment to **CSHB 13**:

Amend **CSHB 13** (house committee printing) on page 1, line 20, between "flexibility" and "to", by inserting "consistent with federal law".

Amendment No. 2 was adopted.

Amendment No. 3

Representative Kolkhorst offered the following amendment to **CSHB 13**:

Amend **CSHB 13** (house committee printing) on page 3, line 6, by striking "patient-centered" and substituting "person-centered".

Amendment No. 3 was adopted.

CSHB 13, as amended, was passed to engrossment.

CSHB 3517 ON SECOND READING
(by Branch)

CSHB 3517, A bill to be entitled An Act relating to the administration and business affairs of public institutions of higher education.

(Muñoz in the chair)

Representative Branch moved to postpone consideration of **CSHB 3517** until 6:50 a.m. tomorrow.

The motion prevailed.

CONSTITUTIONAL AMENDMENTS CALENDAR
HOUSE JOINT RESOLUTIONS
SECOND READING

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

CSHJR 109 ON SECOND READING
(by Orr, Aycock, Hochberg, Pitts, Otto, et al.)

CSHJR 109, A joint resolution proposing a constitutional amendment to clarify references to the permanent school fund and to allow the legislature by general law to direct the General Land Office to distribute revenue derived from permanent school fund land or properties to the available school fund.

Representative Flynn moved to postpone consideration of **CSHJR 109** until 9:30 p.m. today.

The motion prevailed.

GENERAL STATE CALENDAR
HOUSE BILLS
SECOND READING

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

HB 3055 ON SECOND READING
(by Peña, Garza, Aliseda, Torres, and Margo)

HB 3055, A bill to be entitled An Act relating to the penalty for providing false information on an application for a ballot to be voted by mail.

HB 3055 - POINT OF ORDER

Representative Farrar raised a point of order against further consideration of **HB 3055** under Rule 4, Section 20(a)(1) of the House Rules on the grounds that the sworn statement of witnesses is incomplete.

The point of order was withdrawn.

Representative Peña moved to postpone consideration of **HB 3055** until 9 p.m. today.

The motion prevailed.

HB 3498 ON SECOND READING
(by Aliseda, et al.)

HB 3498, A bill to be entitled An Act relating to the penalty for illegal voting.

HB 3498 - LAID ON THE TABLE SUBJECT TO CALL

Representative Aliseda moved to lay **HB 3498** on the table subject to call.

The motion prevailed.

CSHB 2194 ON SECOND READING
(by L. Taylor)

CSHB 2194, A bill to be entitled An Act relating to the conduct and administration of elections.

Amendment No. 1

Representative L. Taylor offered the following amendment to **CSHB 2194**:

Amend **CSHB 2194** (house committee printing) as follows:

(1) Strike page 1, line 4, through page 2, line 11.

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

SECTION _____. Section 174.092(a), Election Code, is amended to read as follows:

(a) The biennial state convention shall be convened on any day in June or July.

(3) Renumber the remaining SECTIONS of the bill accordingly.

Amendment No. 1 was adopted.

CSHB 2194, as amended, was passed to engrossment.

HB 2589 ON SECOND READING

(by Peña)

HB 2589, A bill to be entitled An Act relating to the delivery of a voter registration application to the registrar by a volunteer deputy registrar; providing a criminal penalty.

HB 2589 - POINT OF ORDER

Representative Martinez raised a point of order against further consideration of **HB 2589** under Rule 4, Section 18(b) of the House Rules on the grounds that the committee minutes are incomplete.

The point of order was withdrawn.

Representative Peña moved to postpone consideration of **HB 2589** until 9:15 p.m. today.

The motion prevailed.

CSHB 2190 ON SECOND READING

(by Elkins)

CSHB 2190, A bill to be entitled An Act relating to the deadline by which provisional ballots must be processed for certain elections.

Amendment No. 1

Representative Elkins offered the following amendment to **CSHB 2190**:

Amend **CSHB 2190** as follows:

(1) On page 1, line 7, strike "in" and substitute "for an election held on the date of".

(2) Add a new appropriately numbered SECTION to read as follows:

SECTION _____. Section 67.012(a), Election Code, is amended to read as follows:

(a) The governor shall conduct the state canvass [~~not earlier than the 15th or later than the 30th day after election day~~] at the time set by the secretary of state:

(1) not earlier than the 15th or later than the 30th day after election day;

or

(2) for an election described by Section 65.051(a-1), not earlier than the 18th or later than the 33rd day after election day.

(3) Renumber the existing SECTIONS as appropriate.

Amendment No. 1 was adopted.

CSHB 2190, as amended, was passed to engrossment.

HB 2359 ON SECOND READING

(by Hopson)

HB 2359, A bill to be entitled An Act relating to direct campaign expenditures.

HB 2359 was passed to engrossment by (Record 933): 109 Yeas, 28 Nays, 2 Present, not voting.

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

Nays — Allen; Alonzo; Alvarado; Burnam; Castro; Davis, Y.; Dukes; Dutton; Eiland; Farrar; Giddings; Gonzales, V.; Gutierrez; Hernandez Luna; Howard, D.; King, T.; Mallory Caraway; McClendon; Naishtat; Quintanilla; Raymond; Reynolds; Rodriguez; Taylor, V.; Thompson; Turner; Villarreal; Vo.

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

Absent, Excused — Cook; Lucio; Schwertner.

Absent — Gonzales, L.; Lozano; Marquez; Miles; Oliveira; Orr; Otto; Torres.

STATEMENTS OF VOTE

When Record No. 933 was taken, my vote failed to register. I would have voted no.

L. Gonzales

When Record No. 933 was taken, I was in the house but away from my desk. I would have voted yes.

Marquez

I was shown voting yes on Record No. 933. I intended to vote no.

Paxton

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Homeland Security and Public Safety meeting is cancelled.

(Bonnen in the chair)

CSHB 804 ON SECOND READING

(by Lewis, Aliseda, Branch, Harless, et al.)

CSHB 804, A bill to be entitled An Act relating to the offense of illegal voting by a person who is not a United States citizen.

CSHB 804 - POINT OF ORDER

Representative Alonzo raised a point of order against further consideration of **CSHB 804**.

The point of order was withdrawn.

Representative Lewis moved to postpone consideration of **CSHB 804** until 9:30 p.m. today.

The motion prevailed.

(S. Davis in the chair)

CSHB 628 ON SECOND READING

(by Callegari)

CSHB 628, A bill to be entitled An Act relating to contracts by governmental entities and related professional services and to public works performance and payment bonds.

CSHB 628 - POINT OF ORDER

Representative Burnam raised a point of order against further consideration of **CSHB 628** under Rule 4, Section 11 and Rule 4, Section 12 of the House Rules on the grounds that proper notice of the committee meeting was not given.

The point of order was withdrawn.

Representative Callegari moved to postpone consideration of **CSHB 628** until 9:30 p.m. today.

The motion prevailed.

SB 1505 ON SECOND READING

(Lewis - House Sponsor)

SB 1505, A bill to be entitled An Act relating to the appraisal for ad valorem tax purposes of a real property interest in oil or gas in place.

SB 1505 was considered in lieu of **HB 889**.

SB 1505 was passed to third reading.

HB 889 - LAID ON THE TABLE SUBJECT TO CALL

Representative Lewis moved to lay **HB 889** on the table subject to call.

The motion prevailed.

CSHB 1766 ON SECOND READING

(by **Crownover, Truitt, Zerwas, Anchia, L. Taylor, et al.**)

CSHB 1766, A bill to be entitled An Act relating to the creation of a voluntary consumer-directed health plan for certain individuals eligible to participate in the insurance coverage provided under the Texas Employees Group Benefits Act and their qualified dependents.

Amendment No. 1

Representative Anchia offered the following amendment to **CSHB 1766**:

Amend **CSHB 1766** (house committee printing) on page 8, between lines 6 and 7, by inserting:

Sec. 1551.464. EXPIRATION. This subchapter expires September 1, 2017.

Amendment No. 1 was adopted.

CSHB 1766, as amended, was passed to engrossment. (D. Howard and Thompson recorded voting no.)

CSHB 1205 ON SECOND READING

(by **Turner, Allen, Aliseda, Rodriguez, and Gallego**)

CSHB 1205, A bill to be entitled An Act relating to the procedures for reducing or terminating community supervision and the establishment of certain time credits through which a defendant's period of community supervision is reduced.

CSHB 1205 - POINT OF ORDER

Representative Carter raised a point of order against further consideration of **CSHB 1205**.

The point of order was withdrawn.

Representative Turner moved to postpone consideration of **CSHB 1205** until 9:45 p.m. today.

The motion prevailed.

CSHB 2707 ON SECOND READING

(by **Burnam, Quintanilla, Gutierrez, and Menendez**)

CSHB 2707, A bill to be entitled An Act relating to the holding of an interest in certain alcoholic beverage licenses, permits, or premises by certain persons whose alcoholic beverage license or permit has been revoked.

CSHB 2707 was passed to engrossment. (P. King recorded voting no.)

HB 1228 ON SECOND READING**(by Dutton)**

HB 1228, A bill to be entitled An Act relating to foreclosure of a property owners' association assessment lien.

Amendment No. 1

Representative Dutton offered the following amendment to **HB 1228**:

Amend **HB 1228** as follows:

On page 1, line 15, strike "·:"

On page 1, lines 16 through 18, strike the following: "(A) is first in priority; or

"B) if the assessment lien is first in priority, is next in priority to the assessment lien"

On page 1, lines 15 through 18, after "lien" and before ";" insert the following: "is inferior or subordinate to the association's lien and is evidenced by a deed of trust"

Amendment No. 1 was adopted.

Amendment No. 2

Representative Dutton offered the following amendment to **HB 1228**:

Amend **HB 1228** (house committee printing) by striking page 1, lines 15-18, and substituting the following: lien of record on the property whose lien is first in priority; and

Amendment No. 2 was withdrawn.

Amendment No. 3

Representative Menendez offered the following amendment to **HB 1228**:

Amend **HB 1228** by adding the following and renumbering the sections appropriately:

SECTION 1. Chapter 12, Property Code, is amended by adding Section 12.0171 to read as follows:

Sec. 12.0171. AFFIDAVIT AS RELEASE OF ASSESSMENT LIEN. (a) A property owner whose property is subject to a recorded notice of a property owners' assessment lien may, at any time, file an affidavit that substantially complies with Subsection (e) in the real property records of the county in which the lien notice is recorded.

(b) Subject to Subsection (c) and except as provided by Subsection (d), an affidavit filed under Subsection (a) serves as a release of record of the property owners' association assessment lien referenced in the affidavit.

(c) A bona fide purchaser or a mortgagee for value or a successor or assign of a bona fide purchaser or mortgagee for value may rely conclusively on an affidavit filed under Subsection (a) if included with the affidavit is evidence that:

(1) the property owner sent a letter and a copy of the affidavit, without attachments and before execution of the affidavit, notifying the property owners' association of the owner's intent to file the affidavit; and

(2) 30 or more days before the affidavit was filed, the letter and the affidavit were sent to the property owners' association by registered or certified mail, return receipt requested, to the address provided in the management certificate recorded under Section 209.004.

(d) An affidavit filed under Subsection (a) does not serve as a release of record of a property owners' association assessment lien if the association files a contradicting affidavit in the real property records of the county in which the affidavit is filed asserting that:

(1) the affidavit filed by the owner is untrue; or

(2) another reason exists as to why the assessment lien attaches to the owner's property.

(e) An affidavit filed under Subsection (a) must be in substantially the following form:

PROPERTY OWNER'S AFFIDAVIT AS RELEASE OF PROPERTY OWNERS' ASSOCIATION ASSESSMENT LIEN

Before me, the undersigned authority, on this day personally appeared _____ ("Affiant(s)") (insert name of one of more affiants) who, being first duly sworn, upon oath states:

(1) My/our name is/are _____ (insert name of Affiant(s)). I/we own the following described land ("Land"):

(describe the property that is the subject of the property owners' association assessment lien)

(2) This affidavit is made for the purpose of effecting a release of the property owners' association assessment lien recorded in _____ (refer to recording information of property owners' association assessment lien) ("Assessment Lien") as to the Land.

(3) The debt on which the Assessment Lien in based has been satisfied in its entirety or is not owed by us.

(4) Attached to this affidavit is evidence that:

(A) Affiant(s) sent a letter and a copy of this affidavit, without attachments and before execution of the affidavit, notifying the association claiming the Assessment Lien of this affidavit and the Affiant(s)' intent to file for record this affidavit; and

(B) the letter and this affidavit were sent by registered or certified mail, return receipt requested, 30 or more days before this affidavit was filed to the property owners' association claiming the Assessment Lien.

(5) This affidavit serves as a release of the Assessment Lien as to the Land in accordance with Section 12.0171, Property Code.

Signed on this _____ day of _____, _____.

(Signature of Affiant(s))

State of _____

County of _____

SWORN TO AND SUBSCRIBED before me on the _____ day of _____, 20_____.

My commission expires:

 Notary Public, State of Texas

 Notary's printed name:

(f) A person who knowingly causes an affidavit with false information to be executed and recorded under this section is liable for the penalties for filing a false affidavit, including the penalties for the commission of an offense under Section 37.02, Penal Code. The attorney general may sue to collect the penalty. A person who negligently causes an affidavit with false information to be executed and recorded under this section is liable to a party injured by the affidavit for actual damages. If the attorney general or an injured party bringing suit substantially prevails in an action under this subsection, the court may award reasonable attorney's fees and court costs to the prevailing party.

Amendment No. 3 was adopted.

HB 1228, as amended, was passed to engrossment.

HB 3001 ON SECOND READING

(by Thompson, et al.)

HB 3001, A bill to be entitled An Act relating to the electronic monitoring of certain high-risk sex offenders; providing a penalty.

Amendment No. 1

Representative Thompson offered the following amendment to **HB 3001**:

Amend **HB 3001** (house committee report) on page 5, lines 10-11, by striking "the person who is subject to this chapter fails" and substituting "the person is subject to this chapter and fails".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Thompson offered the following amendment to **HB 3001**:

Amend **HB 3001** (house committee report) as follows:

(1) On page 5, line 16, strike "from any source, including" and substitute "or other money from any source, including the legislature or".

(2) On page 5, line 20, strike "2011" and substitute "2017".

Amendment No. 2 was adopted.

Amendment No. 3

Representative Villarreal offered the following amendment to **HB 3001**:

Amend **HB 3001** (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 62, Code of Criminal Procedure, is amended by adding Article 62.063 to read as follows:

Art. 62.063. LOCAL LAW ENFORCEMENT AUTHORITY FEE. (a) A local law enforcement authority may charge and collect from a person required to register under this chapter the following fees:

(1) a fee in an amount not to exceed \$20, to be charged and collected the first time the person registers or verifies registration with the authority under Article 62.051 or 62.052 and annually in each year that the person, during any month of the year, verifies registration with the authority under Article 62.052, 62.058, or 62.202; and

(2) following a change of address:

(A) a fee in an amount not to exceed \$20, to be charged and collected the first time the person reports to the authority under Article 62.055, if at the time of the change of address the authority has not yet been designated as the person's primary registration authority; or

(B) a fee in an amount not to exceed \$5, to be charged and collected the first time the person reports to the authority under Article 62.055, if at the time of the change of address the authority is designated as the person's primary registration authority.

(b) Not less than 90 percent of a fee collected under Subsection (a) shall be remitted to the comptroller in the manner directed by the comptroller. Fees remitted under this subsection may be used only to defray the costs incurred by the department in performing the department's duties under this chapter.

(c) The portion of a fee that remains after remittance under Subsection (b) may be retained by the local law enforcement authority collecting the fee and used only to defray the costs incurred by the authority in performing the authority's duties under this chapter.

(d) A local law enforcement authority shall keep records of any fees collected under this article.

SECTION _____. Article 62.052(a), Code of Criminal Procedure, is amended to read as follows:

(a) An extrajurisdictional registrant is required to:

(1) comply with the annual verification requirements of Article 62.058 in the same manner as a person who is required to verify registration on the basis of a reportable conviction or adjudication; and

(2) pay fees under Article 62.063 in the same manner and in the same amount as a person who is required to pay those fees on the basis of a reportable conviction or adjudication.

SECTION _____. Article 62.053(a), Code of Criminal Procedure, is amended to read as follows:

(a) Before a person who will be subject to registration under this chapter is due to be released from a penal institution, the Texas Department of Criminal Justice or the Texas Youth Commission shall determine the person's level of risk to the community using the sex offender screening tool developed or selected under Article 62.007 and assign to the person a numeric risk level of one, two, or three. Before releasing the person, an official of the penal institution shall:

(1) inform the person that:

(A) not later than the later of the seventh day after the date on which the person is released or after the date on which the person moves from a previous residence to a new residence in this state or not later than the first date the applicable local law enforcement authority by policy allows the person to register or verify registration, the person must register or verify registration with the local law enforcement authority in the municipality or county in which the person intends to reside;

(B) not later than the seventh day after the date on which the person is released or the date on which the person moves from a previous residence to a new residence in this state, the person must, if the person has not moved to an intended residence, report to the applicable entity or entities as required by Article 62.051(h) or (j) or 62.055(e);

(C) not later than the seventh day before the date on which the person moves to a new residence in this state or another state, the person must report in person to the local law enforcement authority designated as the person's primary registration authority by the department and to the juvenile probation officer, community supervision and corrections department officer, or parole officer supervising the person;

(D) not later than the 10th day after the date on which the person arrives in another state in which the person intends to reside, the person must register with the law enforcement agency that is identified by the department as the agency designated by that state to receive registration information, if the other state has a registration requirement for sex offenders;

(E) not later than the 30th day after the date on which the person is released, the person must apply to the department in person for the issuance of an original or renewal driver's license or personal identification certificate and a failure to apply to the department as required by this paragraph results in the automatic revocation of any driver's license or personal identification certificate issued by the department to the person; ~~and~~

(F) the person must notify appropriate entities of any change in status as described by Article 62.057; and

(G) the person may be required to pay the applicable fees described by Article 62.063;

(2) require the person to sign a written statement that the person was informed of the person's duties as described by Subdivision (1) or Subsection (g) or, if the person refuses to sign the statement, certify that the person was so informed;

(3) obtain the address or, if applicable, a detailed description of each geographical location where the person expects to reside on the person's release and other registration information, including a photograph and complete set of fingerprints; and

(4) complete the registration form for the person.

SECTION ____ . Article 62.055, Code of Criminal Procedure, is amended by adding Subsection (j) to read as follows:

(j) A person who reports to the person's primary registration authority or another local law enforcement authority as required by Subsection (a) shall pay to the authority each applicable fee that the authority requires the person to pay under Article 62.063, in the amount and at the time that is designated by the authority.

SECTION _____. Article 62.058, Code of Criminal Procedure, is amended by adding Subsection (f) to read as follows:

(f) A person who reports to the person's primary registration authority as required by Subsection (a) shall pay to the authority each applicable fee that the authority requires the person to pay under Article 62.063, in the amount and at the time that is designated by the authority.

SECTION _____. Article 62.202, Code of Criminal Procedure, is amended by adding Subsection (c) to read as follows:

(c) A person who reports to the person's primary registration authority as required by Subsection (a) shall pay to the authority each applicable fee that the authority requires the person to pay under Article 62.063, in the amount and at the time that is designated by the authority.

SECTION _____. The changes in law made by this Act in amending Chapter 62, Code of Criminal Procedure, apply to a person subject to Chapter 62, Code of Criminal Procedure, for an offense committed or conduct engaged in before, on, or after the effective date of this Act.

Amendment No. 3 was withdrawn.

Amendment No. 4

Representative Madden offered the following amendment to **HB 3001**:

Amend **HB 3001** (house committee printing) as follows:

(1) Strike SECTION 3 of the bill (page 5, line 20, through page 6, line 9).

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

SECTION _____. Subchapter A, Chapter 62, Code of Criminal Procedure, is amended by adding Article 62.0052 to read as follows:

Art. 62.0052. ELECTRONIC MAIL REPORTS FOR STATE LEGISLATORS. (a) The department shall maintain an electronic mail report service to which a member of the house of representatives or the senate of this state may electronically subscribe.

(b) The electronic mail report service maintained under Subsection (a) must:

(1) allow a subscribing representative or senator to request for each zip code any portion of which is located in the representative's or senator's district notification of:

(A) the release from a penal institution or placement on deferred adjudication community supervision, community supervision, or juvenile probation of a person who expects to reside or resides in that zip code and is required to register under this chapter; and

(B) any change in address of a person who expects to reside or resides in that zip code and is required to register under this chapter; and

(2) not less frequently than monthly, deliver to the subscribing representative or senator a report containing the information described by Subdivision (1).

(c) The department must include any public information described by Article 62.005 in an electronic mail report sent to a subscribing representative or senator.

SECTION _____. Subchapter B, Chapter 62, Code of Criminal Procedure, is amended by adding Article 62.0531 to read as follows:

Art. 62.0531. DETERMINATION OF PREDATORY RISK LEVEL. (a) In this article, "sexually predatory conduct" means conduct that is engaged in for the purpose of victimization and that:

(1) is directed toward a stranger, a person of casual acquaintance with whom no substantial relationship exists, or a person with whom a relationship has been established or promoted for the purpose of victimization; and

(2) violates:

(A) Section 21.11(a)(1), 22.011, or 22.021, Penal Code;

(B) Section 43.25, Penal Code;

(C) Section 20.04(a)(4), Penal Code, if the conduct is committed with the intent to violate or abuse the victim of the conduct sexually; or

(D) Section 30.02, Penal Code, if the conduct is punishable under Subsection (d) of that section and is committed with the intent to engage in conduct described by Paragraph (A) or (C).

(b) In addition to assigning to a person a numeric risk level of one, two, or three under Article 62.053(a), before a person who will be subject to registration under this chapter and who will be described by Article 62.063(b) on or after release is due to be released from a penal institution, the Texas Department of Criminal Justice or the Texas Youth Commission, as applicable, using the dynamic risk assessment tool developed or adopted by the Council on Sex Offender Treatment under Section 110.164, Occupations Code, shall:

(1) determine the likelihood that the person will engage in sexually predatory conduct after being released from the institution; and

(2) assign to the person a predatory risk level of low, medium, or high.

SECTION _____. Subchapter B, Chapter 62, Code of Criminal Procedure, is amended by adding Article 62.063 to read as follows:

Art. 62.063. MONITORING OF CERTAIN HIGH-RISK REGISTRANTS.

(a) In this article, "monitoring system" means an electronic monitoring service, global positioning satellite service, or other appropriate technological service that is designed to track a person's location.

(b) This article applies only to a person 18 years of age or older who is released from a penal institution, who is required to register under this chapter as the result of a reportable conviction or adjudication, and who:

(1) is not otherwise subject to monitoring under Chapter 61A;

(2) is not under the supervision and control of:

(A) the Texas Youth Commission;

(B) a community supervision and corrections department; or

(C) the parole division of the Texas Department of Criminal Justice; or

(3) has not been civilly committed under Chapter 841, Health and Safety Code.

(c) A person described by Subsection (b) who, under Article 62.0531, is assigned a predatory risk level of high shall participate in any monitoring system program implemented under Subsection (d). A person's duty to participate in the program expires on the third anniversary of the date the person is released from the penal institution.

(d) Subject to the receipt of one or more grants awarded by the criminal justice division of the governor's office, the department shall implement and coordinate a monitoring system program that tracks the location of persons subject to this article. A monitoring system program implemented under this subsection must require:

(1) the department to provide to each local law enforcement authority designated as the primary registration authority under this chapter for a person subject to this article monitoring system equipment that is sufficient to track the location of the person;

(2) each local law enforcement authority designated as a person's primary registration authority under this chapter to use the monitoring system equipment provided under Subdivision (1) to verify the authenticity of any geographically verifiable information contained in the registration form of a person subject to this article, including the person's residence; and

(3) the manufacturer or vendor of the monitoring system equipment provided to a local law enforcement authority under Subdivision (1) to provide training and technological support to the authority with respect to the equipment.

(e) A monitoring system that is part of a monitoring system program described by Subsection (d) must track a person's location and periodically provide a cumulative report of the tracked person's location to the department. The monitoring system is not required to be capable of tracking a person's location in real time or providing a real-time report of the person's location to the department.

(f) A person who is not indigent and who is required to participate in a monitoring system program described by Subsection (d) is responsible for the cost of the monitoring system and monthly shall pay to the person's primary registration authority and to the department the amount that the primary registration authority or department, as applicable, determines is necessary to defray that entity's cost of operating the system with respect to the person during the preceding month.

(g) In the manner prescribed by the criminal justice division of the governor's office, the department shall report to the division the amounts of any money received by the department under Subsection (f). The division shall treat that money as program income for the department and shall use the reported amounts to offset the amounts of grants awarded by the division to the department.

(h) The public safety director of the department shall adopt rules as necessary to implement and coordinate the monitoring system program described by Subsection (d).

(i) Notwithstanding any other provision of this article, this article does not apply to a person who is released from a penal institution before the date that the monitoring system program is implemented and becomes fully operational.

SECTION _____. Section 110.164(a), Occupations Code, is amended to read as follows:

(a) The council shall develop or adopt a dynamic risk assessment tool to be used in determining the likelihood that a person who is confined in a penal institution and will become subject to Chapter 62, Code of Criminal Procedure, on being released from the institution will:

(1) engage in sexually predatory conduct; or

(2) otherwise commit an offense described by Article 62.001(5), Code of Criminal Procedure,~~[after being released from the institution].~~

SECTION _____. The Department of Public Safety shall ensure that the electronic mail report service required to be maintained under Article 62.0052, Code of Criminal Procedure, as added by this Act, becomes fully functional and able to receive subscription requests and shall begin to respond appropriately to those requests not later than January 1, 2012.

SECTION _____. (a) Not later than September 15, 2011, the Department of Public Safety shall issue a request for qualifications or proposal for the purchase of any monitoring system equipment necessary to operate the monitoring system program described by Article 62.063, Code of Criminal Procedure, as added by this Act, and to operate the monitoring system program described by Chapter 61A, Code of Criminal Procedure, as added by this Act. The department may consider only those responses to the request for qualifications or proposal that are received from, and may only contract with, a manufacturer of the monitoring system equipment.

(b) The selection process through which the Department of Public Safety chooses a manufacturer with which to contract under Subsection (a) of this section must include side-by-side test comparisons of all products being considered. In awarding a contract under Subsection (a) of this section, the department may not give greater weight to cost considerations than to considerations concerning the product test results, product reliability and functionality, and the protection of public safety.

(c) Subject to the receipt of one or more grants awarded by the criminal justice division of the governor's office, the Department of Public Safety shall ensure that the monitoring system program required under Article 62.063, Code of Criminal Procedure, as added by this Act, becomes fully operational not later than February 29, 2012.

Amendment No. 4 was adopted.

HB 3001, as amended, was passed to engrossment.

POSTPONED BUSINESS

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

HB 1951 ON SECOND READING**(by L. Taylor)**

HB 1951, A bill to be entitled An Act relating to the continuation and operation of the Texas Department of Insurance and the operation of certain insurance programs; imposing administrative penalties.

HB 1951 was read second time earlier today and was postponed until this time.

Amendment No. 1

Representative L. Taylor offered the following amendment to **HB 1951**:
Floor Packet Page No. 1

Amend **HB 1951** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE _____. TEXAS WINDSTORM INSURANCE ASSOCIATION

SECTION _____. Section 83.002, Insurance Code, is amended by adding Subsection (c) to read as follows:

(c) This chapter also applies to:

(1) a person appointed as a qualified inspector under Section 2210.254 or 2210.255; and

(2) a person acting as a qualified inspector under Section 2210.254 or 2210.255 without being appointed as a qualified inspector under either of those sections.

SECTION _____. Section 2210.105, Insurance Code, is amended by amending Subsection (b) and adding Subsections (b-1), (e), and (f) to read as follows:

(b) Except for a closed meeting authorized by Subchapter D, Chapter 551, Government Code, a meeting of the board of directors or of the members of the association is open to:

~~[(1) the commissioner or the commissioner's designated representative;~~
and

~~[(2)] the public.~~

(b-1) A meeting of the board of directors or the members of the association, including a closed meeting authorized by Subchapter D, Chapter 551, Government Code, is open to the commissioner or the commissioner's designated representative.

(e) The association shall:

(1) broadcast live on the association's Internet website all meetings of the board of directors, other than closed meetings; and

(2) maintain on the association's Internet website an archive of meetings of the board of directors.

(f) A recording of a meeting must be maintained in the archive required under Subsection (e) through and including the second anniversary of the meeting.

SECTION _____. Subchapter C, Chapter 2210, Insurance Code, is amended by adding Section 2210.108 to read as follows:

Sec. 2210.108. OPEN MEETINGS AND OPEN RECORDS. Except as specifically provided by this chapter or another law, the association is subject to Chapters 551 and 552, Government Code.

SECTION _____. Section 2210.202(b), Insurance Code, is amended to read as follows:

(b) A property and casualty agent must submit an application for initial ~~the~~ insurance coverage on behalf of the applicant on forms prescribed by the association. A person insured under this chapter may submit an application for renewal coverage directly to the association on forms prescribed by the association. An ~~The~~ application for initial or renewal coverage must contain:

(1) a statement as to whether the applicant has submitted or will submit the premium in full from personal funds or, if not, to whom a balance is or will be due; and

(2) ~~[Each application for initial or renewal coverage must also contain]~~ a statement that the agent acting on behalf of the applicant possesses proof of the declination described by Subsection (a) and proof of flood insurance coverage or unavailability of that coverage as described by Section 2210.203(a-1), regardless of whether the agent or the applicant submits the application for coverage.

SECTION _____. Sections 2210.203(a) and (c), Insurance Code, are amended to read as follows:

(a) If the association determines that the property for which an application for initial insurance coverage is made is insurable property, the association, on payment of the premium, shall direct the issuance of an insurance policy as provided by the plan of operation.

(c) A policy may be renewed annually on application for renewal as long as the property continues to be insurable property. If the association determines that the property for which an application for renewal insurance coverage is made is insurable property, the association shall direct the issuance of a renewal insurance policy as provided by the plan of operation and may collect the premium for the policy directly from the applicant for renewal insurance coverage.

SECTION _____. Sections 2210.204(d) and (e), Insurance Code, are amended to read as follows:

(d) If an insured requests cancellation of the insurance coverage, the association shall refund the unearned premium, less any minimum retained premium set forth in the plan of operation, payable to the insured and the holder of an unpaid balance. The property and casualty agent who received a commission as the result of the issuance of an association policy providing the canceled coverage ~~[submitted the application]~~ shall refund the agent's commission on any unearned premium in the same manner.

(e) For cancellation of insurance coverage under this section, the minimum retained premium in the plan of operation must be for a period of not less than 90 [~~180~~] days, except for events specified in the plan of operation that reflect a significant change in the exposure or the policyholder concerning the insured property, including:

- (1) the purchase of similar coverage in the voluntary market;
- (2) sale of the property to an unrelated party;
- (3) death of the policyholder; or
- (4) total loss of the property.

SECTION _____. Section 2210.254, Insurance Code, is amended by adding Subsection (e) to read as follows:

(e) The department may establish an annual renewal period for persons appointed as qualified inspectors.

SECTION _____. Subchapter F, Chapter 2210, Insurance Code, is amended by adding Section 2210.2551 to read as follows:

Sec. 2210.2551. EXCLUSIVE ENFORCEMENT AUTHORITY; RULES.

(a) The department has exclusive authority over all matters relating to the appointment and oversight of qualified inspectors for purposes of this chapter.

(b) The commissioner by rule shall establish criteria to ensure that a person seeking appointment as a qualified inspector under this subchapter, including an engineer seeking appointment under Section 2210.255, possesses the knowledge, understanding, and professional competence to perform windstorm inspections under this chapter and to comply with other requirements of this chapter.

SECTION _____. The heading to Section 2210.256, Insurance Code, is amended to read as follows:

Sec. 2210.256. DISCIPLINARY PROCEEDINGS REGARDING APPOINTED INSPECTORS AND CERTAIN OTHER PERSONS.

SECTION _____. Section 2210.256, Insurance Code, is amended by adding Subsection (a-2) to read as follows:

(a-2) In addition to any other action authorized under this section, the commissioner ex parte may enter an emergency cease and desist order under Chapter 83 against a qualified inspector, or a person acting as a qualified inspector, if:

(1) the commissioner believes that:

(A) the qualified inspector has:

(i) through submitting or failing to submit to the department sealed plans, designs, calculations, or other substantiating information, failed to demonstrate that a structure or a portion of a structure subject to inspection meets the requirements of this chapter and department rules; or

(ii) refused to comply with requirements imposed under this chapter or department rules; or

(B) the person acting as a qualified inspector is acting without appointment as a qualified inspector under Section 2210.254 or 2210.255; and

(2) the commissioner determines that the conduct described by Subdivision (1) is fraudulent or hazardous or creates an immediate danger to the public.

SECTION _____. Section 2210.258(b), Insurance Code, is amended to read as follows:

(b) The association may not insure a structure described by Subsection (a) until:

(1) the structure has been inspected for compliance with the plan of operation in accordance with Section 2210.251(a); and

(2) except as provided by Section 2210.260, a certificate of compliance has been issued for the structure in accordance with Section 2210.251(g).

SECTION _____. Subchapter F, Chapter 2210, Insurance Code, is amended by adding Section 2210.260 to read as follows:

Sec. 2210.260. ALTERNATIVE ELIGIBILITY FOR COVERAGE. (a) On and after January 1, 2012, a person who has an insurable interest in a residential structure may obtain insurance coverage through the association for that structure without obtaining a certificate of compliance under Section 2210.251(g) in accordance with this section and rules adopted by the commissioner.

(b) The department may issue an alternative certification for a residential structure if the person who has an insurable interest in the structure demonstrates that at least one qualifying structural building component of the structure has been:

(1) inspected by a department inspector or by a qualified inspector; and

(2) determined to be in compliance with applicable building code standards, as set forth in the plan of operation.

(c) The commissioner shall adopt reasonable and necessary rules to implement this section. The rules adopted under this section must establish which structural building components are considered qualifying structural building components for the purposes of Subsection (b), taking into consideration those items that are most probable to generate losses for the association's policyholders and the cost to upgrade those items.

(d) Except as provided in Section 2210.251(f), a person who has an insurable interest in a residential structure that is insured by the association as of January 1, 2012, but for which the person has not obtained a certificate of compliance under Section 2210.251(g), must obtain an alternative certification under this section before the association, on or after January 1, 2013, may renew coverage for the structure.

(e) Each residential structure for which a person obtains an alternative certification under this section must comply with:

(1) the requirements of this chapter, including Section 2210.258; and

(2) the association's underwriting requirements, including maintaining the structure in an insurable condition and paying premiums in the manner required by the association.

(f) The association shall develop and implement an actuarially sound rate, credit, or surcharge that reflects the risks presented by structures with reference to which alternative certifications have been obtained under this section. A rate, credit, or surcharge under this subsection may vary based on the number of qualifying structural building components included in a structure with reference to which an alternative certification is obtained under this section.

SECTION _____. This article applies only to a Texas windstorm and hail insurance policy delivered, issued for delivery, or renewed by the Texas Windstorm Insurance Association on or after the 30th day after the effective date of this Act. A Texas windstorm and hail insurance policy delivered, issued for delivery, or renewed by the Texas Windstorm Insurance Association before the 30th day after the effective date of this Act, 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.

SECTION _____. The Texas Windstorm Insurance Association shall, not later than January 1, 2012, amend the association's plan of operation as necessary to conform to the changes in law made by this article.

Amendment No. 1 was adopted. (The vote was reconsidered later today, and Amendment No. 1 was amended by Amendment No. 22 and was adopted, as amended.)

Amendment No. 2

Representative Eiland offered the following amendment to **HB 1951**:
Floor Packet Page No. 5

Amend **HB 1951** (house committee printing) by striking the enacting clause, line 5, page 1.

Representative L. Taylor moved to table Amendment No. 2.

The motion to table prevailed by (Record 934): 101 Yeas, 42 Nays, 2 Present, not voting.

Yeas — Aliseda; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Craddick; Creighton; Crownover; Darby; Davis, J.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gonzalez; 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.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

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

Absent, Excused — Cook; Lucio; Schwertner.

Absent — Coleman; Miles.

Amendment No. 3

Representative L. Taylor offered the following amendment to **HB 1951**:

Floor Packet Page No. 3

Amend **HB 1951** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE ____ . ADJUSTER ADVISORY BOARD

SECTION __.001. (a) The adjuster advisory board established under this section is composed of the following nine members appointed by the commissioner:

- (1) two public insurance adjusters;
 - (2) two members who represent the general public;
 - (3) two independent adjusters;
 - (4) one adjuster who represents a domestic insurer authorized to engage in business in this state;
 - (5) one adjuster who represents a foreign insurer authorized to engage in business in this state; and
 - (6) one representative of the Independent Insurance Agents of Texas.
- (b) A member who represents the general public may not be:
- (1) an officer, director, or employee of:
 - (A) an adjuster or adjusting company;
 - (B) an insurance agent or agency;
 - (C) an insurance broker;
 - (D) an insurer; or
 - (E) any other business entity regulated by the department;
 - (2) a person required to register as a lobbyist under Chapter 305, Government Code; or
 - (3) a person related within the second degree of affinity or consanguinity to a person described by Subdivision (1) or (2).
- (c) The advisory board shall make recommendations to the commissioner regarding:
- (1) matters related to the licensing, testing, and continuing education of licensed adjusters;
 - (2) matters related to claims handling, catastrophic loss preparedness, ethical guidelines, and other professionally relevant issues; and
 - (3) any other matter the commissioner submits to the advisory board for a recommendation.
- (d) A member of the advisory board serves without compensation. If authorized by the commissioner, a member is entitled to reimbursement for reasonable expenses incurred in attending meetings of the advisory board.
- (e) The advisory board is subject to Chapter 2110, Government Code.

Amendment No. 3 was adopted. (Laubenberg and V. Taylor recorded voting no.)

Amendment No. 4

Representative Farrar offered the following amendment to **HB 1951**:

Floor Packet Page No. 6

Amend **HB 1951** (house committee printing) as follows:

(1) On page 2, line 2, strike "2023" and substitute "2017".

Amendment No. 4 was withdrawn.

Amendment No. 5

Representative Castro offered the following amendment to **HB 1951**:

Floor Packet Page No. 11

Amend **HB 1951** (house committee printing) as follows:

(1) On page 15, lines 24 and 25, strike "Section 2254.003(a), Insurance Code, is amended to read as follows" and substitute "Sections 2254.003(a) and (b), Insurance Code, are amended to read as follows".

(2) On page 16, between lines 2 and 3, insert the following:

(b) Except as provided by Section 2254.004(c), if the commissioner determines that an insurer has charged a rate for personal automobile insurance or residential property insurance that is excessive or unfairly discriminatory, as described by Section 2251.051, the commissioner shall ~~may~~:

~~[(1)] order the insurer to refund directly to each affected policyholder the portion of the premium, plus interest on that amount, that is excessive or unfairly discriminatory; if that portion of the premium is at least 7.5 percent of the total premium charged for the coverage; or~~

~~[(2) if that portion of the premium is less than 7.5 percent of the total premium, order the insurer to provide, to each affected policyholder:~~

~~[(A) who renews the policy, a future premium discount equal to the amount of the excessive or unfairly discriminatory portion of the premium, plus interest on that amount; and~~

~~[(B) who does not renew or whose coverage is otherwise terminated, a refund in the amount described by Subdivision (1)].~~

(3) In ARTICLE 3 of the bill, add the following appropriately numbered SECTION and renumber subsequent SECTIONS of the ARTICLE accordingly:

SECTION 3.____. Chapter 2254, Insurance Code, is amended by adding Section 2254.005 to read as follows:

Sec. 2254.005. ADMINISTRATIVE PENALTY. If the commissioner determines after a hearing that an insurer has charged a rate for personal automobile insurance or residential property insurance that is excessive or unfairly discriminatory, as described by Section 2251.051, the commissioner shall order the insurer to pay an administrative penalty in the amount of \$100 for each policy delivered, issued for delivery, or renewed at the excessive or unfairly discriminatory rate. This penalty is in addition to any other penalties imposed under this code.

Amendment No. 5 was withdrawn.

Amendment No. 6

Representative Darby offered the following amendment to **HB 1951**:

Floor Packet Page No. 15

Amend **HB 1951** (house committee printing) as follows:

(1) On page 21, strike lines 4 and 5 and substitute the following:

SECTION 5.001. Section 2703.153, Insurance Code, is amended by amending Subsections (c) and (d) and adding Subsections (h) and (i) to read as follows:

(2) On page 21, between lines 15 and 16, insert the following:

(d) A title insurance company or a title insurance agent aggrieved by a department requirement concerning the submission of information may bring a suit in a district court in Travis County alleging that the request for information:

(1) is unduly burdensome; or

(2) is not a request for information material to fixing and promulgating premium rates or another matter that may be the subject of the periodic ~~biennial~~ hearing and is not a request reasonably designed to lead to the discovery of that information.

(h) The contents of the statistical report, including any amendments to the statistical report, must be established in a rulemaking hearing under Subchapter B, Chapter 2001, Government Code.

(i) An amendment to the contents of the statistical report may not apply retroactively.

(3) Add the following appropriately numbered SECTIONS to ARTICLE 5 of the bill:

SECTION 5.____. Section 2502.055(a), Insurance Code, is amended to read as follows:

(a) The activities described in this section are not rebates. Nothing in this subchapter prohibits a title insurance company or a title insurance agent from:

(1) engaging in ~~legal~~ promotional and educational activities that are not conditioned on the referral of title insurance business and not prohibited by Subchapter B, Chapter 541;

(2) purchasing advertising promoting the title insurance company or the title insurance agent at market rates from any person in any publication, event, or media;

(3) delivering to a party in the transaction or the party's representative legal documents or funds which are directly or indirectly related to a transaction closed by the title insurance company or title insurance agent; ~~or~~

(4) participating in an association of attorneys, builders, developers, realtors, or other real estate practitioners provided that the level of such participation does not exceed normal participation of a volunteer member of the association and is not activity that would ordinarily be performed by paid staff of an association; or

(5) providing continuing education courses at market rates, regardless of whether participants receive credit hours.

SECTION 5. _____. Section 2651.007, Insurance Code, is amended by adding Subsections (d), (e), (f), and (g) to read as follows:

(d) Not later than the 20th business day after the date the department receives a renewal application, the department shall notify the applicant in writing of any deficiencies in the application that render the renewal application incomplete.

(e) Not later than the fifth business day after the date the renewal application is complete, the department shall notify the applicant in writing of the date that the renewal application is complete.

(f) A renewal application is automatically approved on the 30th business day after the date the renewal application is complete, unless on or before that date the department notifies the applicant in writing of the factual grounds on which the department proposes to deny the license under Section 2651.301.

(g) The department may provide a notice required under this section by e-mail.

SECTION 5. _____. Section 2651.009, Insurance Code, is amended by amending Subsection (c) and adding Subsections (c-1), (c-2), and (c-3) to read as follows:

(c) Not later than the 20th business day after the date the department receives a notice under Subsection (b), the department shall notify the title insurance agent and appointing title insurance company in writing of any deficiencies in the notice that render the notice incomplete. A notice under Subsection (b) is considered complete on the date the department receives the notice, unless the department provides notice of the deficiencies under this section.

(c-1) Not later than the fifth business day after the date the notice under Subsection (b) is complete, the department shall notify the title insurance agent and appointing title insurance company in writing of the date that the notice under Subsection (b) is complete.

(c-2) The appointment is effective on the eighth business day following the date ~~the department receives~~ the ~~completed~~ notice of appointment is complete and the department receives the fee, unless the department proposes to reject ~~rejects~~ the appointment. If the department proposes to reject ~~rejects~~ the appointment, the department shall notify the title insurance agent and the appointing title insurance company ~~state~~ in writing of the factual grounds on which the department proposes to reject the appointment ~~reasons for rejection~~ not later than the seventh business day after the date on which the ~~department receives the completed~~ notice of appointment is complete.

(c-3) The department may provide a notice required under this section by e-mail.

SECTION 5. _____. Subchapter G, Chapter 2651, Insurance Code, is amended by adding Sections 2651.3015 and 2651.303 to read as follows:

Sec. 2651.3015. PROHIBITED GROUNDS FOR REJECTION, DELAY, OR DENIAL. (a) Except as provided by Subsection (b) or (c), the department may not reject, delay, or deny a notice of appointment under Section 2651.009 based wholly or partly on a pending department audit or complaint investigation

or a pending disciplinary action against a title insurance agent or appointing title insurance company that has not been finally closed or resolved by a final order issued by the commissioner on or before the date on which the notice is received by the department.

(b) The department may reject a notice of appointment under Section 2651.009 if the department determines that the appointing title insurance company or the title insurance agent intentionally made a material misstatement in the notice of appointment or attempted to have the appointment approved by fraud or misrepresentation.

(c) The department may delay approval of a notice of appointment if:

(1) the title insurance agent or the appointing title insurance company is the subject of a criminal investigation or prosecution; or

(2) the deputy commissioner of the title division of the department makes a good faith determination that there is a credible suspicion that there are ongoing or continuing acts of fraud by the title insurance agent or appointing title insurance company.

(d) Except as provided by Subsection (e) or (f), the department may not delay or deny a renewal application under Section 2651.007 based wholly or partly on a department audit or complaint investigation of, or disciplinary or enforcement action against, an applicant or license holder that is pending and has not been finally closed or resolved by a final order issued by the commissioner on or before the date on which the application is filed.

(e) The department may deny a renewal application under Section 2651.007 if the department determines that the applicant or license holder intentionally made a material misstatement in the renewal application or attempted to obtain the license renewal by fraud or misrepresentation.

(f) The department may delay a renewal application if:

(1) the applicant or license holder is the subject of a criminal investigation or prosecution; or

(2) the deputy commissioner of the title division of the department makes a good faith determination that there is a credible suspicion that there are ongoing or continuing acts of fraud by the applicant or license holder.

Sec. 2651.303. NOTICE OF DISCIPLINARY OR ENFORCEMENT ACTION; AUTOMATIC DISMISSAL. (a) The department shall notify a license holder in writing of a disciplinary or enforcement action against the license holder not later than the 30th business day after the date the department assigns a file number to the action, except that this subsection does not apply to a file or action:

(1) that is the subject of a pending criminal investigation or prosecution; or

(2) about which the deputy commissioner of the title division of the department makes a good faith determination that there is a credible suspicion that there are ongoing or continuing acts of fraud by a person who is the subject of the action.

(b) A notice required by Subsection (a) may be provided by e-mail and must provide a license holder fair notice of the alleged facts known by the department on the date of the notice that constitute grounds for the action.

(c) A disciplinary or enforcement action is automatically dismissed with prejudice, unless the department serves a notice of hearing on the license holder not later than the 60th business day after the date the department receives a hearing request from the license holder.

(d) The department may provide information about an enforcement action, including a copy of a notice issued under this section, to each title insurance company with which a title insurance agent has, or proposes to obtain, an appointment.

SECTION 5. _____. Subchapter B, Chapter 2652, Insurance Code, is amended by adding Section 2652.059 to read as follows:

Sec. 2652.059. DENIAL OF LICENSE APPLICATION OR LICENSE RENEWAL; APPROVAL. (a) Not later than the 20th business day after the date the department receives a license application or a license renewal under this chapter, the department shall notify the applicant or license holder in writing of any deficiencies in the application that render the application incomplete.

(b) Not later than the fifth business day after the date the application is complete, the department shall notify the applicant or license holder in writing of the date that the license application or license renewal is complete.

(c) An application is automatically approved on the 30th business day after the date the application is complete, unless on or before that date the department notifies the applicant or license holder in writing of the factual grounds on which the department proposes to deny the application.

(d) The department may provide a notice required under this section by e-mail.

SECTION 5. _____. Subchapter E, Chapter 2652, Insurance Code, is amended by adding Sections 2652.2015 and 2652.203 to read as follows:

Sec. 2652.2015. PROHIBITED GROUNDS FOR DELAY OR DENIAL. (a) Except as provided by Subsection (b) or (c), the department may not delay or deny a license application or a license renewal based wholly or partly on a department audit or complaint investigation of, or disciplinary or enforcement action against, a license holder or applicant that is pending and has not been closed or finally adjudicated on or before the date on which the initial or renewal application is filed.

(b) The department may delay a license application or license renewal if:

(1) the applicant or license holder is the subject of a criminal investigation or prosecution; or

(2) the deputy commissioner of the title division of the department makes a good faith determination that there is a credible suspicion that there are ongoing or continuing acts of fraud by the applicant or license holder.

(c) The department may deny a license application or license renewal if the department determines that the applicant or license holder intentionally made a material misstatement in the license application or license renewal or the applicant or license holder attempted to obtain the license or renewal by fraud or misrepresentation.

Sec. 2652.203. NOTICE OF DISCIPLINARY OR ENFORCEMENT ACTION; AUTOMATIC DISMISSAL. (a) The department shall notify a license holder of a disciplinary action or enforcement action against the license holder not later than the 30th business day after the date the department assigns a file number to the action, except that this subsection does not apply to a file or action:

(1) that is the subject of a pending criminal investigation or prosecution; or

(2) about which the deputy commissioner of the title division of the department makes a good faith determination that there is a credible suspicion that there are ongoing or continuing acts of fraud by a person who is the subject of the action.

(b) A notice required by Subsection (a) must provide a license holder fair notice of the alleged facts known by the department on the date of the notice that constitute grounds for the action.

(c) A disciplinary or enforcement action is automatically dismissed with prejudice, unless the department serves a notice of hearing on the license holder not later than the 60th business day after the date the department receives a hearing request from the license holder.

(d) The department may provide information about an enforcement action, including a copy of a notice issued under this section, to each title insurance agent or direct operation with which an escrow officer has, or proposes to obtain, employment.

SECTION 5. ____ . Section 2703.202, Insurance Code, is amended by amending Subsections (b) and (d) and adding Subsections (g), (h), (i), (j), (k), (l), (m), (n), and (o) to read as follows:

(b) The commissioner shall order a public hearing to consider changing a premium rate, including fixing a new premium rate, in response to a written [At the] request of:

(1) a title insurance company;

(2) an association composed of at least 50 percent of the number of title insurance agents and title insurance companies licensed or authorized by the department;

(3) an association composed of at least 20 percent of the number of title insurance agents licensed or authorized by the department; or

(4) the office of public insurance counsel[~~, the commissioner shall order a public hearing to consider changing a premium rate~~].

(d) Notwithstanding Subsection (c), ~~[at the request of a title insurance company or the public insurance counsel,]~~ a public hearing held under Subsection (a) or under Section 2703.206 must be conducted by the commissioner as a contested case hearing under Subchapters C through H and Subchapter Z, Chapter 2001, Government Code, at the request of:

(1) a title insurance company;

(2) an association composed of at least 50 percent of the number of title insurance agents and title insurance companies licensed or authorized by the department;

(3) an association composed of at least 20 percent of the number of title insurance agents licensed or authorized by the department; or

(4) the office of public insurance counsel.

(g) If a hearing held under Subsection (a) is not conducted as a contested case hearing, the commissioner shall render a decision and issue a final order not later than the 120th day after the date the commissioner receives a written request under Subsection (b).

(h) If a hearing held under Subsection (a) is conducted as a contested case hearing:

(1) not later than the 30th day after the date the commissioner receives a request for a public hearing under Subsection (b), the commissioner shall issue a notice of call for items to be considered at the hearing;

(2) the commissioner may not require responses to the notice of call before the 60th day after the date the commissioner issues the notice of call;

(3) the commissioner shall issue a notice of public hearing requested under Subsection (d) not later than the 30th day after the date responses to the notice of call are required under Subdivision (2);

(4) the commissioner shall commence the public hearing not earlier than the 120th day after the date the commissioner issues a notice of hearing under Subdivision (3);

(5) the commissioner shall close the public hearing not later than the 150th day after the date the commissioner issues the notice of hearing under Subdivision (3); and

(6) the commissioner shall render a decision and issue a final order not later than the 60th day after the record made in the public hearing is closed under Subdivision (5).

(i) A party's presentation of relevant, admissible oral testimony in a hearing under this section may not be limited.

(j) The commissioner shall consider each matter presented in a hearing under this section and announce in a public hearing all decisions on all matters considered.

(k) A party described by Subsection (b) may petition a district court in Travis County to enter an order requiring the commissioner to comply with the deadlines described by this section if the commissioner fails to meet a requirement in Subsection (g) or (h).

(l) Subject to Subsection (m), if the commissioner fails to comply with the requirements under Subsection (g) or (h)(6), a combination of at least three associations, persons, or entities listed in Subsection (b) may jointly petition a district court of Travis County to adopt a rate based on the record made in the hearing before the commissioner under this section.

(m) If the record made in the hearing before the commissioner is not complete before the request for the court to adopt a premium rate under Subsection (l), the court shall hold an evidentiary hearing to establish a record before adopting the premium rate.

(n) After a petition has been filed under Subsection (l), the commissioner may not issue findings or an order related to the subject matter of the petition until after the date the court enters a final judgment.

(o) A district court may appoint a magistrate to adopt a rate under this section.

SECTION 5. ____ . Section 2703.203, Insurance Code, is amended to read as follows:

Sec. 2703.203. PERIODIC ~~BIENNIAL~~ HEARING. The commissioner shall hold a ~~biennial~~ public hearing not earlier than July 1 after the fifth anniversary of the closing of a hearing held under this chapter ~~[of each even-numbered year]~~ to consider adoption of premium rates and other matters relating to regulating the business of title insurance that an association, title insurance company, title insurance agent, or member of the public admitted as a party under Section 2703.204 requests to be considered or that the commissioner determines necessary to consider.

SECTION 5. ____ . Section 2703.204, Insurance Code, is amended to read as follows:

Sec. 2703.204. ADMISSION AS PARTY TO PERIODIC ~~BIENNIAL~~ HEARING. (a) Subject to this section, a trade association whose membership is composed of at least 20 percent of the members of an industry or group represented by the trade association, an association, a person or entity described by Section 2703.202(b), or department staff ~~[an individual or association or other entity recommending adoption of a premium rate or another matter relating to regulating the business of title insurance]~~ shall be admitted as a party to the periodic ~~biennial~~ hearing under Section 2703.203.

(b) A party to any portion of the periodic ~~biennial~~ hearing ~~relating to ratemaking~~ may request that the commissioner remove any other party to that portion of ~~the ratemaking phase of~~ the hearing on the grounds that the other party does not have a substantial interest in title insurance. A decision of the commission to deny or grant the request is final and subject to appeal in accordance with Section 36.202.

SECTION 5. ____ . Section 2703.207, Insurance Code, is amended to read as follows:

Sec. 2703.207. NOTICE OF CERTAIN HEARINGS. Not later than the 60th day before the date of a hearing under Section 2703.202, 2703.203, or 2703.206, notice of the hearing and of each item to be considered at the hearing shall be:

(1) sent directly to all parties to the previous hearing conducted under Section 2703.202, 2703.203, or 2703.206, if the hearing was conducted as a contested case hearing [title insurance companies and title insurance agents]; and

(2) published in the Texas Register and on the department's Internet website [provided to the public in a manner that gives fair notice concerning the hearing].

SECTION 5. _____. Section 2703.205, Insurance Code, is repealed.

(4) Renumber subsequent SECTIONS of ARTICLE 5 accordingly.

Amendment No. 7

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

Amend Amendment No. 6 by Darby to **HB 1951** (page 15, prefiled amendments packet) as follows:

(1) On page 8 of the amendment, between lines 21 and 22, insert the following appropriately numbered SECTION and renumber the subsequent SECTIONS accordingly:

SECTION 5. _____. Subchapter B, Chapter 2703, Insurance Code, is amended by adding Section 2703.0515 to read as follows:

Sec. 2703.0515. CERTAIN REQUIREMENTS PROHIBITED. (a) A title insurance company is not required to offer or provide in connection with a title insurance policy an endorsement insuring a loss from damage resulting from the use of the surface of the land for the extraction or development of coal, lignite, oil, gas, or another mineral if the policy includes a general exception or exclusion from coverage a loss from damage resulting from the use of the surface of the land for the extraction or development of coal, lignite, oil, gas, or another mineral.

(b) In this section, "general exception or exclusion" means a provision in a title insurance policy or other title insuring form that provides that title insurance coverage under the policy or form:

(1) is subject to, and the title insurer does not insure title to, and excepts from the description of the covered property, coal, lignite, oil, gas, and other minerals in and under and that may be produced from the covered property, together with related rights, privileges, and immunities; or

(2) does not cover a lease, grant, exception, or reservation of coal, lignite, oil, gas, or other minerals, or related rights, privileges, and immunities, appearing in the public records.

(c) The premium for a policy of title insurance may not be increased directly or indirectly based on a title insurance company's voluntary issuance of an endorsement described by Subsection (a). An additional premium or other amount may not be charged directly or indirectly for the issuance of an endorsement described by Subsection (a).

(2) On page 12 of the amendment, between lines 26 and 27, insert the following appropriately numbered SECTION and renumber the subsequent SECTION accordingly:

SECTION 5. _____. Section 2703.0515, Insurance Code, as added by this ARTICLE, applies only to a title insurance policy that is delivered or issued for delivery on or after January 1, 2012. A policy delivered or issued for delivery before January 1, 2012, 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. 7 was adopted. (Laubenberg and V. Taylor recorded voting no.)

Amendment No. 8

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

Amend Amendment No. 6 by Darby (page 15, prefiled amendments packet) to **HB 1951** in item (3) of the amendment, as follows:

(1) On page 8, insert the following between lines 21 and 22:

SECTION 5. _____. Subchapter B, Chapter 2703, Insurance Code, is amended by adding Sections 2703.055 and 2703.056 to read as follows:

Sec. 2703.055. REQUIREMENT OF CERTAIN PROVISIONS PROHIBITED. The commissioner may not require by rule, or through adoption of a title insurance policy or other insuring form, that a title insurance policy delivered or issued for delivery in this state:

(1) insure against a loss that a person with an interest in real property sustains from damage to the property by reason of severance of minerals from the surface estate; or

(2) provide insurance as to ownership of minerals.

Sec. 2703.056. EXCEPTIONS; MINERAL INTERESTS. (a) Subject to the underwriting standards of the title insurance company, a title insurance company may in a commitment for title insurance or a title insurance policy include a general exception or a special exception to except from coverage a mineral estate or an instrument that purports to reserve or transfer all or part of a mineral estate.

(b) The inclusion in a title insurance policy of a general exception or a special exception described by Subsection (a) does not create title insurance coverage as to the condition or ownership of the mineral estate.

(2) On page 12, insert the following between lines 26 and 27:

SECTION 5. _____. Sections 2703.055 and 2703.056, Insurance Code, as added by this article, apply only to a title insurance policy that is delivered or issued for delivery on or after January 1, 2012. A policy delivered or issued for delivery before January 1, 2012, 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. 8 was adopted.

Amendment No. 9

Representative R. Anderson offered the following amendment to Amendment No. 6:

Amend Amendment No. 6 by Darby (page 15, prefiled amendment packet) to **HB 1951** by adding the following appropriately numbered item to the amendment and renumbering subsequent items of the amendment accordingly:

(___) Add the following appropriately numbered SECTION to Article 5 of the bill:

SECTION 5. ___. Chapter 2501, Insurance Code, is amended by adding Section 2501.009 to read as follows:

Sec. 2501.009. GIFTS, GRANTS, AND DONATIONS FOR EDUCATIONAL PURPOSES. (a) The department may accept gifts, grants, and donations to enable employees of the department to participate in educational events, and for other educational purposes, related to title insurance.

(b) The commissioner may adopt rules related to the acceptance of gifts, grants, and donations described in Subsection (a).

Amendment No. 9 was adopted.

Amendment No. 6, as amended, was adopted. (Laubenberg and V. Taylor recorded voting no.)

Amendment No. 10

Representative Martinez Fischer offered the following amendment to **HB 1951**:

Floor Packet Page No. 33

Please amend **HB 1951** by adding the following new section to the bill and renumbering the other sections appropriately:

SECTION _____. Chapter 31, Insurance Code, is amended by adding Section 31.0021. Notwithstanding any other provision, the department has authority relating to the organization, powers, regulation, and management of the department, any office created by the department, or the management or direction of any advisory committees created under or by the department.

Amendment No. 10 was withdrawn.

Amendment No. 11

Representative Gutierrez offered the following amendment to **HB 1951**:

Floor Packet Page No. 34

Amend **HB 1951** (house committee printing) by inserting the following appropriately numbered ARTICLE and renumbering ARTICLES of the bill accordingly:

ARTICLE _____. ELECTION OF COMMISSIONER

SECTION _____.001. Section 31.022, Insurance Code, is amended to read as follows:

Sec. 31.022. ELECTION [APPOINTMENT; TERM]. The commissioner is elected by the qualified voters at the general election for state and county officers for a term of four years. [(a) The governor, with the advice and consent of the senate, shall appoint the commissioner. The commissioner serves a two year term that expires on February 1 of each odd-numbered year.

~~[(b) The governor shall appoint the commissioner without regard to the race, color, disability, sex, religion, age, or national origin of the appointee.]~~

SECTION ____ .002. Section 31.024, Insurance Code, is amended to read as follows:

Sec. 31.024. INELIGIBILITY FOR PUBLIC OFFICE. The commissioner is ineligible to be a candidate for another [a] public elective office in this state, unless the commissioner has resigned and the governor has accepted the resignation.

SECTION ____ .003. Section 31.027(a), Insurance Code, is amended to read as follows:

(a) It is a ground for removal from office if the commissioner:

(1) ~~[does not have at the time of appointment the qualifications required by Section 31.023;~~

~~[(2) does not maintain during service as commissioner the qualifications required by Section 31.023;~~

~~[(3)]~~ violates a prohibition established by Section 33.001, 33.003, ~~[33.004,]~~ or 33.005; or

(2) ~~[(4)]~~ cannot, because of illness or disability, discharge the commissioner's duties for a substantial part of the commissioner's term.

SECTION ____ .004. Section 31.041(c), Insurance Code, is amended to read as follows:

(c) A person appointed as an associate or deputy commissioner or to hold an equivalent position must have at least five years of ~~[the]~~ experience in the administration of business or government or as a practicing attorney or certified public accountant ~~[required for appointment as commissioner under Section 31.023]~~. At least two years of that experience must be in work related to the position to be held.

SECTION ____ .005. Sections 33.004(a) and (b), Insurance Code, are amended to read as follows:

(a) A person who is an officer, employee, or paid consultant of a trade association in the field of insurance may not be[:

~~[(1) the commissioner; or~~

~~[(2)]~~ an employee of the department in a "bona fide executive, administrative, or professional capacity," as that phrase is used for purposes of establishing an exemption to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.) ~~[who is exempt from the state's position classification plan or is compensated at or above the amount prescribed by the General Appropriations Act for step 1, salary group A17, of the position classification salary schedule].~~

(b) A person who is the spouse of an officer, manager, or paid consultant of a trade association in the field of insurance may not be[:

~~[(1) the commissioner; or~~

~~[(2)]~~ an employee of the department in a "bona fide executive, administrative, or professional capacity," as that phrase is used for purposes of establishing an exemption to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.) ~~[who is exempt from the~~

state's position classification plan or is compensated at or above the amount prescribed by the General Appropriations Act for step 1, salary group A17, of the position classification salary schedule].

SECTION ____ .006. Section 911.001(c), Insurance Code, is amended to read as follows:

(c) Except to the extent of any conflict with this chapter, the following provisions apply to a farm mutual insurance company:

- (1) Subchapter A, Chapter 32;
- (2) Subchapter D, Chapter 36;
- (3) Sections 31.002(2), 32.021(c), 32.023, 32.041, [~~33.002,~~] 38.001, 81.001-81.004, 201.005, 201.055, 401.051, 401.052, 401.054-401.062, 401.103-401.106, 401.151, 401.152, 401.155, 401.156, 421.001, 801.051-801.055, 801.057, 801.101, 801.102, 822.204, 841.004, 841.251, 841.252, 862.101, 1806.001, 1806.101, 1806.103(b), and 1806.104-1806.107;
- (4) Chapter 86;
- (5) Subchapter A, Chapter 401;
- (6) Subchapter B, Chapter 404;
- (7) Chapter 422;
- (8) Subchapter B, Chapter 424, other than Section 424.052, 424.072, or 424.073;
- (9) Chapter 441;
- (10) Chapter 443;
- (11) Chapter 462;
- (12) Chapter 481;
- (13) Chapter 541;
- (14) Chapter 802;
- (15) Subchapter A, Chapter 805;
- (16) Chapter 824; and
- (17) Article 1.09-1.

SECTION ____ .007. Section 961.002(b), Insurance Code, is amended to read as follows:

(b) The following provisions of this code apply to a nonprofit legal services corporation in the same manner that they apply to an insurer or a person engaged in the business of insurance, to the extent the provisions do not conflict with this chapter:

- (1) Articles 1.09-1 and 21.47;
- (2) Sections 31.002, 31.004, 31.007, 31.021, 31.022, [~~31.023,~~] 31.026, 31.027, 32.021, 32.022(a), 32.023, [~~33.002,~~] 33.006, 36.108, 38.001, 81.004, 201.005, 201.055, 401.051, 401.052, 401.054-401.062, 401.103-401.106, 401.151, 401.152, 401.155, 401.156, 801.001, 801.002, 801.051-801.055, 801.057, 801.101, 801.102, 841.251, and 841.252;
- (3) Subchapter B, Chapter 31;
- (4) Subchapters A and C, Chapter 32;
- (5) Subchapter D, Chapter 36;
- (6) Subchapter A, Chapter 401;
- (7) Subchapter A, Chapter 542;

(8) Subchapter A, Chapter 805; and

(9) Chapters 86, 402, 441, 443, 481, 541, 802, and 824.

SECTION ____ .008. Section 52.092(c), Election Code, is amended to read as follows:

(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) commissioner of insurance;
- (8) railroad commissioner;
- (9) [~~8~~] chief justice, supreme court;
- (10) [~~9~~] justice, supreme court;
- (11) [~~10~~] presiding judge, court of criminal appeals;
- (12) [~~11~~] judge, court of criminal appeals.

SECTION ____ .009. Section 504.401(d), Transportation Code, is amended to read as follows:

(d) In this section, "state official" means:

- (1) a member of the legislature;
- (2) the governor;
- (3) the lieutenant governor;
- (4) a justice of the supreme court;
- (5) a judge of the court of criminal appeals;
- (6) the attorney general;
- (7) the commissioner of the General Land Office;
- (8) the comptroller;
- (9) a member of the Railroad Commission of Texas;
- (10) the commissioner of agriculture;
- (11) the commissioner of insurance;
- (12) the secretary of state; or
- (13) [~~12~~] a member of the State Board of Education.

SECTION ____ .010. Sections 31.023 and 33.002, Insurance Code, are repealed.

SECTION ____ .011. (a) The first general election for commissioner of insurance shall be held November 6, 2012, for a two-year term beginning on January 1, 2013. Thereafter, the commissioner of insurance shall be elected to serve a four-year term.

(b) Until the first commissioner of insurance elected under this Act takes office, the commissioner serving on the effective date of this Act shall, unless otherwise removed as provided by law, continue in office under the prior law that governed the office, and that prior law is continued in effect for that purpose. If on January 1, 2013, there is a vacancy in the office of commissioner of insurance created under this Act because the first commissioner-elect has died or refuses or

is permanently unable to serve, the commissioner serving on that date shall, unless otherwise removed as provided by law, continue in office under the prior law that governed the office until the governor fills the vacancy by appointment in the manner provided by law. The prior law that governed the office of the commissioner of insurance is continued in effect for that purpose.

SECTION _____.012. Notwithstanding another provision of this Act, Section 31.027(a), Insurance Code, as amended by this article, and Section 504.401(d), Transportation Code, as amended by this article, take effect January 1, 2013.

Amendment No. 11 was withdrawn.

Amendment No. 12

Representative Walle offered the following amendment to **HB 1951**:
Floor Packet Page No. 69

Amend **HB 1951** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering the remaining ARTICLES of the bill appropriately:

ARTICLE _____. DISCLOSURE OF CERTAIN INFORMATION IN
CONNECTION WITH RESIDENTIAL PROPERTY AND PERSONAL
AUTOMOBILE INSURANCE

SECTION _____.001. Subchapter A, Chapter 521, Insurance Code, is amended by adding Sections 521.006 and 521.007 to read as follows:

Sec. 521.006. NOTICE TO ACCOMPANY RESIDENTIAL PROPERTY OR PERSONAL AUTOMOBILE INSURANCE RENEWAL POLICY. (a) At the time a residential property or personal automobile insurance policy is renewed, the insurer shall provide the insured a copy of the renewal policy. The policy must contain on the first page:

(1) a table that clearly lists the premium charged under the policy before renewal, the new premium charged under the renewal policy, and the percentage change, if any, between these amounts; and

(2) an explanation, in plain language, of any changes in the coverage under the renewal policy.

(b) If there is an increase in the premium or change in the coverage under the renewal policy, the first page of the renewal policy must contain a statement advising the consumer of the department's website that is designated by the department to help consumers compare premiums and coverages of different insurers' policies.

(c) The commissioner shall adopt appropriate wording for the notices.

(d) This section and Section 521.007 apply to personal automobile insurance or residential property insurance issued by an insurance company, a reciprocal or interinsurance exchange, a mutual insurance company, a capital stock company, a county mutual insurance company, a Lloyd's plan, or another legal entity authorized to write residential property insurance or personal automobile insurance in this state, including an affiliate, as described by this

code, that is authorized to write residential property insurance, the Texas Windstorm Insurance Association under Chapter 2210, and the FAIR Plan Association under Chapter 2211.

Sec. 521.007. STATEMENT OF DEDUCTIBLE ON RESIDENTIAL PROPERTY OR PERSONAL AUTOMOBILE INSURANCE DOCUMENT. An insurance policy or other document related to residential property or personal automobile insurance coverage that expresses a deductible as a percentage of the coverage amount must state the actual dollar amount of the deductible next to the percentage.

Representative L. Taylor moved to table Amendment No. 12.

The motion to table prevailed by (Record 935): 96 Yeas, 45 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; Craddick; Creighton; Crownover; Darby; Davis, J.; 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.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; 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; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; Lozano; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

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

Absent, Excused — Cook; Lucio; Schwertner.

Absent — Coleman; King, T.; Miles; Paxton.

Amendment No. 13

Representative Zerwas offered the following amendment to **HB 1951**:

Floor Packet Page No. 71

Amend **HB 1951** by adding the following appropriately numbered section:

SECTION _____. Chapter 524, Insurance Code, is amended by adding the following section:

Sec. 524.004. INFORMATION SHARING AGREEMENTS. The division may enter into information-sharing agreements with federal and state agencies to carry out the division's responsibilities under this chapter. An agreement entered

into under this section must include adequate protection with respect to the confidentiality of any information shared and comply with all applicable state and federal law.

SECTION _____. Section 524.015, Insurance Code, is amended to read as follows:

Sec. 524.051. INFORMATION ABOUT SPECIFIC HEALTH BENEFIT PLAN ISSUERS. (a) In materials produced for the program, the division may include information about specific health benefit plan issuers but may not favor or endorse one particular issuer over another.

(b) The division may:

(1) establish a procedure by which issuers of health benefit plans may submit health plans for certification by the division as qualified health plans;

(2) establish a multi-tiered rating system and assign ratings for certified health plans based upon the actuarial level of coverage offered through the plan; and

(3) provide information regarding the availability of and the cost of coverage after the application of any applicable credits.

SECTION _____. Section 524.053, Insurance Code, is amended by adding the following subsection (d):

Sec. 524.053. (d) The division may provide on an Internet website comparative information on health plans offered for sale in the state that are certified by the division using a standardized format for presenting health benefit plan options.

SECTION _____. Chapter 524, Insurance Code, is amended by adding the following appropriately numbered section:

Sec. 524.0545a. INFORMATION REGARDING ELIGIBILITY REQUIREMENTS. (a) The division may make available information regarding eligibility requirements for enrollment in medical assistance programs offered by the state.

(b) The division, in coordination with the Health and Human Services Commission, may assist in the facilitation of enrollment of individuals identified as eligible for programs described under subsection (a).

Amendment No. 14

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

Amend Amendment No. 13 (page 71 of the prefiled amendments packet) by Zerwas to **HB 1951** (house committee printing) as follows:

(1) In added Section 524.015(b)(1), Insurance Code, strike "health benefit plans may" and substitute "health benefit plans, including plans offered by regional or local health care programs under Chapter 75, Health and Safety Code, may".

(2) Immediately following added Section 524.015(b), Insurance Code, insert the following:

(c) Notwithstanding Section 75.104(d), Health and Safety Code, a regional or local health care program operating under Chapter 75, Health and Safety Code, that seeks to obtain certification from the division that a plan offered by the program is a qualified health plan is subject to regulation by the department under this code, including provisions of this code designated by the commissioner by rule as necessary for the protection of the public, in the same manner as an insurer.

Amendment No. 14 was adopted. (Laubenberg and V. Taylor recorded voting no.)

Amendment No. 13, as amended, was adopted. (Laubenberg and V. Taylor recorded voting no.)

Amendment No. 15

Representative Burkett offered the following amendment to **HB 1951**:

Floor Packet Page No. 79

Amend **HB 1951** by adding the following appropriately numbered SECTIONS and renumbering subsequent SECTIONS of the bill appropriately:

SECTION _____. Chapter 541, Insurance Code, is amended by adding Subchapter D-1 to read as follows:

SUBCHAPTER D-1. DISPUTES SUBJECT TO ALTERNATIVE DISPUTE
RESOLUTION PROCEDURES

Sec. 541.181. PRIVATE ACTION SUBJECT TO ALTERNATIVE DISPUTE RESOLUTION PROCEDURE. (a) In this subchapter:

(1) "Alternative dispute resolution procedure" means a procedure included in an insurance policy to resolve disputes arising under the policy, including arbitration, mediation, and appraisal procedures.

(2) "Residential property insurance" has the meaning assigned by Section 544.352.

(b) Before filing a private action for damages under this chapter, an insured who disputes the amount of a loss of or damage to property covered by a residential property insurance policy that includes an alternative dispute resolution procedure must:

(1) send the insurer written notice of the dispute; and

(2) comply with all applicable policy terms and conditions with respect to the dispute.

(c) The insurer shall initiate the alternative dispute resolution procedure included in the residential property insurance policy with respect to the dispute not later than:

(1) the 45th day after the date the insurer receives the notice required by Subsection (b); or

(2) an earlier date provided by the policy.

(d) If the insurer does not timely initiate an alternative dispute resolution procedure as required by Subsection (c), the insured may, to the extent otherwise authorized by this chapter, initiate a private action for damages under this chapter.

Sec. 541.182. ENFORCEMENT AND REMEDIES. (a) If a court determines that a party has initiated a private action for damages in violation of Section 541.181, the court shall:

(1) abate the action and order the parties to participate in the alternative dispute resolution procedure to the extent required by this section; and

(2) subject to this section, award to the insurer the insurer's court costs and reasonable and necessary attorney's fees for which the party who initiated the action and each attorney representing that party in the action are jointly and severally liable.

(b) An insurer may not execute, collect, or enforce an award under Subsection (a)(2) before initiating the alternative dispute resolution procedure.

(c) If an insurer does not comply with a court order under this section by initiating the alternative dispute resolution procedure before the 45th day after the date the order is entered:

(1) the insured is not required to participate in the alternative dispute resolution procedure and the action may proceed in court; and

(2) the insured and the insured's attorney are not required to pay court costs and attorney's fees awarded under Subsection (a)(2).

(d) An insurer may not recover court costs and attorney's fees awarded under Subsection (a)(2) out of money awarded to a person who prevails in an alternative dispute resolution procedure.

Sec. 541.183. NOTICE OF ALTERNATIVE DISPUTE RESOLUTION REQUIRED. On receipt of written notice from the insured of a dispute arising under the policy, an insurer shall provide an insured under a residential property insurance policy that includes an alternative dispute resolution procedure with all necessary information relating to the prerequisites for bringing a private action for damages in compliance with the policy and this subchapter.

SECTION ____. Section 542.058(b), Insurance Code, is amended to read as follows:

(b) Subsection (a) does not apply in a case in which it is found as a result of arbitration or litigation that a claim received by an insurer is invalid and should not be paid by the insurer or in a case in which an insurer and a claimant participate in an alternative dispute resolution procedure included in the relevant insurance policy.

SECTION ____. Subchapter D-1, Chapter 541, Insurance Code, as added by this Act, and Section 542.058(b), Insurance Code, as amended by this Act, apply only to a residential property insurance policy delivered, issued for delivery, or renewed on or after January 1, 2012. A residential property insurance policy delivered, issued for delivery, or renewed before January 1, 2012, is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

Amendment No. 15 was adopted by (Record 936): 99 Yeas, 42 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; Craddick; Creighton; Crownover; Darby; Davis, J.; Deshotel;

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.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Torres; Truitt; White; Woolley; Workman; Zedler; Zerwas.

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

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

Absent, Excused — Cook; Lucio; Schwertner.

Absent — Mallory Caraway; Miles; Rodriguez; Weber.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 936. I intended to vote no.

Laubenberg

I was shown voting yes on Record No. 936. I intended to vote no.

V. Taylor

Amendment No. 16

Representative Rodriguez offered the following amendment to **HB 1951**:

Floor Packet Page No. 82

Amend **HB 1951** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE ____. UNFAIR CLAIM SETTLEMENT PRACTICES

SECTION ____.001. Section 542.003, Insurance Code, is amended to read as follows:

Sec. 542.003. UNFAIR CLAIM SETTLEMENT PRACTICES PROHIBITED. (a) An insurer engaging in business in this state may not engage in an unfair claim settlement practice.

(b) Any of the following acts by an insurer constitutes unfair claim settlement practices:

(1) knowingly misrepresenting to a claimant pertinent facts or policy provisions relating to coverage at issue;

(2) failing to acknowledge with reasonable promptness pertinent communications relating to a claim arising under the insurer's policy;

(3) failing to adopt and implement reasonable standards for the prompt investigation of claims arising under the insurer's policies;

(4) not attempting in good faith to effect a prompt, fair, and equitable settlement of a claim submitted in which liability has become reasonably clear;

(5) compelling a policyholder to institute a suit to recover an amount due under a policy by offering substantially less than the amount ultimately recovered in a suit brought by the policyholder;

(6) providing to a person compensation in any form that is based on the person's or insurer's decision to:

(A) deny or delay the resolution of a claim; or

(B) cancel or decline to renew an insurance policy;

(7) failing to maintain the information required by Section 542.005; or

(8) [~~7~~] committing another act the commissioner determines by rule constitutes an unfair claim settlement practice.

Representative L. Taylor moved to table Amendment No. 16.

The motion to table prevailed by (Record 937): 95 Yeas, 48 Nays, 3 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Craddick; Creighton; Crownover; Darby; Davis, J.; 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; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; 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; Brown; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Jackson; Johnson; Lozano; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker; Davis, S.(C); Miles.

Absent, Excused — Cook; Lucio; Schwertner.

Absent — Lyne.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Hunter requested permission for the Committee on Calendars to meet while the house is in session, at 10 p.m. today, in 3W.15, to set a calendar.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Calendars, 10 p.m. today, 3W.15, for a formal meeting, to set a calendar.

HB 1951 - (consideration continued)**Amendment No. 17**

Representative Eiland offered the following amendment to **HB 1951**:

Floor Packet Page No. 84

Amend **HB 1951** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering existing ARTICLES of the bill accordingly:

ARTICLE __. APPRAISALS UNDER PROPERTY INSURANCE POLICIES

SECTION __.001. Subchapter B, Chapter 542, Insurance Code, is amended by adding Section 542.063 to read as follows:

Sec. 542.063. APPRAISALS. (a) A request for appraisal with respect to a claim under a property insurance policy must be made not later than the 60th day after the date the person requesting the appraisal first receives notice of a dispute as to the amount of insurance proceeds paid, estimated, or to be paid by the insurer for the claim. The failure to invoke an appraisal provision in a property insurance policy in the time required by this subsection constitutes a waiver of the provision as a matter of law.

(b) A decision resulting from the appraisal process under a property insurance policy is binding only as to the amount of loss. An appraisal may not be used to determine liability issues such as coverage, causation, extent of damage, or conditions or limits imposed by the policy. The appraisal decision does not affect any other remedy available at law.

(c) An appraisal under a property insurance policy is available only if the insurer and the insured agree, by stipulation or otherwise, on liability, coverage, causation, extent of damage, and conditions or limits imposed by the policy.

SECTION __.002. The heading to Subchapter B, Chapter 542, Insurance Code, is amended to read as follows:

SUBCHAPTER B. PROMPT PAYMENT OF CLAIMS; APPRAISALS

SECTION __.003. Section 542.063, Insurance Code, as added by this article, applies only to a dispute that arises on or after the effective date of this Act. A dispute that arises before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

Amendment No. 17 was withdrawn.

Amendment No. 18

Representative Hancock offered the following amendment to **HB 1951**:

Floor Packet Page No. 89

Amend **HB 1951** as follows:

SECTION _____. Section 551.107, Insurance Code, is amended by amending Subsections (b), (c), (d), and (e) and adding Subsections (d-1), (d-2), (h), and (i) to read as follows:

- (b) A claim under this section does not include a claim [±
~~[(1) resulting from a loss caused by natural causes;~~
~~[(2)] that is filed but is not paid or payable under the policy[; or~~
~~[(3) that an insurer is prohibited from using under Section 544.353].~~

(c) An insurer may, ~~[assess a premium surcharge]~~ at the time an insurance policy is renewed:

~~(1) assess a premium surcharge in an [if the insured has filed two or more claims in the preceding three policy years. The] amount that is [of the surcharge must be] based on sound actuarial principles; and~~

~~(2) require an increase in any applicable deductible under the policy.~~

(d) Subject to Subsections (d-1) and (d-2) ~~[Subsection (e)]~~, an insurer may not refuse to renew an insurance policy unless ~~[if]~~ the insured has filed two ~~[three]~~ or more claims under the policy in any three-year period.

(d-1) The total number of policies an insurer refuses in a calendar year to renew under Subsection (d) may not exceed:

(1) for the entire state, two percent of the total number of standard fire, homeowners, or farm or ranch owners insurance policies written by the insurer in this state in the immediately preceding calendar year; and

(2) except as provided by Subsection (d-2), for each county, two percent of the total number of standard fire, homeowners, or farm or ranch owners insurance policies written by the insurer in the county in the immediately preceding calendar year.

(d-2) An insurer may, in each calendar year, refuse to renew one policy in each county in which the insurer writes standard fire, homeowners, or farm or ranch owners insurance policies if the two percent limit described by Subsection (d-1)(2) is an amount that is less than one.

(e) When an insured files a claim, an [An] insurer may notify the [an] insured, by electronic means or by mail, [who has filed two claims in a period of less than three years] that the insurer may refuse to renew the policy if the insured files a second [third] claim during a [the] three-year period. [If the insurer does not notify the insured in accordance with this subsection, the insurer may not refuse to renew the policy because of claims. The notice form must:

[(1) list the policyholder's claims; and

[(2) contain the sentence: "The filing by you of another claim, except for a claim resulting from a loss caused by natural causes, a claim filed but not paid or payable under the policy under which it was filed, or an appliance related claim that we are prohibited from using under Section 544.353, Texas Insurance Code, could cause us to refuse to renew your policy."]

(h) This section may not be construed to limit an insurer's right to refuse to renew an insurance policy for reasons other than the insured's claims history.

(i) Not later than January 31 of each calendar year, an insurer shall submit a report to the department containing the total number of policies that the insurer, under this section, refused to renew in this state, and in each county of this state, in the calendar year immediately preceding the year in which the report is submitted.

SECTION _____. Section 2006.052(c), Insurance Code, is amended to read as follows:

(c) A residential property insurance claim under this section does not include a claim:

(1) resulting from a loss caused by natural causes; or

(2) that is filed but is not paid or payable under the policy[; or

~~(3) that an insurer is prohibited from using under Section 544.353].~~

SECTION _____. Subchapter H, Chapter 544, Insurance Code, is repealed.

SECTION _____. The change in law made by this Act applies only to an insurance policy that is delivered, issued for delivery, renewed, or subject to nonrenewal on or after the effective date of this Act. An insurance policy that is delivered, issued for delivery, renewed, or subject to nonrenewal 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 _____. This Act takes effect September 1, 2011.

(Bonnen in the chair)

Amendment No. 18 was withdrawn.

Amendment No. 19

Representative Hancock offered the following amendment to **HB 1951**:

Floor Packet Page No. 92

Amend **HB 1951** as follows:

(1) Add the following appropriately numbered sections:

SECTION _____. Section 551.107, Insurance Code, is amended by amending Subsections (b), (c), (d), and (e) and adding Subsections (d-1), (d-2), (h), and (i) to read as follows:

(b) A claim under this section does not include a claim [;

~~(1) resulting from a loss caused by natural causes;~~

~~(2)] that is filed but is not paid or payable under the policy[; or~~

~~(3) that an insurer is prohibited from using under Section 544.353].~~

(c) An insurer may, ~~[assess a premium surcharge]~~ at the time an insurance policy is renewed:

~~(1) assess a premium surcharge in an [if the insured has filed two or more claims in the preceding three policy years. The] amount that is [of the surcharge must be] based on sound actuarial principles; and~~

(2) require an increase in any applicable deductible under the policy.

(d) Subject to Subsections (d-1) and (d-2) ~~[Subsection (e)]~~, an insurer may not refuse to renew an insurance policy unless ~~[if]~~ the insured has filed two ~~[three]~~ or more claims under the policy in any three-year period.

(d-1) The total number of policies an insurer refuses in a calendar year to renew under Subsection (d) may not exceed:

(1) for the entire state, two percent of the total number of standard fire, homeowners, or farm or ranch owners insurance policies written by the insurer in this state in the immediately preceding calendar year; and

(2) except as provided by Subsection (d-2), for each county, two percent of the total number of standard fire, homeowners, or farm or ranch owners insurance policies written by the insurer in the county in the immediately preceding calendar year.

(d-2) An insurer may, in each calendar year, refuse to renew one policy in each county in which the insurer writes standard fire, homeowners, or farm or ranch owners insurance policies if the two percent limit described by Subsection (d-1)(2) is an amount that is less than one.

(e) When an insured files a claim, an [An] insurer may notify the [an] insured, by electronic means or by mail, [who has filed two claims in a period of less than three years] that the insurer may refuse to renew the policy if the insured files a second [third] claim during a [the] three-year period. [If the insurer does not notify the insured in accordance with this subsection, the insurer may not refuse to renew the policy because of claims. The notice form must:

[1) list the policyholder's claims; and

[2) contain the sentence: "The filing by you of another claim, except for a claim resulting from a loss caused by natural causes, a claim filed but not paid or payable under the policy under which it was filed, or an appliance related claim that we are prohibited from using under Section 544.353, Texas Insurance Code, could cause us to refuse to renew your policy."]

(h) This section may not be construed to limit an insurer's right to refuse to renew an insurance policy for reasons other than the insured's claims history.

(i) Not later than January 31 of each calendar year, an insurer shall submit a report to the department containing the total number of policies that the insurer, under this section, refused to renew in this state, and in each county of this state, in the calendar year immediately preceding the year in which the report is submitted.

SECTION _____. Section 2006.052(c), Insurance Code, is amended to read as follows:

(c) A residential property insurance claim under this section does not include a claim:

(1) resulting from a loss caused by natural causes; or

(2) that is filed but is not paid or payable under the policy[; or

~~(3) that an insurer is prohibited from using under Section 544.353].~~

SECTION _____. Subchapter H, Chapter 544, Insurance Code, is repealed.

Amendment No. 19 was withdrawn.

Amendment No. 20

Representative Walle offered the following amendment to **HB 1951**:

Floor Packet Page No. 95

Amend **HB 1951** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE _____. CREDIT SCORING

SECTION __.001. Sections 559.001(2), (4), and (7), Insurance Code, are amended to read as follows:

(2) "Agent" means a person licensed or required to be licensed as a ~~[general]~~ property and casualty insurance agent ~~[or a personal lines property and casualty agent]~~ under Subchapter B, C, D, or E, Chapter 4051.

(4) "Consumer" means an individual whose credit information has been reported to or is in the possession of a consumer reporting agency or an insurer ~~[is used or whose credit score is computed in the underwriting or rating of a personal insurance policy]~~. The term includes an applicant for insurance coverage.

(7) "Credit report" means any written, oral, or other communication of information by a consumer reporting agency that:

~~[(A)]~~ bears on a consumer's creditworthiness, credit standing, or credit capacity; ~~and~~

~~[(B) is used or expected to be used or collected in whole or in part to serve as a factor to determine personal insurance premiums, eligibility for coverage, or tier placement].~~

SECTION __.002. Section 559.002, Insurance Code, is amended to read as follows:

Sec. 559.002. APPLICABILITY OF CHAPTER. This chapter applies to each ~~[an]~~ insurer that writes personal insurance coverage ~~[and uses credit information or credit reports for the underwriting or rating of that coverage]~~.

SECTION __.003. Section 559.052, Insurance Code, is amended to read as follows:

Sec. 559.052. ~~[PROHIBITED]~~ USE OF CREDIT INFORMATION PROHIBITED. (a) An insurer may not:

(1) use an underwriting guideline ~~[a credit score]~~ that is based wholly or partly on the credit information, credit report, or credit score of an applicant for insurance coverage or any person other than the applicant who would be insured under a policy of personal insurance ~~[computed using factors that constitute unfair discrimination]~~;

(2) refuse to underwrite or ~~[deny,]~~ cancel; or nonrenew a policy of personal insurance based wholly or partly ~~[solely]~~ on the ~~[basis of]~~ credit information, credit report, or credit score of an applicant for insurance coverage or any person other than the applicant who would be insured under the policy ~~[without considering any other applicable underwriting factor independent of credit information]~~; ~~[or]~~

(3) take an action that results in an adverse effect against a consumer because the consumer does not have a credit card account;

(4) charge an applicant for insurance coverage a higher premium than otherwise would be charged based wholly or partly on the credit information, credit report, or credit score of the applicant or any person other than the applicant who would be insured under a policy of personal insurance;

(5) rate a risk based wholly or partly on the credit information, credit report, or credit score of an applicant for insurance coverage or any person other than the applicant who would be insured under a policy of personal insurance, including:

(A) providing or removing a discount;

(B) assigning the applicant for insurance coverage to a rating tier;

or

(C) placing an applicant for insurance coverage with an affiliated company; or

(6) require a particular payment plan based wholly or partly on the credit information, credit report, or credit score of the applicant for insurance coverage or any person other than the applicant who would be insured under a policy of personal insurance [without considering any other applicable factor independent of credit information].

(b) An insurer may not consider an absence of credit information or an inability to determine credit information for an applicant for insurance coverage or for an insured as a factor in underwriting or rating an insurance policy ~~[unless the insurer:~~

~~[(1) has statistical, actuarial, or reasonable underwriting information that:~~

~~[(A) is reasonably related to actual or anticipated loss experience; and~~

~~[(B) shows that the absence of credit information could result in actual or anticipated loss differences;~~

~~[(2) treats the consumer as if the applicant for insurance coverage or insured had neutral credit information, as defined by the insurer; or~~

~~[(3) excludes the use of credit information as a factor in underwriting and uses only other underwriting criteria].~~

SECTION __.004. Section 559.055, Insurance Code, is amended by adding Subsection (c) to read as follows:

(c) This section expires September 1, 2012.

SECTION __.005. The following laws are repealed:

(1) Section 559.004(b), Insurance Code;

(2) Sections 559.003, 559.051, 559.053, 559.054, and 559.056, Insurance Code; and

(3) Subchapters C and D, Chapter 559, Insurance Code.

SECTION __.006. (a) The changes in law made by this article apply only to a personal insurance policy:

(1) that is delivered, issued for delivery, or renewed on or after January 1, 2012;

(2) the application for which is submitted on or after January 1, 2012;

or

(3) that is subject to determination of denial, cancellation, or nonrenewal on or after January 1, 2012.

(b) A personal insurance policy delivered, issued for delivery, or renewed before January 1, 2012, or the application for which is submitted before January 1, 2012, 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.

LEAVES OF ABSENCE GRANTED

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

L. Gonzales on motion of Otto.

The following members were granted leaves of absence temporarily for today to attend a meeting of the Committee on Calendars:

Branch on motion of C. Anderson.

Geren on motion of C. Anderson.

Hunter on motion of C. Anderson.

Keffer on motion of C. Anderson.

T. King on motion of C. Anderson.

Kolkhorst on motion of C. Anderson.

Ritter on motion of C. Anderson.

Rodriguez on motion of C. Anderson.

Truitt on motion of C. Anderson.

Zerwas on motion of C. Anderson.

The following member was granted leave of absence for the remainder of today to attend a meeting of the Committee on Calendars:

Coleman on motion of C. Anderson.

HB 1951 - (consideration continued)

Amendment No. 20 was withdrawn.

Amendment No. 21

Representative D. Howard offered the following amendment to **HB 1951**:
Floor Packet Page No. 99

Amend **HB 1951** (house committee printing) in ARTICLE 1 of the bill by adding the following appropriately numbered SECTION to the ARTICLE and renumbering subsequent SECTIONS of the ARTICLE accordingly:

SECTION 1.____. Section 559.003, Insurance Code, is amended to read as follows:

Sec. 559.003. INFORMATION PROVIDED TO PUBLIC. The department shall:

(1) update insurer profiles maintained on the department's Internet website to provide information to consumers stating whether or not an insurer uses credit scoring; and

(2) post on the department's Internet website:

(A) the report required under former Section 15, Article 21.49-2U;
and

(B) information as to how consumers may obtain copies of individual credit reports and claims history reports, including posting the Internet website address for each nationwide credit reporting agency~~[, on the department's Internet website].~~

Amendment No. 21 was adopted. (Laubenberg and V. Taylor recorded voting no.)

Amendment No. 1 - Vote Reconsidered

Representative L. Taylor moved to reconsider the vote by which Amendment No. 1 was adopted.

The motion to reconsider prevailed.

Amendment No. 22

Representative L. Taylor offered the following amendment to Amendment No. 1:

Amend Amendment No. 1 by L. Taylor to **HB 1951** (page 1 of the prefiled amendment packet) as follows:

(1) On page 2, lines 15-17, strike "A person insured under this chapter may submit an application for renewal coverage directly to the association on forms prescribed by the association." and substitute "The association shall develop a simplified renewal process that allows for the acceptance of an application for renewal coverage, and payment of premiums, from a property and casualty agent or a person insured under this chapter."

(2) On page 2, lines 27-28, strike ", regardless of whether the agent or the applicant submits the application for coverage".

(3) Strike page 2, line 29 through the end of the amendment and substitute:
SECTION _____. Sections 2210.203(a) and (c), Insurance Code, are amended to read as follows:

(a) If the association determines that the property for which an application for initial insurance coverage is made is insurable property, the association, on payment of the premium, shall direct the issuance of an insurance policy as provided by the plan of operation.

(c) A policy may be renewed annually on application for renewal as long as the property continues to be insurable property. If the association determines that the property for which an application for renewal insurance coverage is made is insurable property, the association shall direct the issuance of a renewal insurance policy as provided by the plan of operation and may collect the premium for the policy directly from the applicant for renewal insurance coverage.

SECTION _____. Sections 2210.204(d) and (e), Insurance Code, are amended to read as follows:

(d) If an insured requests cancellation of the insurance coverage, the association shall refund the unearned premium, less any minimum retained premium set forth in the plan of operation, payable to the insured and the holder of an unpaid balance. The property and casualty agent who received a commission as the result of the issuance of an association policy providing the canceled coverage ~~[submitted the application]~~ shall refund the agent's commission on any unearned premium in the same manner.

(e) For cancellation of insurance coverage under this section, the minimum retained premium in the plan of operation must be for a period of not less than 90 ~~[180]~~ days, except for events specified in the plan of operation that reflect a significant change in the exposure or the policyholder concerning the insured property, including:

- (1) the purchase of similar coverage in the voluntary market;
- (2) sale of the property to an unrelated party;
- (3) death of the policyholder; or
- (4) total loss of the property.

SECTION _____. Section 2210.254, Insurance Code, is amended by adding Subsection (e) to read as follows:

(e) The department may establish an annual renewal period for persons appointed as qualified inspectors.

SECTION _____. Subchapter F, Chapter 2210, Insurance Code, is amended by adding Section 2210.2551 to read as follows:

Sec. 2210.2551. EXCLUSIVE ENFORCEMENT AUTHORITY; RULES.

(a) The department has exclusive authority over all matters relating to the appointment and oversight of qualified inspectors for purposes of this chapter.

(b) The commissioner by rule shall establish criteria to ensure that a person seeking appointment as a qualified inspector under this subchapter, including an engineer seeking appointment under Section 2210.255, possesses the knowledge, understanding, and professional competence to perform windstorm inspections under this chapter and to comply with other requirements of this chapter.

SECTION _____. The heading to Section 2210.256, Insurance Code, is amended to read as follows:

Sec. 2210.256. DISCIPLINARY PROCEEDINGS REGARDING APPOINTED INSPECTORS AND CERTAIN OTHER PERSONS.

SECTION _____. Section 2210.256, Insurance Code, is amended by adding Subsection (a-2) to read as follows:

(a-2) In addition to any other action authorized under this section, the commissioner ex parte may enter an emergency cease and desist order under Chapter 83 against a qualified inspector, or a person acting as a qualified inspector, if:

(1) the commissioner believes that:

(A) the qualified inspector has:

(i) through submitting or failing to submit to the department sealed plans, designs, calculations, or other substantiating information, failed to demonstrate that a structure or a portion of a structure subject to inspection meets the requirements of this chapter and department rules; or

(ii) refused to comply with requirements imposed under this chapter or department rules; or

(B) the person acting as a qualified inspector is acting without appointment as a qualified inspector under Section 2210.254 or 2210.255; and

(2) the commissioner determines that the conduct described by Subdivision (1) is fraudulent or hazardous or creates an immediate danger to the public.

SECTION _____. Section 2210.258(b), Insurance Code, is amended to read as follows:

(b) The association may not insure a structure described by Subsection (a) until:

(1) the structure has been inspected for compliance with the plan of operation in accordance with Section 2210.251(a); and

(2) except as provided by Section 2210.260, a certificate of compliance has been issued for the structure in accordance with Section 2210.251(g).

SECTION _____. Subchapter F, Chapter 2210, Insurance Code, is amended by adding Section 2210.260 to read as follows:

Sec. 2210.260. ALTERNATIVE ELIGIBILITY FOR COVERAGE. (a) On and after January 1, 2012, a person who has an insurable interest in a residential structure may obtain insurance coverage through the association for that structure without obtaining a certificate of compliance under Section 2210.251(g) in accordance with this section and rules adopted by the commissioner.

(b) The department may issue an alternative certification for a residential structure if the person who has an insurable interest in the structure demonstrates that at least one qualifying structural building component of the structure has been:

(1) inspected by a department inspector or by a qualified inspector; and

(2) determined to be in compliance with applicable building code standards, as set forth in the plan of operation.

(c) The commissioner shall adopt reasonable and necessary rules to implement this section. The rules adopted under this section must establish which structural building components are considered qualifying structural building components for the purposes of Subsection (b), taking into consideration those items that are most probable to generate losses for the association's policyholders and the cost to upgrade those items.

(d) Except as provided in Section 2210.251(f), a person who has an insurable interest in a residential structure that is insured by the association as of January 1, 2012, but for which the person has not obtained a certificate of compliance under Section 2210.251(g), must obtain an alternative certification under this section before the association, on or after January 1, 2013, may renew coverage for the structure.

(e) Each residential structure for which a person obtains an alternative certification under this section must comply with:

(1) the requirements of this chapter, including Section 2210.258; and

(2) the association's underwriting requirements, including maintaining the structure in an insurable condition and paying premiums in the manner required by the association.

(f) The association shall develop and implement an actuarially sound rate, credit, or surcharge that reflects the risks presented by structures with reference to which alternative certifications have been obtained under this section. A rate, credit, or surcharge under this subsection may vary based on the number of qualifying structural building components included in a structure with reference to which an alternative certification is obtained under this section.

SECTION _____. This article applies only to a Texas windstorm and hail insurance policy delivered, issued for delivery, or renewed by the Texas Windstorm Insurance Association on or after the 30th day after the effective date of this Act. A Texas windstorm and hail insurance policy delivered, issued for delivery, or renewed by the Texas Windstorm Insurance Association before the 30th day after the effective date of this Act, 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.

SECTION _____. The Texas Windstorm Insurance Association shall, not later than January 1, 2012, amend the association's plan of operation as necessary to conform to the changes in law made by this article.

Amendment No. 22 was adopted. (Laubenberg and V. Taylor recorded voting no.)

Amendment No. 1, as amended, was adopted.

Amendment No. 23

Representative Walle offered the following amendment to **HB 1951**:

Floor Packet Page No. 100

Amend **HB 1951** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering the remaining ARTICLES of the bill appropriately:

ARTICLE _____. PROVISION OF INFORMATION TO CONSUMERS REGARDING INSURER CREDIT SCORING

SECTION _____.001. Subchapter A, Chapter 559, Insurance Code, is amended by adding Section 559.0031 to read as follows:

Sec. 559.0031. INFORMATION PROVIDED TO CONSUMERS. An insurer shall provide a consumer with specific information related to improving the consumer's credit score under the insurer's credit scoring methodology not later than the 10th day after the date the insurer determines the consumer's credit score.

SECTION _____.002. Section 559.0031, Insurance Code, as added by this article, applies only to an insurer that determines a consumer's credit score on or after the effective date of this Act.

Amendment No. 24

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

Amend Amendment No. 23 by Walle (page 100, prefiled amendment packet) to **HB 1951** as follows:

(1) On page 1, line 2, strike "ARTICLE" and substitute "ARTICLES".

(2) On page 1, following line 15, add the following:

ARTICLE ____ . PROHIBITED INSURANCE DISCRIMINATION

SECTION ____ .001. Section 544.002, Insurance Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) A person may not refuse to insure or provide coverage to an individual, refuse to continue to insure or provide coverage to an individual, limit the amount, extent, or kind of coverage available for an individual, or charge an individual a rate that is different from the rate charged to other individuals for the same coverage because of the individual's:

(1) race, color, religion, or national origin;

(2) age, gender, marital status, or geographic location; [e#]

(3) disability or partial disability; or

(4) sexual orientation or gender identity or expression.

(d) In this section:

(1) "Gender identity or expression" means a person's having, or being perceived as having, a gender-related identity, appearance, expression, or behavior, whether or not that identity, appearance, expression, or behavior is different from that stereotypically associated with the person's assigned sex at birth.

(2) "Sexual orientation" means actual or perceived heterosexuality, homosexuality, or bisexuality.

Amendment No. 24 failed of adoption by (Record 938): 24 Yeas, 97 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Burnam; Davis, Y.; Deshotel; Dutton; Farias; Farrar; Gonzales, V.; Guillen; Gutierrez; Hernandez Luna; Howard, D.; Johnson; Legler; Naishtat; Quintanilla; Reynolds; Strama; Thompson; Turner; Vo; Walle.

Nays — Aliseda; Alvarado; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen(C); Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eiland; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Gonzalez; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Isaac; Jackson; King, P.; King, S.; Kleinschmidt; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Lewis; Lozano; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; Miller, D.; Miller, S.; Muñoz; Murphy; Nash; Oliveira; Orr; Otto; Parker;

Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Veasey; Villarreal; Weber; White; Woolley; Workman; Zedler.

Present, not voting — Mr. Speaker; Castro; Miles.

Absent, Excused — Cook; Gonzales, L.; Lucio; Schwertner.

Absent, Excused, Committee Meeting — Branch; Coleman; Geren; Hunter; Keffer; King, T.; Kolkhorst; Ritter; Rodriguez; Truitt; Zerwas.

Absent — Dukes; Gallego; Giddings; Hochberg; Marquez; McClendon; Menendez; Morrison; Pickett; Raymond; Torres.

STATEMENTS OF VOTE

When Record No. 938 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

When Record No. 938 was taken, I was excused for a committee meeting. I would have voted no.

Kolkhorst

I was shown voting yes on Record No. 938. I intended to vote no.

Legler

When Record No. 938 was taken, I was in the house but away from my desk. I would have voted no.

Marquez

When Record No. 938 was taken, I was in the house but away from my desk. I would have voted yes.

McClendon

(Branch, Geren, Hunter, Keffer, T. King, Rodriguez, Truitt, and Zerwas now present)

Representative L. Taylor moved to table Amendment No. 23.

The motion to table prevailed.

Amendment No. 25

Representative Vo offered the following amendment to **HB 1951**:

Floor Packet Page No. 101

Amend **HB 1951** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE ____ CLAIMS REPORTING BY INSURERS

SECTION ____ .001. Subtitle C, Title 5, Insurance Code, is amended by adding Chapter 563 to read as follows:

CHAPTER 563. PRACTICES RELATING TO CLAIMS REPORTINGSec. 563.001. DEFINITIONS. In this chapter:

(1) "Claims database" means a database used by insurers to share, among insurers, insureds' claims histories or damage reports concerning covered properties.

(2) "Insurer," "personal automobile insurance," and "residential property insurance" have the meanings assigned by Section 2254.001.

Sec. 563.002. REPORTING TO CLAIMS DATABASE. An insurer or an insurer's agent may not report to a claims database information regarding an inquiry by an insured regarding coverage provided under a personal automobile insurance policy or a residential property insurance policy unless and until the insured files a claim under the policy.

Amendment No. 25 was adopted. (Laubenberg and V. Taylor recorded voting no.)

Amendment No. 26

Representative Torres offered the following amendment to **HB 1951**:

Floor Packet Page No. 105

Amend **HB 1951** (house committee printing) by adding the following appropriately numbered ARTICLE and renumbering ARTICLES of the bill accordingly:

ARTICLE ____ . PAYMENT OF CLAIMS TO PHARMACIES AND
PHARMACISTS

SECTION ____ .001. Section 843.002, Insurance Code, is amended by amending Subdivision (9-a) and adding Subdivision (9-b) to read as follows:

(9-a) "Extrapolation" means a mathematical process or technique used by a health maintenance organization or pharmacy benefit manager that administers pharmacy claims for a health maintenance organization in the audit of a pharmacy or pharmacist to estimate audit results or findings for a larger batch or group of claims not reviewed by the health maintenance organization or pharmacy benefit manager.

(9-b) "Freestanding emergency medical care facility" means a facility licensed under Chapter 254, Health and Safety Code.

SECTION ____ .002. Section 843.338, Insurance Code, is amended to read as follows:

Sec. 843.338. DEADLINE FOR ACTION ON CLEAN CLAIMS. Except as provided by Sections ~~[Section]~~ 843.3385 and 843.339, not later than the 45th day after the date on which a health maintenance organization receives a clean claim from a participating physician or provider in a nonelectronic format or the 30th day after the date the health maintenance organization receives a clean claim from a participating physician or provider that is electronically submitted, the health maintenance organization shall make a determination of whether the claim is payable and:

(1) if the health maintenance organization determines the entire claim is payable, pay the total amount of the claim in accordance with the contract between the physician or provider and the health maintenance organization;

(2) if the health maintenance organization determines a portion of the claim is payable, pay the portion of the claim that is not in dispute and notify the physician or provider in writing why the remaining portion of the claim will not be paid; or

(3) if the health maintenance organization determines that the claim is not payable, notify the physician or provider in writing why the claim will not be paid.

SECTION ____ .003. Section 843.339, Insurance Code, is amended to read as follows:

Sec. 843.339. DEADLINE FOR ACTION ON [CERTAIN] PRESCRIPTION CLAIMS; PAYMENT. (a) A [Not later than the 21st day after the date a] health maintenance organization, or a pharmacy benefit manager that administers pharmacy claims for the health maintenance organization, that affirmatively adjudicates a pharmacy claim that is electronically submitted[~~, the health maintenance organization~~] shall pay the total amount of the claim through electronic funds transfer not later than the 18th day after the date on which the claim was affirmatively adjudicated.

(b) A health maintenance organization, or a pharmacy benefit manager that administers pharmacy claims for the health maintenance organization, that affirmatively adjudicates a pharmacy claim that is not electronically submitted shall pay the total amount of the claim not later than the 21st day after the date on which the claim was affirmatively adjudicated.

SECTION ____ .004. Subchapter J, Chapter 843, Insurance Code, is amended by adding Section 843.3401 to read as follows:

Sec. 843.3401. AUDIT OF PHARMACIST OR PHARMACY. (a) A health maintenance organization or a pharmacy benefit manager that administers pharmacy claims for the health maintenance organization may not use extrapolation to complete the audit of a provider who is a pharmacist or pharmacy. A health maintenance organization may not require extrapolation audits as a condition of participation in the health maintenance organization's contract, network, or program for a provider who is a pharmacist or pharmacy.

(b) A health maintenance organization or a pharmacy benefit manager that administers pharmacy claims for the health maintenance organization that performs an on-site audit under this chapter of a provider who is a pharmacist or pharmacy shall provide the provider reasonable notice of the audit and accommodate the provider's schedule to the greatest extent possible. The notice required under this subsection must be in writing and must be sent by certified mail to the provider not later than the 15th day before the date on which the on-site audit is scheduled to occur.

SECTION ____ .005. Section 843.344, Insurance Code, is amended to read as follows:

Sec. 843.344. APPLICABILITY OF SUBCHAPTER TO ENTITIES CONTRACTING WITH HEALTH MAINTENANCE ORGANIZATION. This subchapter applies to a person, including a pharmacy benefit manager, with whom a health maintenance organization contracts to:

- (1) process or pay claims;
- (2) obtain the services of physicians and providers to provide health care services to enrollees; or
- (3) issue verifications or preauthorizations.

SECTION _____.006. Subchapter J, Chapter 843, Insurance Code, is amended by adding Section 843.354 to read as follows:

Sec. 843.354. LEGISLATIVE DECLARATION. It is the intent of the legislature that the requirements contained in this subchapter regarding payment of claims to providers who are pharmacists or pharmacies apply to all health maintenance organizations and pharmacy benefit managers unless otherwise prohibited by federal law.

SECTION _____.007. Section 1301.001, Insurance Code, is amended by amending Subdivision (1) and adding Subdivision (1-a) to read as follows:

(1) "Extrapolation" means a mathematical process or technique used by an insurer or pharmacy benefit manager that administers pharmacy claims for an insurer in the audit of a pharmacy or pharmacist to estimate audit results or findings for a larger batch or group of claims not reviewed by the insurer or pharmacy benefit manager.

(1-a) "Health care provider" means a practitioner, institutional provider, or other person or organization that furnishes health care services and that is licensed or otherwise authorized to practice in this state. The term includes a pharmacist and a pharmacy. The term does not include a physician.

SECTION _____.008. Section 1301.103, Insurance Code, is amended to read as follows:

Sec. 1301.103. DEADLINE FOR ACTION ON CLEAN CLAIMS. Except as provided by Sections 1301.104 and [Section] 1301.1054, not later than the 45th day after the date an insurer receives a clean claim from a preferred provider in a nonelectronic format or the 30th day after the date an insurer receives a clean claim from a preferred provider that is electronically submitted, the insurer shall make a determination of whether the claim is payable and:

- (1) if the insurer determines the entire claim is payable, pay the total amount of the claim in accordance with the contract between the preferred provider and the insurer;
- (2) if the insurer determines a portion of the claim is payable, pay the portion of the claim that is not in dispute and notify the preferred provider in writing why the remaining portion of the claim will not be paid; or
- (3) if the insurer determines that the claim is not payable, notify the preferred provider in writing why the claim will not be paid.

SECTION _____.009. Section 1301.104, Insurance Code, is amended to read as follows:

Sec. 1301.104. DEADLINE FOR ACTION ON [CERTAIN] PHARMACY CLAIMS; PAYMENT. (a) An [Not later than the 21st day after the date an] insurer, or a pharmacy benefit manager that administers pharmacy claims for the insurer under a preferred provider benefit plan, that affirmatively adjudicates a pharmacy claim that is electronically submitted[, the insurer] shall pay the total amount of the claim through electronic funds transfer not later than the 18th day after the date on which the claim was affirmatively adjudicated.

(b) An insurer, or a pharmacy benefit manager that administers pharmacy claims for the insurer under a preferred provider benefit plan, that affirmatively adjudicates a pharmacy claim that is not electronically submitted shall pay the total amount of the claim not later than the 21st day after the date on which the claim was affirmatively adjudicated.

SECTION ____.010. Subchapter C, Chapter 1301, Insurance Code, is amended by adding Section 1301.1041 to read as follows:

Sec. 1301.1041. AUDIT OF PHARMACIST OR PHARMACY. (a) An insurer or a pharmacy benefit manager that administers pharmacy claims for the insurer may not use extrapolation to complete the audit of a preferred provider that is a pharmacist or pharmacy. An insurer may not require extrapolation audits as a condition of participation in the insurer's contract, network, or program for a preferred provider that is a pharmacist or pharmacy.

(b) An insurer or a pharmacy benefit manager that administers pharmacy claims for the insurer that performs an on-site audit of a preferred provider who is a pharmacist or pharmacy shall provide the provider reasonable notice of the audit and accommodate the provider's schedule to the greatest extent possible. The notice required under this subsection must be in writing and must be sent by certified mail to the preferred provider not later than the 15th day before the date on which the on-site audit is scheduled to occur.

SECTION ____.011. Section 1301.109, Insurance Code, is amended to read as follows:

Sec. 1301.109. APPLICABILITY TO ENTITIES CONTRACTING WITH INSURER. This subchapter applies to a person, including a pharmacy benefit manager, with whom an insurer contracts to:

- (1) process or pay claims;
- (2) obtain the services of physicians and health care providers to provide health care services to insureds; or
- (3) issue verifications or preauthorizations.

SECTION ____.012. Subchapter C-1, Chapter 1301, Insurance Code, is amended by adding Section 1301.139 to read as follows:

Sec. 1301.139. LEGISLATIVE DECLARATION. It is the intent of the legislature that the requirements contained in this subchapter regarding payment of claims to preferred providers who are pharmacists or pharmacies apply to all insurers and pharmacy benefit managers unless otherwise prohibited by federal law.

SECTION ____.013. (a) With respect to pharmacy benefits provided under a contract, the changes in law made by this article apply only to a contract entered into or renewed on or after the effective date of this Act and payment for

pharmacy benefits provided under the contract. A contract entered into before the effective date of this Act and not renewed or that was last renewed before the effective date of this Act, and payment for pharmacy benefits provided under the contract, are governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(b) With respect to payment for pharmacy benefits not provided under a contract to which Subsection (a) of this section applies, the changes in law made by this article apply only to payment for benefits provided on or after the effective date of this Act. Payment for benefits not subject to Subsection (a) of this section and provided before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(c) Sections 843.3401 and 1301.1041, Insurance Code, as added by this article, apply to an audit of a pharmacist or pharmacy performed on or after the effective date of this Act unless the audit is performed under a contract that is entered into before the effective date of this Act and that, at the time of the audit, has not been renewed or was last renewed before the effective date of this Act.

Amendment No. 26 was adopted. (Laubenberg and V. Taylor recorded voting no.)

Amendment No. 27

Representative Coleman offered the following amendment to **HB 1951**:

Floor Packet Page No. 112

Amend **HB 1951** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE __. SELECTION OF PRIMARY CARE PHYSICIANS AND PROVIDERS UNDER PREFERRED PROVIDER BENEFIT PLANS AND HEALTH MAINTENANCE ORGANIZATIONS

SECTION __.001. Section 843.203, Insurance Code, is amended by amending Subsection (b) and adding Subsections (d), (e), (f), (g), and (h) to read as follows:

(b) An enrollee shall at all times have the right to select or change a primary care physician or primary care provider within the health maintenance organization network of available primary care physicians and primary care providers~~], except that a health maintenance organization may limit an enrollee's request to change physicians or providers to not more than four changes in a 12-month period].~~ An enrollee may designate any participating primary care physician or primary care provider who is available to accept the individual.

(d) For an enrollee who is a child, the health maintenance organization must allow the child's parent or guardian to designate as the child's primary care physician or primary care provider a participating physician who specializes in pediatrics.

(e) A health maintenance organization shall notify each enrollee of the enrollee's rights under Subsections (b) and (d).

(f) In the case of group health coverage, the notice described in Subsection (e) must be included whenever the health maintenance organization provides an enrollee with a summary plan description or other similar description of benefits under the health care plan.

(g) In the case of individual health coverage, the notice described in Subsection (e) must be included whenever the health maintenance organization plan provides an enrollee with a certificate or contract for the health care plan.

(h) A health maintenance organization may use the model language in 45 C.F.R. Section 147.138(a)(4)(iii) to satisfy the requirements of Subsections (e), (f), and (g).

SECTION __.002. Subchapter D, Chapter 1301, Insurance Code, is amended by adding Section 1301.164 to read as follows:

Sec. 1301.164. SELECTION OF PRIMARY CARE PHYSICIAN OR PROVIDER. (a) If a preferred provider benefit plan requires or provides for designation by an insured of a participating primary care physician or primary care provider, the insurer shall allow an insured to designate any participating primary care physician or primary care provider who is available to accept the individual.

(b) For an enrollee who is a child, the insurer must allow the child's parent or guardian to designate as the child's primary care physician or primary care provider a participating physician who specializes in pediatrics.

(c) An insurer shall notify each insured of the insured's rights under this section.

(d) In the case of group health insurance coverage, the notice described in Subsection (c) must be included whenever the health insurer provides a participant with a summary plan description or other similar description of benefits under the health benefit plan.

(e) In the case of individual health insurance coverage, the notice described in Subsection (c) must be included whenever the health insurer provides a primary insured with a policy, certificate or contract of health insurance.

(f) An insurer may use the model language in 45 C.F.R. Section 147.138(a)(4)(iii) to satisfy the requirements of Subsections (c), (d), and (e).

SECTION __.003. The changes in law to Section 843.203(b), Insurance Code, as amended by this Article, and Sections 843.203(d), (e), (g), and (h), and Section 1301.164, Insurance Code, as added by this Article, apply only to a health insurance policy or contract or health maintenance organization contract or agreement that is delivered or issued for delivery on or after January 1, 2012. An insurance policy or contract or health maintenance organization contract or agreement that is delivered or issued for delivery before January 1, 2012, 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. 27 was withdrawn.

Amendment No. 28

Representative Walle offered the following amendment to **HB 1951**:

Floor Packet Page No. 118

Amend **HB 1951** (house committee printing) by adding the following appropriately numbered SECTIONS to ARTICLE 3 of the bill and renumbering subsequent SECTIONS of that ARTICLE accordingly:

SECTION 3. ____ . Subchapter F, Chapter 843, Insurance Code, is amended by adding Section 843.2071 to read as follows:

Sec. 843.2071. NOTICE OF INCREASE IN CHARGE FOR COVERAGE.

(a) Not less than 60 days before the date on which an increase in a charge for coverage under this chapter takes effect, a health maintenance organization shall:

(1) give to each enrollee under an individual evidence of coverage written notice of the effective date of the increase; and

(2) provide the enrollee a table that clearly lists:

(A) the actual dollar amount of the charge for coverage on the date of the notice;

(B) the actual dollar amount of the charge for coverage after the charge increase; and

(C) the percentage change between the amounts described by Paragraphs (A) and (B).

(b) The notice required by this section must be based on coverage in effect on the date of the notice.

(c) This section may not be construed to prevent a health maintenance organization, at the request of an enrollee, from negotiating a change in benefits or rates after delivery of the notice required by this section.

(d) A health maintenance organization may not require an enrollee entitled to notice under this section to respond to the health maintenance organization to renew the coverage or take other action relating to the renewal or extension of the coverage before the 45th day after the date the notice described by Subsection (a) is given.

(e) The notice required by this section must include:

(1) contact information for the department, including information concerning how to file a complaint with the department;

(2) contact information for the Texas Consumer Health Assistance Program, including information concerning how to request from the program consumer protection information or assistance with filing a complaint; and

(3) the addresses of Internet websites that provide consumer information related to rate increase justifications, including the websites of the department and the United States Department of Health and Human Services.

SECTION 3. ____ . Subchapter C, Chapter 1201, Insurance Code, is amended by adding Section 1201.109 to read as follows:

Sec. 1201.109. NOTICE OF RATE INCREASE. (a) Not less than 60 days before the date on which a premium rate increase takes effect on an individual accident and health insurance policy delivered or issued for delivery in this state by an insurer, the insurer shall:

(1) give written notice to the insured of the effective date of the increase; and

(2) provide the insured a table that clearly lists:

(A) the actual dollar amount of the premium on the date of the notice;

(B) the actual dollar amount of the premium after the premium rate increase; and

(C) the percentage change between the amounts described by Paragraphs (A) and (B).

(b) The notice required by this section must be based on coverage in effect on the date of the notice.

(c) This section may not be construed to prevent an insurer, at the request of an insured, from negotiating a change in benefits or rates after delivery of the notice required by this section.

(d) An insurer may not require an insured entitled to notice under this section to respond to the insurer to renew the policy or take other action relating to the renewal or extension of the policy before the 45th day after the date the notice described by Subsection (a) is given.

(e) The notice required by this section must include:

(1) contact information for the department, including information concerning how to file a complaint with the department;

(2) contact information for the Texas Consumer Health Assistance Program, including information concerning how to request from the program consumer protection information or assistance with filing a complaint; and

(3) the addresses of Internet websites that provide consumer information related to rate increase justifications, including the websites of the department and the United States Department of Health and Human Services.

SECTION 3. _____. Subchapter E, Chapter 1501, Insurance Code, is amended by adding Section 1501.216 to read as follows:

Sec. 1501.216. PREMIUM RATES: NOTICE OF INCREASE. (a) Not less than 60 days before the date on which a premium rate increase takes effect on a small employer health benefit plan delivered or issued for delivery in this state by an insurer, the insurer shall:

(1) give written notice to the small employer of the effective date of the increase; and

(2) provide the small employer a table that clearly lists:

(A) the actual dollar amount of the premium on the date of the notice;

(B) the actual dollar amount of the premium after the premium rate increase; and

(C) the percentage change between the amounts described by Paragraphs (A) and (B).

(b) The notice required by this section must be based on coverage in effect on the date of the notice.

(c) This section may not be construed to prevent an insurer, at the request of a small employer, from negotiating a change in benefits or rates after delivery of the notice required by this section.

(d) An insurer may not require a small employer entitled to notice under this section to respond to the insurer to renew the policy or take other action relating to the renewal or extension of the policy before the 45th day after the date the notice described by Subsection (a) is given.

(e) The notice required by this section must include:

(1) contact information for the department, including information concerning how to file a complaint with the department;

(2) contact information for the Texas Consumer Health Assistance Program, including information concerning how to request from the program consumer protection information or assistance with filing a complaint; and

(3) the addresses of Internet websites that provide consumer information related to rate increase justifications, including the websites of the department and the United States Department of Health and Human Services.

SECTION 3.____. Sections 843.2071, 1201.109, and 1501.216, Insurance Code, as added by this Act, apply only to a health maintenance organization individual evidence of coverage, an individual accident and health insurance policy, or a small employer health benefit plan that is delivered, issued for delivery, or renewed on or after the effective date of this Act. An evidence of coverage, policy, or plan delivered, issued for delivery, or renewed 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. 28 was adopted. (Laubenberg and V. Taylor recorded voting no.)

Amendment No. 29

Representative Martinez Fischer offered the following amendment to **HB 1951**:

Floor Packet Page No. 133

Amend **HB 1951** as follows:

(1) Strike the following SECTIONS of ARTICLE 3

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

SECTION 3.____. This article shall be known as the Comprehensive Assessment and Rate Evaluation (CARE) Act.

SECTION 3.____. Section 912.002(c), Insurance Code, as effective April 1, 2011, is amended to read as follows:

(c) Rate ~~[regulation for a residential fire and allied lines insurance policy written by a county mutual insurance company is subject to Chapter 2253. On and after December 1, 2004, rate]~~ regulation for a personal automobile insurance policy and a residential property ~~[fire and allied lines]~~ insurance policy written by a county mutual insurance company is subject to Article 5.13-2, ~~[and]~~ Chapter 2251, and Chapter 2253. A county mutual insurance company is subject to Chapter 2253. The commissioner may adopt rules as necessary to implement this subsection.

SECTION 3.____. Section 1806.052, Insurance Code, is amended to read as follows:

Sec. 1806.052. CONSTRUCTION OF SUBCHAPTER. This subchapter may not be construed to prohibit the modification of rates by a rating plan that complies [is filed in accordance] with the requirements of Chapter 2251 or Article 5.13-2, as applicable, ~~[that has not been disapproved by the commissioner,]~~ and that is designed to encourage the prevention of accidents, and to account for all relevant factors inside and outside this state, including the peculiar hazards and experience of past and prospective individual risks.

SECTION 3.____. Section 2251.002(7), Insurance Code, is amended to read as follows:

(7) "Supplementary rating information" means any manual, rating schedule, plan of rules, rating rules, classification systems, territory codes and descriptions, rating plans, and other similar information used by the insurer to determine the applicable premium for an insured. The term includes the number of policyholders that would be affected by the rating information change and factors and relativities, including increased limits factors, classification relativities, deductible relativities, premium discount, and other similar factors and rating plans such as experience, schedule, and retrospective rating.

SECTION 3.____. Section 2251.003(c), Insurance Code, is amended to read as follows:

(c) Sections 2251.008, 2251.052, 2251.101, 2251.102, ~~[2251.103,]~~ 2251.104, 2251.105, and 2251.107 do not apply to a Lloyd's plan or a reciprocal or interinsurance exchange with respect to commercial property insurance, inland marine insurance, rain insurance, or hail insurance on farm crops.

SECTION 4.____. Section 2251.101(a), Insurance Code, is amended to read as follows:

(a) For ~~[Except as provided by Subchapter D, for]~~ risks written in this state, each insurer shall file with the commissioner all rates, applicable rating manuals, supplementary rating information, and additional information as required by the commissioner.

SECTION 3.____. The heading of Subchapter D, Chapter 2251, Insurance Code, is amended to read as follows:

SUBCHAPTER D. PRIOR APPROVAL OF CERTAIN RATES ~~[UNDER CERTAIN CIRCUMSTANCES]~~

SECTION 3.____. Section 2251.151, Insurance Code, is amended to read as follows:

Sec. 2251.151. REQUIREMENT TO FILE CERTAIN RATES FOR PRIOR APPROVAL ~~[UNDER CERTAIN CIRCUMSTANCES]~~. (a) An insurer may not use a rate for a personal automobile insurance policy or residential property insurance policy until the rate has been filed with the department in accordance with Subchapter C and approved by the commissioner in accordance with this subchapter. This subsection does not apply to a county mutual insurance company with respect to rates for personal automobile insurance.

(b) For rates that are not subject to Subsection (a), including rates used by a county mutual insurance company for personal automobile insurance, the ~~The~~ commissioner by order may require an insurer to file with the department for the commissioner's approval all rates, supplementary rating information, and any supporting information in accordance with this subchapter if the commissioner determines that:

(1) the insurer's rates require supervision because of the insurer's financial condition or rating practices; or

(2) a statewide insurance emergency exists.

(c) ~~(a-1)~~ If an insurer subject to an order under Subsection (b) files a petition under Subchapter D, Chapter 36, for judicial review of an order disapproving a rate under this chapter, the insurer must use the rates in effect for the insurer at the time the petition is filed and may not file and use any higher rate for the same line of insurance subject to this chapter before the matter subject to judicial review is finally resolved unless the insurer, in accordance with this subchapter, files the new rate with the department, along with any applicable supplementary rating information and supporting information, and obtains the commissioner's approval of the rate.

(d) ~~(b)~~ From the date a ~~of the filing of the~~ rate is filed with the department under this section to the effective date of the new rate, the insurer's previously filed rate that is in effect on the date of the filing remains in effect.

(e) ~~(e)~~ The commissioner may require an insurer to file the insurer's rates under Subsection (b) ~~this section~~ until the commissioner determines that the conditions described by that subsection ~~Subsection (a)~~ no longer exist.

(f) ~~(d)~~ For purposes of this chapter ~~section~~, a rate is filed with the department on the date the commissioner determines that the department has received all information necessary to evaluate ~~receives~~ the rate ~~filing~~.

(g) ~~(e)~~ If the commissioner requires an insurer to file the insurer's rates under Subsection (b) ~~this section~~, the commissioner shall issue an order specifying the commissioner's reasons for requiring the rate filing. An affected insurer is entitled to a hearing on written request made to the commissioner not later than the 30th day after the date the order is issued.

SECTION 3. _____. Section 2251.152, Insurance Code, is amended to read as follows:

Sec. 2251.152. ~~[RATE APPROVAL REQUIRED;]~~ EXCEPTION TO CERTAIN RATE APPROVAL REQUIREMENTS. (a) After ~~An insurer subject to this subchapter may not use a rate until the rate has been filed with the department and approved by the commissioner in accordance with this subchapter.~~

~~(b) Notwithstanding Subsection (a), after~~ a rate filing required of an insurer under Section 2251.151(b) is approved under this subchapter, the ~~an~~ insurer, without prior approval of the commissioner, may use any rate subsequently filed by the insurer if the subsequently filed rate does not exceed the lesser of:

(1) 107.5 percent of the rate approved by the commissioner; or

(2) 110 percent of any rate used by the insurer in the previous 12-month period.

(b) [(e)] Filed rates under Subsection (a) [(b)] take effect on the date specified by the insurer.

SECTION 3. _____. Section 2251.153, Insurance Code, is amended to read as follows:

Sec. 2251.153. COMMISSIONER ACTION. (a) Not later than the 120th ~~[30th]~~ day after the date a rate is filed with the department under this subchapter, the commissioner shall:

(1) approve the rate if the commissioner determines that the rate complies with the requirements of this chapter and any other provision of this code governing the setting of the rate by the insurer; or

(2) disapprove the rate if the commissioner determines that the rate does not comply with the requirements of this chapter or any other provision of this code governing the setting of the rate by the insurer.

(b) Except as provided by Subsection (c), if a rate has not been approved or disapproved by the commissioner before the expiration of the 120-day ~~[30-day]~~ period described by Subsection (a), the rate is considered approved and the insurer may use the rate unless the rate proposed in the filing represents an increase of 12.5 percent or more from the insurer's previously filed rate.

(c) For good cause, the commissioner may, on the expiration of the 120-day ~~[30-day]~~ period described by Subsection (a), extend the period for approval or disapproval of a rate for a ~~[one additional]~~ 30-day period. ~~[The commissioner and the insurer may not by agreement extend the 30-day period described by Subsection (a).]~~

SECTION 3. _____. Section 2251.156, Insurance Code, is amended to read as follows:

Sec. 2251.156. RATE FILING DISAPPROVAL BY COMMISSIONER; HEARING. (a) The commissioner shall disapprove a rate filing if the commissioner determines that the rate filing made under this chapter does not meet the standards under Subchapter B.

(b) If the commissioner disapproves a rate filing under this chapter ~~[Section 2251.153(a)(2)]~~, the commissioner shall issue an order specifying in what respects the filing fails to meet the requirements of this chapter or another provision of this code applicable to the setting of the rate by the insurer ~~[disapproving the filing in accordance with Section 2251.103(b)].~~

(c) ~~[(b)]~~ An insurer whose rate filing is disapproved is entitled to a hearing on written request made to the commissioner not later than the 30th day after the date the order disapproving the rate filing takes effect ~~[in accordance with Section 2251.103(e)].~~

SECTION 3. _____. Section 2251.104, Insurance Code, is transferred to Subchapter D, Chapter 2251, Insurance Code, and redesignated as Section 2251.157 to read as follows:

Sec. 2251.157 [~~2251.104~~]. DISAPPROVAL OF RATE IN EFFECT; HEARING. (a) The commissioner may disapprove a rate that is in effect only after a hearing. The commissioner shall provide the filer at least 20 days' written notice.

(b) The commissioner must issue an order disapproving a rate under Subsection (a) not later than the 15th day after the close of the hearing. The order must:

(1) specify in what respects the rate fails to meet the requirements of this chapter; and

(2) state the date on which further use of the rate is prohibited, which may not be earlier than the 45th day after the close of the hearing under this section.

SECTION 3.____. Section 2251.155, Insurance Code, is repealed.

SECTION 3.____. The commissioner of insurance shall adopt all rules necessary to implement this article on or before December 1, 2011.

SECTION 3.____. The change in law made by this article applies to insurance policies delivered, issued for delivery, or renewed on or after January 1, 2012, and to rates for those policies. An insurance policy delivered, issued for delivery, or renewed before January 1, 2012, and rates for the policy are 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. 29 was withdrawn.

Amendment No. 30

Representative Eiland offered the following amendment to **HB 1951**:
Floor Packet Page No. 140

Amend **HB 1951** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE ____ . PAYMENT OF BENEFITS

SECTION ____ .001. Chapter 1102, Insurance Code, is amended to read as follows:

CHAPTER 1102. PAYMENT OF INSURANCE BENEFITS [~~IN CURRENCY~~] SUBCHAPTER A. GENERAL PROVISIONS

Sec. 1102.001. DEFINITIONS. In this chapter:

- (1) "Insurance policy" means a policy, certificate, or contract of:
- (A) life, term, or endowment insurance, including an annuity or pure endowment contract;
 - (B) group life or term insurance, including a group annuity contract;
 - (C) industrial life insurance;
 - (D) accident or health insurance;
 - (E) group accident or health insurance;
 - (F) hospitalization insurance;
 - (G) group hospitalization insurance;

- (H) medical or surgical insurance;
- (I) group medical or surgical insurance; or
- (J) fraternal benefit insurance.

- (2) "Insurer" means any insurer, including a:
 - (A) life, accident, health, or casualty insurance company;
 - (B) mutual life insurance company;
 - (C) mutual insurance company other than a life insurance

company;

- (D) mutual or natural premium life insurance company;
- (E) general casualty company;
- (F) Lloyd's plan or a reciprocal or interinsurance exchange;
- (G) fraternal benefit society; or
- (H) group hospital service corporation.

- (3) "Life insurance policy" means a policy, certificate, or contract of:

(A) life, term, or endowment insurance, including an annuity or pure endowment contract;

(B) group life or term insurance, including a group annuity contract;

(C) industrial life insurance; or

(D) fraternal benefit insurance, other than insurance for:

(i) benefits for hospital, medical, or nursing expenses resulting from sickness, bodily infirmity, or accident; or

(ii) other accident or health insurance.

(4) "Retained asset account" means a mechanism by which an insurer or the insurer's agent deposits proceeds payable under a life insurance policy, including the payment of cash surrender value, into an account the deposits of which are retained by the insurer under a supplementary contract not involving annuity benefits.

Sec. 1102.002. RULES. The commissioner may adopt reasonable rules to accomplish the purposes of this chapter, including rules requiring:

(1) appropriate reserves for insurance policies subject to this chapter; or

(2) prudent investment of premiums collected from insurance policies subject to this chapter regardless of any other provision of this code related to the investment of money by an insurance company.

SUBCHAPTER B. PAYMENT OF BENEFITS IN CURRENCY

Sec. 1102.051 [4102.002]. BENEFITS PAYABLE IN CURRENCY. Each benefit payable under an insurance policy delivered, issued, or used in this state by an insurer shall be payable in currency.

Sec. 1102.052 [4102.003]. STATEMENT REGARDING VALUE OF FOREIGN CURRENCY. (a) An insurance policy described by Section 1102.051 [4102.002] providing that benefits are payable in foreign currency must include a conspicuous statement that the value of the currency denominated in the policy can fluctuate as compared to the value of United States currency.

(b) The statement must be:

(1) included as part of the policy; or

(2) attached to the insurance policy at the time it is issued.

Sec. 1102.053 [~~1102.004~~]. PREVIOUSLY APPROVED INSURANCE POLICY FORM PAYABLE IN FOREIGN CURRENCY. (a) The commissioner may disapprove or withdraw approval of a previously approved insurance policy form that provides benefits payable in foreign currency if the commissioner determines that the foreign currency has been less stable than United States currency in the previous 20-year period.

(b) This section does not require the resubmission for approval of any previously approved insurance policy form unless:

(1) withdrawal of approval is authorized under this section or Chapter 1701; or

(2) after notice and hearing, the commissioner determines that approval was obtained by improper means, including by misrepresentation, fraud, or a misleading statement or document[-

~~[Sec. 1102.005. RULES. The commissioner may adopt reasonable rules to accomplish the purposes of this chapter, including rules requiring:~~

~~(1) appropriate reserves for insurance policies subject to this chapter; or~~

~~(2) prudent investment of premiums collected from insurance policies subject to this chapter regardless of any other provision of this code related to the investment of money by an insurance company].~~

SUBCHAPTER C. RETAINED ASSET ACCOUNTS

Sec. 1102.101. RETAINED ASSET ACCOUNT ELECTION. (a) An insurer may not transfer proceeds payable under a life insurance policy to a retained asset account unless the insurer obtains the written acknowledgment of the disclosure of the option before the death benefit is transferred to a retained asset account from:

(1) the beneficiary or the beneficiary's legal representative; or

(2) in the case of a group contract, the contract holder or policy owner.

(b) A beneficiary shall be informed of the right to receive a lump-sum payment of life insurance proceeds by a bank check or other form of immediate full payment.

(c) An insurer that offers multiple modes of settlement to a beneficiary may not use a retained asset account as the default mode of settlement unless the offer conspicuously discloses that the retained asset account is the default mode.

Sec. 1102.102. DISCLOSURE REQUIREMENTS. (a) The claim form for payment of proceeds under a life insurance policy must include a statement, written in plain language and in boldfaced type, disclosing benefit payment options available under the policy, including payment through the use of a retained asset account or by check directly to the claimant.

(b) An insurer may not transfer proceeds payable under a life insurance policy to a retained asset account unless the insurer, before transferring the proceeds and in a written document signed by the claimant, discloses to the claimant, or advises the claimant concerning, the following information:

(1) a recommendation to consult a tax, investment, or other financial advisor about tax liability and investment options;

(2) the initial interest rate, when and how the interest rate may change, and any dividends and other gains that may be paid or distributed to the account holder;

(3) the name and address of the custodian of the retained asset account;

(4) any coverage of the retained asset account guaranteed by the Federal Deposit Insurance Corporation and the amount of the coverage;

(5) any limitations on withdrawal of funds from the retained asset account, including any minimum or maximum benefit payment amounts;

(6) the delay, if any, that the account holder may encounter in completing an authorized transaction and the anticipated duration of the delay;

(7) any fees for services provided, including a list of the fees and the method of the fee calculation;

(8) the nature and frequency with which statements concerning the retained asset account are issued, which must be not less than once annually;

(9) that some or all of the benefit may be paid by a bank check or other form of immediate payment;

(10) that the entire proceeds are available to the retained asset account holder by a bank check or other form of immediate full payment as described by Section 1102.101(b);

(11) whether the insurer or a related party may earn income from the retained asset account, in addition to any fees charged on the account, from the total gains received on the investment of the balance of funds in the account;

(12) the telephone number, address, and other contact information, including website address, to obtain additional information regarding the retained asset account;

(13) a description of the insurer's policy regarding retained asset accounts that may become inactive; and

(14) any other information prescribed by the commissioner by rule.

SECTION __.002. Chapter 1102, Insurance Code, as amended by this article, applies only to a claim made under a life insurance policy on or after September 1, 2011. A claim made before September 1, 2011, 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. 31

Representative Eiland offered the following amendment to Amendment No. 30:

Amend Eiland Amendment No. 30 (page 140, prefiled amendments packet) to **HB 1951** (house committee printing) as follows:

(1) Strike page 2, lines 21-26 and substitute the following:

(4) "Retained asset account" means any mechanism whereby the settlement of proceeds payable under a life insurance policy, including but not limited to the payment of cash surrender value, is accomplished by the insurer or an entity acting on behalf of the insurer depositing the proceeds into an account, where those proceeds are retained by the insurer, pursuant to a supplementary contract not involving annuity benefits.

(2) On page 4, strike lines 12-27 and substitute the following:

Sec. 1102.101. RETAINED ASSET ACCOUNT ELECTION. (a) An insurer may not transfer proceeds payable under a life insurance policy to a retained asset account unless the insurer discloses such option to the beneficiary or the beneficiary's legal representative, or in the case of a group contract, the contract holder or policy owner before transferring the proceeds to the account.

(b) A beneficiary shall be informed of the beneficiary's rights to receive a lump-sum payment of life insurance proceeds in the form of a bank check or other form of immediate full payment of benefits.

(c) When an insurer offers multiple modes of settlement to a beneficiary, the insurer may not use a retained asset account as the default mode of settlement unless the insurer conspicuously discloses that fact.

(3) On page 4, lines 30-31, strike "and in boldfaced type".

(4) On page 5, line 6, strike "signed by the claimant".

(5) On page 5, strike lines 10-12 and substitute the following:

(2) when and how interest rates may change, and any dividends and other gains that may be paid or distributed to the account holder;

(6) On page 5, strike lines 21-23 and substitute the following:

(6) the anticipated duration of any delays that the retained asset account holder might encounter in completing an authorized transaction;

(7) On page 5, line 29, strike "by a".

(8) On page 5, strike line 30 and substitute the following: through check, draft, or other instrument;

(9) On page 6, strike lines 1-2 and substitute the following: retained asset account holder by the use of a single check, draft, or other instrument;

Amendment No. 31 was adopted. (Laubenberg and V. Taylor recorded voting no.)

Amendment No. 30, as amended, was adopted. (Laubenberg and V. Taylor recorded voting no.)

Amendment No. 32

Representative Christian offered the following amendment to **HB 1951**:
Floor Packet Page No. 158

Amend **HB 1951** by adding new appropriately numbered sections to read as follows:

SECTION _____. Section 1451.153, Insurance Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) A managed care plan may not:

(1) discriminate against a health care practitioner because the practitioner is an optometrist, therapeutic optometrist, or ophthalmologist;

(2) restrict or discourage a plan participant from obtaining covered vision or medical eye care services or procedures from a participating optometrist, therapeutic optometrist, or ophthalmologist solely because the practitioner is an optometrist, therapeutic optometrist, or ophthalmologist;

(3) exclude an optometrist, therapeutic optometrist, or ophthalmologist as a participating practitioner in the plan because the optometrist, therapeutic optometrist, or ophthalmologist does not have medical staff privileges at a hospital or at a particular hospital; [✗]

(4) exclude an optometrist, therapeutic optometrist, or ophthalmologist as a participating practitioner in the plan because the services or procedures provided by the optometrist, therapeutic optometrist, or ophthalmologist may be provided by another type of health care practitioner; or

(5) as a condition for a therapeutic optometrist or ophthalmologist to be included in one or more of the plan's medical panels, require the therapeutic optometrist or ophthalmologist to be included in, or to accept the terms of payment under or for, a particular vision panel in which the therapeutic optometrist or ophthalmologist does not otherwise wish to be included.

(c) For the purposes of Subsection (a)(5), "medical panel" and "vision panel" have the meanings assigned by Section 1451.154(a).

SECTION _____. The change in law made by Section _____ of this Act applies only to a contract entered into or renewed by a therapeutic optometrist or ophthalmologist and an issuer of a managed care plan on or after January 1, 2012. A contract entered into or renewed before January 1, 2012 is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

Amendment No. 32 was withdrawn.

Amendment No. 33

Representative Smithee offered the following amendment to **HB 1951**:

Floor Packet Page No. 160

Amend **HB 1951** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 1451.153, Insurance Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) A managed care plan may not:

(1) discriminate against a health care practitioner because the practitioner is an optometrist, therapeutic optometrist, or ophthalmologist;

(2) restrict or discourage a plan participant from obtaining covered vision or medical eye care services or procedures from a participating optometrist, therapeutic optometrist, or ophthalmologist solely because the practitioner is an optometrist, therapeutic optometrist, or ophthalmologist;

(3) exclude an optometrist, therapeutic optometrist, or ophthalmologist as a participating practitioner in the plan because the optometrist, therapeutic optometrist, or ophthalmologist does not have medical staff privileges at a hospital or at a particular hospital; [✗]

(4) exclude an optometrist, therapeutic optometrist, or ophthalmologist as a participating practitioner in the plan because the services or procedures provided by the optometrist, therapeutic optometrist, or ophthalmologist may be provided by another type of health care practitioner; or

(5) as a condition for a therapeutic optometrist or ophthalmologist to be included in one or more of the plan's medical panels, require the therapeutic optometrist or ophthalmologist to be included in, or to accept the terms of payment under or for, a particular vision panel in which the therapeutic optometrist or ophthalmologist does not otherwise wish to be included.

(c) For purposes of Subsection (a)(5), "medical panel" and "vision panel" have the meanings assigned by Section 1451.154(a).

SECTION ____ . The change in law made by Section ____ of this Act applies only to a contract entered into or renewed by a therapeutic optometrist or ophthalmologist and an issuer of a managed care plan on or after January 1, 2012. A contract entered into or renewed before January 1, 2012 is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

Amendment No. 33 was adopted. (Laubenberg and V. Taylor recorded voting no.)

Amendment No. 34

Representative Eiland offered the following amendment to **HB 1951**:

Floor Packet Page No. 162

Amend **HB 1951** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . PROVIDER NETWORK CONTRACT ARRANGEMENTS

SECTION ____ .001. Subtitle F, Title 8, Insurance Code, is amended by adding Chapter 1458 to read as follows:

CHAPTER 1458. PROVIDER NETWORK CONTRACT ARRANGEMENTS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 1458.001. GENERAL DEFINITIONS. In this chapter:

(1) "Affiliate" means a person who, directly or indirectly through one or more intermediaries, controls, is controlled by, or is under common control with another person.

(2) "Contracting entity" means a person that:

(A) enters into a direct contract with a provider for the delivery of health care services; and

(B) in the ordinary course of business establishes a provider network for access by another party.

(3) "Covered individual" means an individual who is covered under a health benefit plan.

(4) "Direct notification" means a written or electronic communication from a contracting entity to a physician or other health care provider documenting third party access to a provider network.

(5) "Health care services" means services provided for the diagnosis, prevention, treatment, or cure of a health condition, illness, injury, or disease.

(6) "Person" has the meaning assigned by Section 823.002.

(7) "Provider" means a physician, a professional association composed solely of physicians, a single legal entity authorized to practice medicine owned by two or more physicians, a nonprofit health corporation certified by the Texas Medical Board under Chapter 162, Occupations Code, a partnership composed solely of physicians, a physician-hospital organization that acts exclusively as an administrator for a provider to facilitate the provider's participation in health care contracts, or an institution licensed under Chapter 241, Health and Safety Code. The term does not include a physician-hospital organization that leases or rents the physician-hospital organization's network to a third party.

(8) "Provider network contract" means a contract between a contracting entity and a provider for the delivery of, and payment for, health care services to a covered individual.

(9) "Third party" means a person that contracts with a contracting entity or another party to gain access to a provider network contract.

Sec. 1458.002. DEFINITION OF HEALTH BENEFIT PLAN. (a) In this chapter, "health benefit plan" means:

(1) a hospital and medical expense incurred policy;

(2) a nonprofit health care service plan contract;

(3) a health maintenance organization subscriber contract; or

(4) any other health care plan or arrangement that pays for or furnishes medical or health care services.

(b) "Health benefit plan" does not include one or more or any combination of the following:

(1) coverage only for accident or disability income insurance or any combination of those coverages;

(2) credit-only insurance;

(3) coverage issued as a supplement to liability insurance;

(4) liability insurance, including general liability insurance and automobile liability insurance;

(5) workers' compensation or similar insurance;

(6) a discount health care program, as defined by Section 7001.001;

(7) coverage for on-site medical clinics;

(8) automobile medical payment insurance; or

(9) other similar insurance coverage, as specified by federal regulations issued under the Health Insurance Portability and Accountability Act of 1996 (Pub. L. No. 104-191), under which benefits for medical care are secondary or incidental to other insurance benefits.

(c) "Health benefit plan" does not include the following benefits if they are provided under a separate policy, certificate, or contract of insurance, or are otherwise not an integral part of the coverage:

(1) dental or vision benefits;

(2) benefits for long-term care, nursing home care, home health care, community-based care, or any combination of these benefits;

(3) other similar, limited benefits, including benefits specified by federal regulations issued under the Health Insurance Portability and Accountability Act of 1996 (Pub. L. No. 104-191); or

(4) a Medicare supplement benefit plan described by Section 1652.002.

(d) "Health benefit plan" does not include coverage limited to a specified disease or illness or hospital indemnity coverage or other fixed indemnity insurance coverage if:

(1) the coverage is provided under a separate policy, certificate, or contract of insurance;

(2) there is no coordination between the provision of the coverage and any exclusion of benefits under any group health benefit plan maintained by the same plan sponsor; and

(3) the coverage is paid with respect to an event without regard to whether benefits are provided with respect to such an event under any group health benefit plan maintained by the same plan sponsor.

Sec. 1458.003. EXEMPTIONS. This chapter does not apply:

(1) to a provider network contract for services provided to a beneficiary under the Medicaid program, the Medicare program, or the state child health plan established under Chapter 62, Health and Safety Code, or the comparable plan under Chapter 63, Health and Safety Code;

(2) under circumstances in which access to the provider network is granted to an entity that operates under the same brand licensee program as the contracting entity; or

(3) to a contract between a contracting entity and a discount health care program operator, as defined by Section 7001.001.

[Sections 1458.004-1458.050 reserved for expansion]

SUBCHAPTER B. REGISTRATION REQUIREMENTS

Sec. 1458.051. REGISTRATION REQUIRED. (a) Unless the person holds a certificate of authority issued by the department to engage in the business of insurance in this state or operate a health maintenance organization under Chapter 843, a person must register with the department not later than the 30th day after the date on which the person begins acting as a contracting entity in this state.

(b) Notwithstanding Subsection (a), under Section 1458.055 a contracting entity that holds a certificate of authority issued by the department to engage in the business of insurance in this state or is a health maintenance organization shall file with the commissioner an application for exemption from registration under which the affiliates may access the contracting entity's network.

(c) An application for an exemption filed under Subsection (b) must be accompanied by a list of the contracting entity's affiliates. The contracting entity shall update the list with the commissioner on an annual basis.

(d) A list of affiliates filed with the commissioner under Subsection (c) is public information and is not exempt from disclosure under Chapter 552, Government Code.

Sec. 1458.052. DISCLOSURE OF INFORMATION. (a) A person required to register under Section 1458.051 must disclose:

(1) all names used by the contracting entity, including any name under which the contracting entity intends to engage or has engaged in business in this state;

(2) the mailing address and main telephone number of the contracting entity's headquarters;

(3) the name and telephone number of the contracting entity's primary contact for the department; and

(4) any other information required by the commissioner by rule.

(b) The disclosure made under Subsection (a) must include a description or a copy of the applicant's basic organizational structure documents and a copy of organizational charts and lists that show:

(1) the relationships between the contracting entity and any affiliates of the contracting entity, including subsidiary networks or other networks; and

(2) the internal organizational structure of the contracting entity's management.

Sec. 1458.053. SUBMISSION OF INFORMATION. Information required under this subchapter must be submitted in a written or electronic format adopted by the commissioner by rule.

Sec. 1458.054. FEES. The department may collect a reasonable fee set by the commissioner as necessary to administer the registration process. Fees collected under this chapter shall be deposited in the Texas Department of Insurance operating fund.

Sec. 1458.055. EXEMPTION FOR AFFILIATES. (a) The commissioner shall grant an exemption for affiliates of a contracting entity if the contracting entity holds a certificate of authority issued by the department to engage in the business of insurance in this state or is a health maintenance organization if the commissioner determines that:

(1) the affiliate is not subject to a disclaimer of affiliation under Chapter 823; and

(2) the relationships between the person who holds a certificate of authority and all affiliates of the person, including subsidiary networks or other networks, are disclosed and clearly defined.

(b) An exemption granted under this section applies only to registration. An entity granted an exemption is otherwise subject to this chapter.

(c) The commissioner shall establish a reasonable fee as necessary to administer the exemption process.

[Sections 1458.056-1458.100 reserved for expansion]

SUBCHAPTER C. RIGHTS AND RESPONSIBILITIES OF A CONTRACTING ENTITY

Sec. 1458.101. CONTRACT REQUIREMENTS. A contracting entity may not provide a person access to health care services or contractual discounts under a provider network contract unless the provider network contract specifically states that:

(1) the contracting entity may contract with a third party to provide access to the contracting entity's rights and responsibilities under a provider network contract; and

(2) the third party must comply with all applicable terms, limitations, and conditions of the provider network contract.

Sec. 1458.102. DUTIES OF CONTRACTING ENTITY. (a) A contracting entity that has granted access to health care services and contractual discounts under a provider network contract shall:

(1) notify each provider of the identity of, and contact information for, each third party, other than a payor who is not an insurer or a health maintenance organization, that has or may obtain access to the provider's health care services and contractual discounts;

(2) provide each third party with sufficient information regarding the provider network contract to enable the third party to comply with all relevant terms, limitations, and conditions of the provider network contract;

(3) require each third party to disclose the identity of the contracting entity and the existence of a provider network contract on each remittance advice or explanation of payment form; and

(4) notify each third party of the termination of the provider network contract not later than the 30th day after the effective date of the contract termination.

(b) If a contracting entity knows that a third party is making claims under a terminated contract, the contracting entity must take reasonable steps to cause the third party to cease making claims under the provider network contract. If the steps taken by the contracting entity are unsuccessful and the third party continues to make claims under the terminated provider network contract, the contracting entity must:

(1) terminate the contracting entity's contract with the third party; or

(2) notify the commissioner, if termination of the contract is not feasible.

(c) Any notice provided by a contracting entity to a third party under Subsection (b) must include a statement regarding the third party's potential liability under this chapter for using a provider's contractual discount for services provided after the termination date of the provider network contract.

(d) The notice required under Subsection (a)(1):

(1) must be provided by:

(A) providing for a subscription to receive the notice by e-mail; or

(B) posting the information on an Internet website at least once each calendar quarter; and

(2) must include a separate prominent section that lists:

(A) each third party that the contracting entity knows will have access to a discounted fee of the provider in the succeeding calendar quarter; and

(B) the effective date and termination or renewal dates, if any, of the third party's contract to access the network.

(e) The e-mail notice described by Subsection (d) may contain a link to an Internet web page that contains a list of third parties that complies with this section.

Sec. 1458.103. EFFECT OF CONTRACT TERMINATION. Subject to continuity of care requirements, agreements, or contractual provisions:

(1) a third party may not access health care services and contractual discounts after the date the provider network contract terminates;

(2) claims for health care services performed after the termination date may not be processed or paid under the provider network contract after the termination; and

(3) claims for health care services performed before the termination date and processed after the termination date may be processed and paid under the provider network contract after the date of termination.

Sec. 1458.104. AVAILABILITY OF CODING GUIDELINES. (a) A contract between a contracting entity and a provider must provide that:

(1) the provider may request a description and copy of the coding guidelines, including any underlying bundling, recoding, or other payment process and fee schedules applicable to specific procedures that the provider will receive under the contract;

(2) the contracting entity or the contracting entity's agent will provide the coding guidelines and fee schedules not later than the 30th day after the date the contracting entity receives the request;

(3) the contracting entity or the contracting entity's agent will provide notice of changes to the coding guidelines and fee schedules that will result in a change of payment to the provider not later than the 90th day before the date the changes take effect and will not make retroactive revisions to the coding guidelines and fee schedules; and

(4) if the requested information indicates a reduction in payment to the provider from the amounts agreed to on the effective date of the contract, the contract may be terminated by the provider on written notice to the contracting entity on or before the 30th day after the date the provider receives information requested under this subsection without penalty or discrimination in participation in other health care products or plans.

(b) A provider who receives information under Subsection (a) may only:

(1) use or disclose the information for the purpose of practice management, billing activities, and other business operations; and

(2) disclose the information to a governmental agency involved in the regulation of health care or insurance.

(c) The contracting entity shall, on request of the provider, provide the name, edition, and model version of the software that the contracting entity uses to determine bundling and unbundling of claims.

(d) The provisions of this section may not be waived, voided, or nullified by contract.

(e) If a contracting entity is unable to provide the information described by Subsection (a)(1), (a)(3), or (c), the contracting entity shall by telephone provide a readily available medium in which providers may obtain the information, which may include an Internet website.

[Sections 1458.105-1458.150 reserved for expansion]

SUBCHAPTER D. RIGHTS AND RESPONSIBILITIES OF THIRD PARTY

Sec. 1458.151. THIRD-PARTY RIGHTS AND RESPONSIBILITIES. (a)

A third party that leases, sells, aggregates, assigns, or otherwise conveys a provider's contractual discount to another party who is not a covered individual must comply with the responsibilities of a contracting entity under Subchapters C and E.

(b) A third party that obtains access to a provider's health care services and contractual discounts from a third party acting as a contracting entity must comply with this subchapter.

Sec. 1458.152. DISCLOSURE BY THIRD PARTY. (a) A third party shall disclose, to the contracting entity and providers under the provider network contract, the identity of a person other than a covered individual to whom the third party leases, sells, aggregates, assigns, or otherwise conveys a provider's contractual discounts through an electronic notification that complies with Section 1458.102 and includes a link to the Internet website described by Section 1458.102(d).

(b) A third party that uses an Internet website under this section must update the website on a quarterly basis. On request, a contracting entity shall disclose the information by telephone or through direct notification.

[Sections 1458.153-1458.200 reserved for expansion]

SUBCHAPTER E. UNAUTHORIZED ACCESS TO PROVIDER NETWORK CONTRACTS

Sec. 1458.201. UNAUTHORIZED ACCESS TO OR USE OF DISCOUNT. (a) A person who knowingly accesses or uses a provider's contractual discount under a provider network contract without a contractual relationship established under this chapter commits an unfair or deceptive act in the business of insurance that violates Subchapter B, Chapter 541. The remedies available for a violation of Subchapter B, Chapter 541, under this subsection do not include a private cause of action under Subchapter D, Chapter 541, or a class action under Subchapter F, Chapter 541.

(b) A contracting entity or third party must comply with the disclosure requirements under Sections 1458.102 and 1458.152 concerning the services listed on a remittance advice or explanation of payment. A provider may refuse a discount taken without a contract under this chapter or in violation of those sections.

(c) Notwithstanding Subsection (b), an error in the remittance advice or explanation of payment may be corrected by a contracting entity or third party not later than the 30th day after the date the provider notifies in writing the contracting entity or third party of the error.

Sec. 1458.202. ACCESS TO THIRD PARTY. A contracting entity may not provide a third party access to a provider network contract unless the third party is:

(1) a payor or person who administers or processes claims on behalf of the payor;

(2) a preferred provider benefit plan issuer or preferred provider network, including a physician-hospital organization; or

(3) a person who transports claims electronically between the contracting entity and the payor and does not provide access to the provider's services and discounts to any other third party.

[Sections 1458.203-1458.250 reserved for expansion]

SUBCHAPTER F. ENFORCEMENT

Sec. 1458.251. UNFAIR CLAIM SETTLEMENT PRACTICE. (a) A contracting entity that violates this chapter commits an unfair claim settlement practice under Subchapter A, Chapter 542, and is subject to sanctions under that subchapter as if the contracting entity were an insurer.

(b) A provider who is adversely affected by a violation of this chapter may make a complaint under Subchapter A, Chapter 542.

Sec. 1458.252. REMEDIES NOT EXCLUSIVE. The remedies provided by this subchapter are in addition to any other defense, remedy, or procedure provided by law, including common law.

SECTION ____ .002. The change in law made by this article applies only to a provider network contract entered into or renewed on or after January 1, 2012. A provider network contract entered into or renewed before January 1, 2012, 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. 34 was adopted. (Laubenberg, Perry, and V. Taylor recorded voting no.)

Amendment No. 35

Representative Smithee offered the following amendment to **HB 1951**:
Floor Packet Page No. 175

Amend **HB 1951** (house committee printing) by adding the following appropriately numbered ARTICLE and renumbering ARTICLES and SECTIONS of the bill appropriately:

ARTICLE ____ . PAYMENT FOR CERTAIN SERVICES BY MANAGED CARE PLAN

SECTION ____ .001. Subchapter A, Chapter 1467, Insurance Code, is amended by adding Section 1467.0021 to read as follows:

Sec. 1467.0021. CERTAIN CLAIMS EXCLUDED. This chapter does not apply to a claim with respect to services to which Chapter 1468 applies.

SECTION ____ .002. Subtitle F, Title 8, Insurance Code, is amended by adding Chapter 1468 to read as follows:

CHAPTER 1468. PAYMENT OF CERTAIN SERVICES PROVIDED TO INDIVIDUAL COVERED BY MANAGED CARE PLAN

Sec. 1468.001. DEFINITIONS. In this chapter:

(1) "Facility-based physician" means a radiologist, an anesthesiologist, a pathologist, an emergency department physician, or a neonatologist:

(A) to whom the facility has granted clinical privileges; and

(B) who provides services to patients of the facility under those clinical privileges.

(2) "Managed care plan" means a plan under which a health maintenance organization, preferred provider benefit plan issuer, or other organization provides or arranges for health care benefits to plan enrollees and requires or encourages plan enrollees to use health care practitioners and health care facilities designated by the plan.

Sec. 1468.002. APPLICABILITY OF CHAPTER. This chapter applies to:

(1) emergency medical services provided by an out-of-network provider; and

(2) medical or health care services provided:

(A) to an individual covered by a managed care plan;

(B) within a hospital or similar facility; and

(C) by a facility-based physician or provider who is an out-of-network provider.

Sec. 1468.003. PAYMENT FROM MANAGED CARE PLAN: USUAL AND CUSTOMARY CHARGE. A physician or health care provider who provides a medical or health care service described by Section 1468.002 to an individual covered for the service under a managed care plan is entitled to payment from the individual's managed care plan in an amount equal to the usual and customary charge for the service, minus any deductible, copayment, or coinsurance for which the individual is responsible under the plan.

Sec. 1468.004. ARBITRATION OF USUAL AND CUSTOMARY CHARGE. If a physician or health care provider and a managed care plan issuer do not agree on the usual and customary charge for a medical or health care service that is subject to this chapter, the physician or health care provider or the managed care plan issuer may submit the dispute to arbitration to determine the usual and customary charge.

Sec. 1468.005. ARBITRATION PROCEDURES; ARBITRATOR QUALIFICATIONS. (a) The commissioner by rule shall:

(1) establish procedures for conducting an arbitration under this chapter; and

(2) prescribe qualifications for serving as an arbitrator under this chapter.

(b) The department shall maintain a list of arbitrators qualified to conduct arbitrations under this chapter.

Sec. 1468.006. APPEAL OF ARBITRATOR DETERMINATION. (a) On or before the 60th day after the date an arbitrator determines a usual and customary charge under this chapter, either party to the arbitration may file a petition for judicial review of the determination in a district court.

(b) The standard of review for judicial review under this section is de novo.

(c) In an action under this section, the amount determined by the arbitrator to be the usual and customary charge shall be admitted into evidence. There is a rebuttable presumption that the amount determined by the arbitrator is the usual and customary charge.

(d) The party that prevails in an action under this section is entitled to an award of the party's reasonable attorney's fees incurred in connection with the action.

(e) The managed care plan shall promptly pay the physician or provider the amount of the usual and customary charge determined by the court under this section.

Sec. 1468.007. APPLICABILITY OF CERTAIN OTHER LAW. Except to the extent of any conflict with this section, Chapter 171, Civil Practice and Remedies Code, applies to an arbitration conducted under this chapter.

Sec. 1468.008. PAYMENT FROM COVERED INDIVIDUAL. (a) Unless an individual who receives a medical or health care service to which this chapter applies agrees before the service is provided to a total charge for the service that exceeds the usual and customary charge, the physician or provider is not entitled to payment from the individual in excess of any required deductible, copayment, or coinsurance.

(b) If the physician or provider seeks to recover from the individual an amount that exceeds the amount allowed under this section, the physician or provider must:

(1) notify the individual of the usual and customary rate established in accordance with this chapter; and

(2) notify the individual that the individual is not required by law to pay the portion of the fee that exceeds the usual and customary rate unless the individual agreed to a higher rate before the service was provided.

(c) If a physician or provider bills an individual in violation of this section and the individual pays an amount that is higher than the individual would be required to pay under this section, the individual may file an action against the physician or provider to recover the amount of the overpayment and the individual's reasonable attorney's fees incurred in connection with recovering the overpayment.

(d) If a physician or health care provider files an action against an individual to recover payment for services that are subject to this chapter and is found to be seeking payment that exceeds the amount for which the individual is liable under this section, the individual is entitled to recover the individual's reasonable attorney's fees incurred in connection with the action.

SECTION ____ .003. The change in law made by this article applies only to medical or health care services provided on or after the effective date of this Act to an individual covered under a managed care plan delivered, issued for delivery, or renewed on or after the effective date of this Act and payment for those services.

Amendment No. 35 was withdrawn.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Public Education meeting is cancelled.

HB 1951 - (consideration continued)**Amendment No. 36**

Representative Keffer offered the following amendment to **HB 1951**:

Floor Packet Page No. 219

Amend **HB 1951** (house committee printing) by adding the following appropriately numbered SECTIONS to ARTICLE 3 and renumbering remaining SECTIONS accordingly:

SECTION 3. _____. Section 1651.056, Insurance Code, is amended by adding Subsection (d) to read as follows:

(d) With respect to a policy that was delivered, issued for delivery, or renewed on or before July 1, 2002, an insurer who obtains the commissioner's approval for an increase of a long-term care premium rate under Subsection (a) may not apply to the commissioner for a subsequent rate increase.

SECTION 3. _____. Section 1651.056(d), Insurance Code, as added by this Act, applies to an application to the insurance commissioner for a rate increase on or after the effective date of this Act, without regard to whether the insurer previously obtained approval of an increase described by that subsection before, on, or after the effective date of this Act.

Amendment No. 36 was withdrawn.

Amendment No. 37

Representative Y. Davis offered the following amendment to **HB 1951**:

Floor Packet Page No. 221

Amend **HB 1951** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE _____. HEALTH BENEFIT PLAN COVERAGE OF HIV AND AIDS TEST

SECTION _____.001. Chapter 1364, Insurance Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. COVERAGE OF CERTAIN TESTING REQUIRED

Sec. 1364.151. DEFINITIONS. In this subchapter, "AIDS" and "HIV" have the meanings assigned by Section 81.101, Health and Safety Code.

Sec. 1364.152. APPLICABILITY OF SUBCHAPTER. (a) This subchapter applies only to a health benefit plan, including a large or small employer health benefit plan written under Chapter 1501, that provides benefits for medical or surgical expenses incurred as a result of a health condition, accident, or sickness, including an individual, group, blanket, or franchise insurance policy or insurance agreement, a group hospital service contract, or an individual or group evidence of coverage or similar coverage document that is offered by:

- (1) an insurance company;
- (2) a group hospital service corporation operating under Chapter 842;
- (3) a fraternal benefit society operating under Chapter 885;
- (4) a stipulated premium company operating under Chapter 884;

- (5) a reciprocal exchange plan operating under Chapter 942;
- (6) a Lloyd's plan operating under Chapter 941;
- (7) a health maintenance organization operating under Chapter 843;
- (8) a multiple employer welfare arrangement that holds a certificate of authority under Chapter 846; or
- (9) an approved nonprofit health corporation that holds a certificate of authority under Chapter 844.

(b) Notwithstanding any provision in Chapter 1551, 1575, 1579, or 1601 or any other law, this chapter applies to:

- (1) a basic coverage plan under Chapter 1551;
- (2) a basic plan under Chapter 1575;
- (3) a primary care coverage plan under Chapter 1579; and
- (4) basic coverage under Chapter 1601.

Sec. 1364.153. COVERAGE OF CERTAIN TESTING REQUIRED. A health benefit plan issuer may not exclude or deny coverage for the performance of medical tests or procedures to determine HIV infection, antibodies to HIV, or infection with any other probable causative agent of AIDS, regardless of whether the test or medical procedure is related to the primary diagnosis of the health condition, accident, or sickness for which the enrollee seeks medical or surgical treatment.

Sec. 1364.154. RULES. The commissioner may adopt rules necessary to implement this subchapter.

SECTION _____.002. The heading to Section 1507.004, Insurance Code, is amended to read as follows:

Sec. 1507.004. STANDARD HEALTH BENEFIT PLANS AUTHORIZED; MINIMUM REQUIREMENTS [REQUIREMENT].

SECTION _____.003. Section 1507.004, Insurance Code, is amended by adding Subsection (c) to read as follows:

(c) Any standard health benefit plan must include coverage for tests or procedures to determine HIV infection, antibodies to HIV, or infection with any other probable causative agent of AIDS as required by Subchapter D, Chapter 1364.

SECTION _____.004. Section 1507.054, Insurance Code, is amended to read as follows:

Sec. 1507.054. STANDARD HEALTH BENEFIT PLANS AUTHORIZED; MINIMUM REQUIREMENTS. (a) A health maintenance organization authorized to issue an evidence of coverage in this state may offer one or more standard health benefit plans.

(b) Any standard health benefit plan must include coverage for tests or procedures to determine HIV infection, antibodies to HIV, or infection with any other probable causative agent of AIDS as required by Subchapter D, Chapter 1364.

SECTION _____.005. Subchapter D, Chapter 1364, Insurance Code, as added by this article, and Sections 1507.004 and 1507.054, Insurance Code, as amended by this article, apply only to a health benefit plan that is delivered, issued for delivery, or renewed on or after January 1, 2012. A health benefit plan

that is delivered, issued for delivery, or renewed before January 1, 2012, is covered by the law in effect at the time the health benefit plan was delivered, issued for delivery, or renewed, and that law is continued in effect for that purpose.

Amendment No. 37 was withdrawn.

Amendment No. 38

Representative Veasey offered the following amendment to **HB 1951**:

Floor Packet Page No. 224

Amend **HB 1951** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . INSURANCE COVERAGE FOR CHILD PASSENGER SAFETY SEAT SYSTEMS

SECTION ____ .01. Subchapter B, Chapter 1952, Insurance Code, is amended by adding Section 1952.059 to read as follows:

Sec. 1952.059. COVERAGE OF CHILD PASSENGER SAFETY SEAT SYSTEM. (a) In this section, "child passenger safety seat system" has the meaning assigned by Section 545.412, Transportation Code.

(b) This section applies to a moderate or severe traffic collision in which:

(1) a child passenger safety seat system suffers cracks or warping as a result of the collision;

(2) the vehicle door nearest the child safety seat was damaged;

(3) a vehicle occupant suffered an injury; or

(4) an airbag deployed.

(c) This section applies to a collision described by Subsection (b) regardless of whether the vehicle in which the seat was installed was driven from the scene of the collision.

(d) In addition to an insurer described by Section 1952.001, this section applies to a county mutual insurance company.

(e) An automobile insurance policy that provides liability coverage shall cover the cost of replacing a child passenger safety seat system damaged in a collision if:

(1) a driver covered by the policy is at fault for the collision; and

(2) the damaged child passenger safety seat system was installed in a vehicle other than the vehicle operated by the driver covered by the policy.

(f) Notwithstanding Subsection (e), an automobile insurance policy that provides collision coverage shall cover the cost of replacing a child passenger safety seat system damaged in a collision involving the covered vehicle, regardless of whether the operator of the covered vehicle is at fault.

Amendment No. 38 was withdrawn.

Amendment No. 39

Representative Hernandez Luna offered the following amendment to **HB 1951**:

Floor Packet Page No. 226

Amend **HB 1951** (house committee report) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE _____. EMERGENCY EVACUATION LOSS COVERAGE

SECTION _____.001. Subchapter A, Chapter 2002, Insurance Code, is amended by adding Section 2002.007 to read as follows:

Sec. 2002.007. COVERAGE FOR LOSSES INCURRED AS A RESULT OF COMPLIANCE WITH EMERGENCY EVACUATION ORDER. (a) In this section:

(1) "Disaster" means the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property that results from a natural or man-made cause, including fire, flood, earthquake, wind, storm, wave action, oil spill or other water contamination, volcanic activity, epidemic, air contamination, blight, drought, infestation, explosion, riot, hostile military or paramilitary action, or other public calamity requiring emergency action, or an energy emergency.

(2) "Emergency evacuation order" means an official statement issued by the governing body of this state or a political subdivision of this state to recommend the evacuation of all or part of the population of an area stricken or threatened with a disaster. The term includes a declaration of local disaster under Section 418.108, Government Code.

(3) "Insurer" means an insurer authorized to write residential property insurance, including:

(A) a county mutual insurance company;

(B) a farm mutual insurance company;

(C) a Lloyd's plan; and

(D) a reciprocal or interinsurance exchange.

(4) "Political subdivision" means a county, municipality, special district, or authority of this state.

(5) "Residential property insurance" means property or property and casualty insurance covering a dwelling, including:

(A) homeowners insurance;

(B) residential fire and allied lines insurance;

(C) farm and ranch insurance;

(D) farm and ranch owners insurance; and

(E) renter's insurance.

(b) A residential property insurance policy delivered or issued for delivery by an insurer must provide coverage that complies with this section for loss incurred as a result of compliance with an emergency evacuation order applicable to the covered property.

(c) The coverage required by this section must provide a payment for each day or part of a day that the evacuation order is in effect. The commissioner by rule shall determine the terms and conditions and applicable limits of the required coverage and the amount of the required payment.

Representative L. Taylor moved to table Amendment No. 39.

The motion to table prevailed by (Record 939): 93 Yeas, 42 Nays, 3 Present, not voting.

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

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

Absent, Excused — Cook; Gonzales, L.; Lucio; Schwertner.

Absent, Excused, Committee Meeting — Coleman; Kolkhorst; Ritter.

Absent — Alvarado; Jackson; Marquez; McClendon; Murphy.

STATEMENTS OF VOTE

When Record No. 939 was taken, I was in the house but away from my desk. I would have voted no.

Marquez

When Record No. 939 was taken, I was in the house but away from my desk. I would have voted no.

McClendon

LEAVE OF ABSENCE GRANTED

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

Geren on motion of Smithee.

(Ritter now present)

HB 1951 - (consideration continued)

Amendment No. 40

Representative Smithee offered the following amendment to **HB 1951**:

Floor Packet Page No. 228

Amend **HB 1951** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE _____. FAIR PLAN ASSOCIATION

SECTION _____. Subchapter A, Chapter 2211, Insurance Code, is amended by adding Section 2211.004 to read as follows:

Sec. 2211.004. APPLICABILITY OF CERTAIN OTHER LAW; LIMITATION ON DAMAGES. (a) The association may not be held liable for any amount on a claim filed under an insurance policy issued by the association other than:

(1) as applicable, amounts payable under the terms of the policy for loss to an insured structure, loss to contents of an insured structure, and additional living expenses; and

(2) court costs and reasonable attorney's fees.

(b) An insured may not recover consequential, punitive, or exemplary damages in a cause of action against the association, including damages under Section 541.152(b) of this code or Section 17.50, Business & Commerce Code, or interest in the amount described by Section 542.060 of this code.

SECTION _____. Section 2211.004, Insurance Code, as added by this article, applies only to a cause of action that accrues against the FAIR Plan Association on or after the effective date of this Act. A cause of action that accrues before the effective date of this Act is governed by the law in effect on the date the cause of action accrued, and the former law is continued in effect for that purpose.

Amendment No. 40 was adopted.

Amendment No. 41

Representative Hartnett offered the following amendment to **HB 1951**:

Floor Packet Page No. 234

Amend **HB 1951** (house committee printing) as follows:

(1) Strike SECTION 3.005 of the bill and substitute the following:

SECTION 3.005. Section 2251.107, Insurance Code, is amended to read as follows:

Sec. 2251.107. PUBLIC [~~INSPECTION OF~~] INFORMATION. Each filing made, and any supporting information filed, under this chapter is public information subject to Chapter 552, Government Code, including any applicable exception from required disclosure under that chapter [~~open to public inspection as of the date of the filing~~].

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

SECTION _____. Section 2251.002(8), Insurance Code, is amended to read as follows:

(8) "Supporting information" means:

- (A) the experience and judgment of the filer and the experience or information of other insurers or advisory organizations on which the filer relied;
- (B) the interpretation of any other information on which the filer relied;
- (C) a description of methods used in making a rate; and
- (D) any other information the department receives from a filer as a response to a request under Section 38.001 [~~requires to be filed~~].

SECTION _____. Sections 2251.002(8) and 2251.107, Insurance Code, as amended by this Act, apply only to a request to inspect information or to obtain public information made to the Texas Department of Insurance on or after the effective date of this Act. A request made before the effective date of this Act 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. 41 was adopted.

Amendment No. 42

Representative Deshotel offered the following amendment to **HB 1951**:
Floor Packet Page No. 237

Amend **HB 1951** (house committee printing) by adding the following appropriately numbered SECTIONS to ARTICLE 5 of the bill and renumbering subsequent SECTIONS of the ARTICLE accordingly:

SECTION 5. _____. Section 2551.302, Insurance Code, is amended to read as follows:

Sec. 2551.302. REQUIREMENTS FOR REINSURING POLICIES. A title insurance company may reinsure any of its policies and contracts issued on real property located in this state or on policies and contracts issued in this state under Chapter 2751, if:

(1) the reinsuring title insurance company is authorized to engage in business in this state under this title; or ~~and~~

(2) the title insurance company acquires reinsurance in accordance with Section 2551.305 ~~[the department first approves the form of the reinsurance contract]~~.

SECTION 5. _____. Section 2551.305, Insurance Code, is amended to read as follows:

Sec. 2551.305. CERTAIN REINSURANCE ALLOWED.
(a) Notwithstanding any other provision of this subchapter, a title insurance company may acquire reinsurance on an individual policy or facultative basis from a title insurance company not authorized to engage in the business of title insurance in this state if:

(1) the title insurance company from which the reinsurance is acquired:

(A) has a combined capital and surplus of at least \$20 million as stated in the company's most recent annual statement preceding the acceptance of reinsurance; and

(B) is domiciled in another state and is authorized to engage in the business of title insurance in one or more states; and

(2) the title insurance company acquiring reinsurance gives written notice to the department at least 30 days before acquiring the reinsurance, and the commissioner does not, before the expiration of the 30-day period and on the ground that the transaction may result in a hazardous financial condition, prohibit the title insurance company from obtaining reinsurance under this section.

(b) The notice required under Subsection (a)(2) must provide sufficient information to enable the commissioner to evaluate the proposed transaction, including a summary of the significant terms of the reinsurance, the financial impact of the transaction on the title insurance company acquiring reinsurance, and the specific identity and state of domicile of each title insurance company from which reinsurance is acquired.

(c) Notwithstanding any other provision of this subchapter, the department may, on application and hearing, permit a title insurance company to acquire reinsurance that does not comply with Subsection (a) on an individual policy or facultative basis from a title insurance company domiciled in another state and not authorized to engage in the business of title insurance in this state, if:

(1) the company has exhausted the opportunity to acquire reinsurance from all other authorized title insurance companies; and

(2) the title insurance company from which the reinsurance is acquired has a combined capital and surplus of at least \$2 [~~\$1.4~~] million as stated in its annual statement preceding the acceptance of reinsurance.

(d) [~~(b)~~] Notwithstanding any other provision of this subchapter, the department may, on application and hearing, permit a title insurance company, including an authorized reinsuring title insurance company, to retain an additional potential liability of not more than 40 percent of the company's capital stock and surplus as stated in the most recent annual statement of the company, if:

(1) the company has exhausted the opportunity to acquire reinsurance under Subsection (c) [~~(b)~~]; and

(2) the additional potential liability of the company is incurred only if the loss suffered by the insured under the policy exceeds the amount of insurance and reinsurance accepted by the company and its reinsuring title insurance companies under the other provisions of this subchapter.

SECTION 5. ____ . Section 2551.303, Insurance Code, is repealed.

SECTION 5. ____ . Sections 2551.302 and 2551.305, Insurance Code, as amended by this article, and the repeal of Section 2551.303, Insurance Code, by this article, apply only to a reinsurance contract entered into by a title insurance company on or after the effective date of this Act. A reinsurance contract entered into by a title insurance company before the effective date of this Act 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. 42 was adopted. (Laubenberg and V. Taylor recorded voting no.)

Amendment No. 43

Representative Hancock offered the following amendment to **HB 1951**:

Floor Packet Page No. 240

Amend **HB 1951** (house committee printing) by adding the following appropriately numbered SECTIONS to ARTICLE 1 of the bill and renumbering subsequent SECTIONS of that ARTICLE accordingly:

SECTION 1.____. Subchapter A, Chapter 2301, Insurance Code, is amended by adding Section 2301.010 to read as follows:

Sec. 2301.010. CONTRACTUAL LIMITATIONS PERIOD AND CLAIM FILING PERIOD IN CERTAIN PROPERTY INSURANCE FORMS. (a) A policy form or printed endorsement form for residential or commercial property insurance that is filed by an insurer or adopted by the department under this subchapter may provide for a contractual limitations period for filing suit on a first-party claim under the policy. The contractual limitations period may not end before the earlier of:

- (1) two years from the date the insurer accepts or rejects the claim; or
- (2) three years from the date of the loss that is the subject of the claim.

(b) A policy or endorsement described by Subsection (a) may contain a provision requiring that a claim be filed with the insurer not later than one year after the date of the loss that is the subject of the claim. A provision under this subsection must include a provision allowing the filing of claims after the first anniversary of the date of the loss for good cause shown by the person filing the claim.

(c) A contractual provision contrary to Subsection (a) or (b) is void. This subsection does not affect the validity of other provisions of a contract that may be given effect without the voided provision to the extent those provisions are severable.

SECTION 1.____. Section 16.070, Civil Practice and Remedies Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) Except as provided by Subsections [Subsection] (b) and (c), a person may not enter a stipulation, contract, or agreement that purports to limit the time in which to bring suit on the stipulation, contract, or agreement to a period shorter than two years. A stipulation, contract, or agreement that establishes a limitations period that is shorter than two years is void in this state.

(c) This section does not apply to provisions related to claims covered by a residential or commercial property insurance policy that complies with Section 2301.010, Insurance Code.

SECTION 1.____. Section 2301.010, Insurance Code, as added by this article, applies only to an insurance policy that is delivered, issued for delivery, or renewed on or after January 1, 2012. A policy delivered, issued for delivery, or renewed before January 1, 2012, 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. 43 was adopted.

Amendment No. 44

Representative Eiland offered the following amendment to **HB 1951**:

Floor Packet Page No. 242

Amend **HB 1951** (house committee printing) by inserting the following appropriately numbered Article of the bill and renumbering existing Articles of the bill accordingly:

ARTICLE ____ . STANDARD FORMS

SECTION ____ .001. Section 2301.008, Insurance Code, is amended to read as follows:

Sec. 2301.008. **ADOPTION AND USE OF STANDARD FORMS.** The commissioner shall ~~[may]~~ adopt standard insurance policy forms, printed endorsement forms, and related forms other than insurance policy forms and printed endorsement forms, that an insurer shall ~~[may]~~ use in addition to ~~[instead of]~~ the insurer's own forms in writing insurance subject to this subchapter.

SECTION ____ .002. Section 2301.052(b), Insurance Code, is amended to read as follows:

(b) Subject to Section 2301.0525, an [An] insurer may continue to use an insurance policy form or endorsement promulgated, approved, or adopted under Article 5.06 or 5.35 before June 11, 2003, on written notification to the commissioner that the insurer will continue to use the form or endorsement.

SECTION ____ .003. Subchapter B, Chapter 2301, Insurance Code, is amended by adding Section 2301.0525 to read as follows:

Sec. 2301.0525. **USE OF MINIMUM STANDARD INSURANCE POLICY FORMS REQUIRED.** (a) Each insurer that writes residential property insurance in this state shall use the standard insurance policy forms adopted by the commissioner under Section 2301.008 for residential property insurance and, subject to Subsection (b), may also use alternative policy forms approved by the commissioner under Section 2301.006.

(b) An insurer may not deliver or issue for delivery in this state a residential property insurance policy unless the insurer informs each applicant for that insurance coverage, in the manner prescribed by commissioner rule, that an applicant otherwise qualified for that insurance coverage under this code may elect to obtain residential property insurance coverage under a standard insurance policy adopted by the commissioner under Section 2301.008.

(c) An insurer that offers coverage under the standard policy forms shall disclose to the applicant or insured, at the time of the initial application and each renewal, each policy limit and type of coverage available to the insured and the respective costs for each coverage. The form of the disclosure shall be specified by the commissioner, subject to Section 2301.053(c).

(d) An insurer that offers coverage under approved forms other than the standard policy forms shall disclose to the applicant or insured, at the time of the initial application and each renewal, in comparison to the standard policy forms each additional coverage that is provided and the additional cost, each reduction in coverage or exclusion of coverage and the reduced cost, and each policy limit and type of coverage available to the insured and the respective costs for each coverage. The form of the disclosure shall be specified by the commissioner,

subject to Section 2301.053(c). At a minimum, the disclosure must refer the applicant or insured to the Internet website described by Section 32.102 and state that the applicant may compare the rates of insurers at that site.

SECTION ____ .004. The change in law made by this article applies only to an insurance policy delivered, issued for delivery, or renewed on or after January 1, 2012. A policy delivered, issued for delivery, or renewed before January 1, 2012, 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. 44 was adopted. (Laubenberg and V. Taylor recorded voting no.)

Amendment No. 45

Representative Truitt offered the following amendment to **HB 1951**:

Floor Packet Page No. 245

Amend **HB 1951** (house committee printing) by adding the following appropriately numbered ARTICLE and renumbering remaining ARTICLES accordingly:

ARTICLE ____ . SURETY BONDS AND RELATED INSTRUMENTS

SECTION ____ . Section 3503.005(a), Insurance Code, is amended to read as follows:

(a) A bond that is made, given, tendered, or filed under Chapter 53, Property Code, or Chapter 2253, Government Code, may be executed only by a surety company that is authorized to write surety bonds in this state. If the amount of the bond exceeds \$100,000, the surety company must also:

(1) hold a certificate of authority from the United States secretary of the treasury to qualify as a surety on obligations permitted or required under federal law; or

(2) have obtained reinsurance for any liability in excess of \$1 million [~~\$100,000~~] from a reinsurer that:

(A) is an authorized reinsurer in this state; or ~~and~~

(B) holds a certificate of authority from the United States secretary of the treasury to qualify as a surety or reinsurer on obligations permitted or required under federal law.

SECTION ____ . Section 3503.004(b), Insurance Code, is repealed.

Amendment No. 45 was adopted. (Laubenberg and V. Taylor recorded voting no.)

Amendment No. 46

Representative Torres offered the following amendment to **HB 1951**:

Floor Packet Page No. 246

Amend **HB 1951** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____ . Section 4102.104, Insurance Code, is amended by amending Subsection (a) and adding Subsections (f) and (g) to read as follows:

(a) Except as provided by Subsection (b), a license holder may receive a commission for service provided under this chapter consisting of an hourly fee, a flat rate, a percentage of the total amount paid by an insurer to resolve a claim, or another method of compensation. Subject to Subsection (g), the [The] total commission received, excluding sales tax, may not exceed 10 percent of the amount of the insurance settlement on the claim.

(f) A license holder may be paid a commission that is based, in part, on an amount paid by, or a negotiable instrument issued by, the insurer to an insured before the effective date of the public insurance adjuster's contract with the insured, if the insurer obtains the insured's written consent to the payment.

(g) A commission paid under Subsection (f) may not exceed the lesser of:

(1) 25 percent of the difference between the amount the public insurance adjuster obtained to resolve a claim on behalf of the insured and the amount the insurer initially offered to pay the insured to resolve the claim; or

(2) 10 percent of the total amount paid by the insurer to resolve a claim under Subsection (a).

SECTION _____. The changes in law made to Section 4102.104, Insurance Code, by this Act apply only to a commission paid on or after the effective date of this Act. A commission paid before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

Amendment No. 46 was withdrawn.

Amendment No. 47

Representative Lucio offered the following amendment to **HB 1951**:

Floor Packet Page No. 248

Amend **HB 1951** by striking Section 4202.002(c), Insurance Code, and replacing it with the following language and renumbering existing SECTIONS accordingly:

SECTION _____. Section 4202.002, Insurance Code, is amended to read as follows:

Sec. 4202.002. ADOPTION OF STANDARDS FOR INDEPENDENT REVIEW ORGANIZATIONS. (c) In addition to the standards described by Subsection (b), the commissioner shall adopt standards and rules that:

(1) prohibit:

(A) an individual or entity from owning more than one independent review organization;

(B) an individual from owning stock in or serving on the board of more than one independent review organization;

(C) an individual who has served on the board of an independent review organization whose certification was revoked for cause from serving on the board of another independent review organization before the fifth anniversary of the date on which the revocation occurred; and

(D) an independent review organization from disclosing confidential patient information, except to a provider who is under contract to perform the review.

(2) require:

(A) an independent review organization to be based and certified in this state and to locate the organization's primary offices in this state.

Amendment No. 47 was withdrawn.

Amendment No. 48

Representative Farrar offered the following amendment to **HB 1951**:

Floor Packet Page No. 6

Amend **HB 1951** (house committee printing) as follows:

(1) On page 2, line 2, strike "2023" and substitute "2017".

Amendment No. 48 was withdrawn.

Amendment No. 49

Representative Farrar offered the following amendment to **HB 1951**:

Floor Packet Page No. 7

Amend **HB 1951** (house committee printing) as follows:

(1) On page 11, line 1, strike "An" and substitute "Except as provided by Subchapter D, an".

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

SECTION 3.____. Subchapter D, Chapter 2251, Insurance Code, is amended by adding Section 2251.1511 to read as follows:

Sec. 2251.1511. PRIOR APPROVAL FOR CERTAIN CONSUMER PROPERTY INSURANCE RATES. (a) Notwithstanding any other provision of this chapter, an insurer may not use a rate for residential property insurance or personal automobile insurance until the rate and all other information required by Section 2251.101 have been filed with the department and the rate has been approved by the commissioner. The department shall track, compile, and routinely analyze the factors that contribute to the disapproval of rates under this section.

(b) Sections 2251.151(b) and (d) apply to rates filed under this section.

(c) Section 2251.152 does not apply to rates for which prior approval is required by this section.

SECTION 3.____. Section 2251.1511, Insurance Code, as added by this Act, applies only to rates for residential property insurance or personal automobile insurance that is delivered, issued for delivery, or renewed on or after January 1, 2012. Rates for residential property insurance or personal automobile insurance delivered, issued for delivery, or renewed before January 1, 2012, are governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(3) On page 15, line 16, between "Section 2251.153(a)(2)" and the comma, insert "or 2251.1511".

Representative L. Taylor moved to table Amendment No. 49.

The motion to table prevailed by (Record 940): 93 Yeas, 45 Nays, 3 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Button; Cain; Callegari; Chisum; Christian; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; 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; 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; Pitts; Price; Riddle; 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; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; Lozano; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Muñoz; Naishtat; Oliveira; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

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

Absent, Excused — Cook; Geren; Gonzales, L.; Lucio; Schwertner.

Absent, Excused, Committee Meeting — Coleman; Kolkhorst.

Absent — Carter; Pickett.

Amendment No. 50

Representative Castro offered the following amendment to **HB 1951**:

Floor Packet Page No. 13

Amend **HB 1951** (house committee printing) as follows:

(1) On page 15, strike lines 24-25 and substitute "SECTION 3.008. Section 2254.003, Insurance Code, is amended by amending Subsection (a) and adding Subsections (a-1), (a-2), and (a-3) to read as follows:"

(2) On page 16, between lines 2 and 3, insert the following:

(a-1) If the department provides an insurer with formal written notice that a rate is excessive or unfairly discriminatory, then the insurer may file a new rate or take other corrective action to substantially address the department's concerns. The new rate or other corrective action must be filed on or before the 60th day following the date of formal written notice. At the commissioner's discretion, the commissioner may extend the deadline to file by an additional 30 days. If the department accepts the new rate or other corrective action, then the insurer shall, according to commissioner order, refund or issue a premium discount directly to each affected policyholder on the portion of the premium found to be excessive

or unfairly discriminatory, plus interest on that amount. The interest rate to be paid on refunds or discounts under this subsection is the sum of six percent and the prime rate for the calendar year in which formal written notice is given. For purposes of this subsection, the prime rate is the prime rate as published in The Wall Street Journal for the first day of the calendar year that is not a Saturday, Sunday, or legal holiday.

(a-2) If the insurer does not file or take, or the department does not accept, a new rate or other corrective action as provided under Subsection (a-1), and the commissioner issues an order disapproving the rate as excessive or unfairly discriminatory under Section 2251.104, then the insurer must refund or issue a premium discount directly to each affected policyholder on the portion of the premium found to be excessive or unfairly discriminatory, plus interest on that amount. The interest rate to be paid on refunds or discounts under this subsection is 18 percent. An insurer is not required to pay any interest penalty if the insurer prevails in an appeal of the commissioner's order under Subchapter D, Chapter 36.

(a-3) The period for the refund and interest begins on the date the department first provides the insurer with formal written notice that the insurer's filed rate is excessive or unfairly discriminatory, and interest continues to accrue until the refund or discount is paid or issued.

Representative L. Taylor moved to table Amendment No. 50.

The motion to table prevailed by (Record 941): 93 Yeas, 46 Nays, 3 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycocock; Beck; Berman; Bohac; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; 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; Pitts; Price; Riddle; Ritter; 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; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; Lozano; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

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

Absent, Excused — Cook; Geren; Gonzales, L.; Lucio; Schwertner.

Absent, Excused, Committee Meeting — Coleman; Kolkhorst.

Absent — Hartnett.

Amendment No. 51

Representative Castro offered the following amendment to **HB 1951**:

Floor Packet Page No. 11

Amend **HB 1951** (house committee printing) as follows:

(1) On page 15, lines 24 and 25, strike "Section 2254.003(a), Insurance Code, is amended to read as follows" and substitute "Sections 2254.003(a) and (b), Insurance Code, are amended to read as follows".

(2) On page 16, between lines 2 and 3, insert the following:

(b) Except as provided by Section 2254.004(c), if the commissioner determines that an insurer has charged a rate for personal automobile insurance or residential property insurance that is excessive or unfairly discriminatory, as described by Section 2251.051, the commissioner shall ~~may~~:

~~[(1)]~~ order the insurer to refund directly to each affected policyholder the portion of the premium, plus interest on that amount, that is excessive or unfairly discriminatory~~]; if that portion of the premium is at least 7.5 percent of the total premium charged for the coverage; or~~

~~[(2) if that portion of the premium is less than 7.5 percent of the total premium, order the insurer to provide, to each affected policyholder:~~

~~[(A) who renews the policy, a future premium discount equal to the amount of the excessive or unfairly discriminatory portion of the premium, plus interest on that amount; and~~

~~[(B) who does not renew or whose coverage is otherwise terminated, a refund in the amount described by Subdivision (1)].~~

(3) In ARTICLE 3 of the bill, add the following appropriately numbered SECTION and renumber subsequent SECTIONS of the ARTICLE accordingly:

SECTION 3.____. Chapter 2254, Insurance Code, is amended by adding Section 2254.005 to read as follows:

Sec. 2254.005. ADMINISTRATIVE PENALTY. If the commissioner determines after a hearing that an insurer has charged a rate for personal automobile insurance or residential property insurance that is excessive or unfairly discriminatory, as described by Section 2251.051, the commissioner shall order the insurer to pay an administrative penalty in the amount of \$100 for each policy delivered, issued for delivery, or renewed at the excessive or unfairly discriminatory rate. This penalty is in addition to any other penalties imposed under this code.

Representative L. Taylor moved to table Amendment No. 51.

The motion to table prevailed by (Record 942): 93 Yeas, 44 Nays, 3 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver;

Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; 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; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; Lozano; Mallory Caraway; Martinez; Martinez Fischer; McClendon; Menendez; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

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

Absent, Excused — Cook; Geren; Gonzales, L.; Lucio; Schwertner.

Absent, Excused, Committee Meeting — Coleman; Kolkhorst.

Absent — King, T.; Marquez; Murphy.

Amendment No. 52

On behalf of Representative McClendon, Representative Farrar offered the following amendment to **HB 1951**:

Floor Packet Page No. 27

Amend **HB 1951** (house committee printing) as follows:

(1) On page 23, line 19, strike "COLLECTION".

(2) Add the following appropriately numbered SECTION to ARTICLE 7 and renumber subsequent SECTIONS of the ARTICLE accordingly:

SECTION 7.____. Chapter 1953, Insurance Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. DATA MINING AND PATTERN RECOGNITION

Sec. 1953.151. APPLICABILITY OF SUBCHAPTER. This subchapter applies to an insurer writing automobile insurance in this state, including an insurance company, reciprocal or interinsurance exchange, county mutual insurance company, farm mutual insurance company, Lloyd's plan, or other insurer.

Sec. 1953.152. COLLECTION OF INFORMATION CONCERNING DATA MINING AND PATTERN RECOGNITION. (a) The commissioner by rule may require an insurer to report to the department concerning:

(1) technologies to be used by the insurer to identify relationships among variables that are used to predict differences in expected losses of covered persons or applicants for automobile insurance coverage or are otherwise used in the activities of regulated entities; and

(2) the manner in which the insurer intends to use the relationships derived from the technologies described by Subdivision (1) in:

(A) underwriting and creating and defining risk classifications;

(B) setting rates and premiums, as applicable;

(C) detecting fraudulent claims;

(D) identifying subrogation opportunities;

(E) improving marketing; or

(F) performing other activities identified by the commissioner; and

(3) services provided by third party loss-evaluation services to identify loss statistics and information for the purpose of evaluating claims, loss-settlement reserves, and losses paid and the manner in which the insurer uses those services and the information obtained.

(b) In exercising the commissioner's authority under this section, the commissioner may require that insurers report with respect to selected segments of the market and may limit the reporting to specific uses of relationships derived from the technologies.

(c) Underwriting guidelines, loss and claims evaluation data, and related information obtained by the commissioner under this section are subject to Section 38.003. Other information obtained under this section is commercial information not subject to the disclosure requirements of Chapter 552, Government Code.

Sec. 1953.153. ADMINISTRATIVE PENALTIES. If the department determines that an insurer has violated this chapter or a rule adopted under this chapter, the department shall assess administrative penalties against the insurer in the manner provided by Chapter 84. The amount of an administrative penalty imposed under this section shall be based on:

(1) the seriousness of the violation, including the nature, circumstances, extent, or gravity of the violation; and

(2) the economic harm caused by the violation.

Sec. 1953.154. REPORT TO LEGISLATURE. The department shall include in its biennial report to the legislature under Section 32.022 information concerning the use of relationships derived from the technologies described by Section 1953.152 by insurers. The information must include the impact of the use of those relationships on insurance and other coverage to covered persons and applicants for coverage in this state. The report must include, as applicable, recommendations for:

(1) proposed legislation appropriate to regulate the use of relationships derived from the technologies; and

(2) means to facilitate availability of insurance in underserved markets and to maintain fair and equitable loss-evaluation and claims settlement practices in this state.

Representative L. Taylor moved to table Amendment No. 52.

The motion to table prevailed by (Record 943): 93 Yeas, 45 Nays, 3 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Craddick; Creighton; Crownover; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; 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; Pitts; Price; Riddle; Ritter; 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; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; Lozano; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Muñoz; Naishtat; Oliveira; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

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

Absent, Excused — Cook; Geren; Gonzales, L.; Lucio; Schwertner.

Absent, Excused, Committee Meeting — Coleman; Kolkhorst.

Absent — Darby; Pickett.

Amendment No. 53

Representative McClendon offered the following amendment to **HB 1951**:
Floor Packet Page No. 72

Amend **HB 1951** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . HEALTH BENEFIT PLAN INNOVATIONS PROGRAM

SECTION ____ .001. Subtitle B, Title 5, Insurance Code, is amended by adding Chapter 525 to read as follows:

CHAPTER 525. HEALTH BENEFIT PLAN INNOVATIONS PROGRAM

Sec. 525.001. PROGRAM ESTABLISHED. (a) The department shall develop and implement a health benefit plan innovations program to study the number of uninsured individuals in this state, the reasons those individuals are uninsured, and possible solutions that would expand access to affordable health benefit plan coverage in this state.

(b) The department shall use department employees already employed in the consumer protection division of the department to implement the program. The department may not hire full-time employees whose primary job functions would solely be implementation of the program.

Sec. 525.002. PROGRAM COMPONENTS. (a) Except as provided by Subsection (b), the program implemented under this chapter must:

(1) collect and analyze data concerning the number, age, and demographic characteristics of uninsured individuals in this state;

(2) identify the reasons why individuals in this state are uninsured;

(3) examine and evaluate the effectiveness of programs implemented in other states to reduce the number of uninsured residents in those states;

(4) monitor and evaluate the health benefit market in this state and determine whether residents of this state have sufficient access to a variety of health benefit plan products to ensure adequate health benefit plan coverage; and

(5) make recommendations to the department and to the legislature concerning programs or initiatives to be implemented in this state to reduce the number of uninsured residents in this state.

(b) The program must supplement and may not duplicate a service or function of another existing program or state agency and shall refer consumers to other programs and agencies where appropriate.

(c) The program may:

(1) operate a statewide clearinghouse for objective consumer information about health care coverage, including options for obtaining health care coverage;

(2) collect, track, and quantify problems and inquiries encountered by consumers;

(3) educate consumers on their rights and responsibilities with respect to group health plans and health insurance coverages;

(4) provide existing health-related information to the general public and health care providers to improve the quality of and access to health care; and

(5) establish an advisory committee composed of state agencies to increase collaboration and coordination of health-related programs and benefits.

(d) The department shall coordinate program components that involve market and cost research or data collection and analysis with health benefit plan issuers and the Health and Human Services Commission to ensure the collection and analysis of complete and accurate information.

Sec. 525.003. REPORT. The department shall include in its biennial report to the legislature under Section 32.022 the program's findings concerning the information and recommendations described by Section 525.002.

Sec. 525.004. FUNDING. The department shall make a reasonable effort to obtain funding in the form of gifts and grants from the federal government or an organization or other private party that does not have a potential conflict of interest with the department or the goals of this chapter to assist with funding the program. The department shall adopt rules governing acceptance of gifts and grants that are consistent with the provisions for acceptance of gifts under Chapter 575, Government Code. Before adopting rules under this section, the department shall:

(1) submit the proposed rules to the Texas Ethics Commission for review; and

(2) consider that commission's recommendations regarding the proposed rules.

Sec. 525.005. RULES. The commissioner may adopt rules as necessary to implement this chapter.

Amendment No. 54

Representative Perry offered the following amendment to Amendment No. 53:

Amend Amendment No. 53 by McClendon to **HB 1951** by adding the following appropriately numbered item to the amendment and renumbering subsequent items of the amendment accordingly:

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

SECTION _____. (a) The Texas Department of Insurance shall conduct a study concerning the feasibility and effectiveness of the establishment of a mandatory medical reinsurance program in this state through which issuers of group health benefit plans offered by employers with 100 or fewer employees would be required to purchase reinsurance.

(b) The study conducted under this section must:

(1) include an analysis of data from calendar years 2009, 2010, and 2011; and

(2) seek to determine what effect, if any, the establishment of a medical reinsurance program described by Subsection (a) of this section would have had on premium rates, renewal rates, and overall costs to employers during calendar years 2009, 2010, and 2011, had the program been operational during those years.

(c) The department may request information from the Employees Retirement System of Texas, the Teacher Retirement System of Texas, and health benefit plan issuers in this state as necessary to complete the study required under this section.

(d) The department shall include the results of the study conducted under this section in the biennial report submitted to the legislature under Section 32.022, Insurance Code, nearest to December 31, 2012.

Amendment No. 54 was adopted.

Amendment No. 53, as amended, was adopted. (Laubenberg and V. Taylor recorded voting no.)

Amendment No. 55

Representative Eiland offered the following amendment to **HB 1951**:
Floor Packet Page No. 84

Amend **HB 1951** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering existing ARTICLES of the bill accordingly:

ARTICLE ____ . APPRAISALS UNDER PROPERTY INSURANCE
POLICIES

SECTION ____ .001. Subchapter B, Chapter 542, Insurance Code, is amended by adding Section 542.063 to read as follows:

Sec. 542.063. APPRAISALS. (a) A request for appraisal with respect to a claim under a property insurance policy must be made not later than the 60th day after the date the person requesting the appraisal first receives notice of a dispute as to the amount of insurance proceeds paid, estimated, or to be paid by the insurer for the claim. The failure to invoke an appraisal provision in a property insurance policy in the time required by this subsection constitutes a waiver of the provision as a matter of law.

(b) A decision resulting from the appraisal process under a property insurance policy is binding only as to the amount of loss. An appraisal may not be used to determine liability issues such as coverage, causation, extent of damage, or conditions or limits imposed by the policy. The appraisal decision does not affect any other remedy available at law.

(c) An appraisal under a property insurance policy is available only if the insurer and the insured agree, by stipulation or otherwise, on liability, coverage, causation, extent of damage, and conditions or limits imposed by the policy.

SECTION ____ .002. The heading to Subchapter B, Chapter 542, Insurance Code, is amended to read as follows:

SUBCHAPTER B. PROMPT PAYMENT OF CLAIMS; APPRAISALS

SECTION ____ .003. Section 542.063, Insurance Code, as added by this article, applies only to a dispute that arises on or after the effective date of this Act. A dispute that arises before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

Amendment No. 55 was withdrawn.

Amendment No. 56

Representative Walle offered the following amendment to **HB 1951**:

Floor Packet Page No. 95

Amend **HB 1951** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE ____ . CREDIT SCORING

SECTION ____ .001. Sections 559.001(2), (4), and (7), Insurance Code, are amended to read as follows:

(2) "Agent" means a person licensed or required to be licensed as a [~~general~~] property and casualty insurance agent [~~or a personal lines property and casualty agent~~] under Subchapter B, C, D, or E, Chapter 4051.

(4) "Consumer" means an individual whose credit information has been reported to or is in the possession of a consumer reporting agency or an insurer [~~is used or whose credit score is computed in the underwriting or rating of a personal insurance policy~~]. The term includes an applicant for insurance coverage.

(7) "Credit report" means any written, oral, or other communication of information by a consumer reporting agency that[~~:-~~

~~[(A)] bears on a consumer's creditworthiness, credit standing, or credit capacity[; and~~

~~[(B) is used or expected to be used or collected in whole or in part to serve as a factor to determine personal insurance premiums, eligibility for coverage, or tier placement].~~

SECTION ____ .002. Section 559.002, Insurance Code, is amended to read as follows:

Sec. 559.002. APPLICABILITY OF CHAPTER. This chapter applies to each [an] insurer that writes personal insurance coverage [and uses credit information or credit reports for the underwriting or rating of that coverage].

SECTION ____ .003. Section 559.052, Insurance Code, is amended to read as follows:

Sec. 559.052. ~~[PROHIBITED]~~ USE OF CREDIT INFORMATION PROHIBITED. (a) An insurer may not:

(1) use an underwriting guideline [a credit score] that is based wholly or partly on the credit information, credit report, or credit score of an applicant for insurance coverage or any person other than the applicant who would be insured under a policy of personal insurance [computed using factors that constitute unfair discrimination];

(2) refuse to underwrite or [deny,] cancel[;] or nonrenew a policy of personal insurance based wholly or partly [solely] on the [basis of] credit information, credit report, or credit score of an applicant for insurance coverage or any person other than the applicant who would be insured under the policy [without considering any other applicable underwriting factor independent of credit information]; [or]

(3) take an action that results in an adverse effect against a consumer because the consumer does not have a credit card account;

(4) charge an applicant for insurance coverage a higher premium than otherwise would be charged based wholly or partly on the credit information, credit report, or credit score of the applicant or any person other than the applicant who would be insured under a policy of personal insurance;

(5) rate a risk based wholly or partly on the credit information, credit report, or credit score of an applicant for insurance coverage or any person other than the applicant who would be insured under a policy of personal insurance, including:

(A) providing or removing a discount;

(B) assigning the applicant for insurance coverage to a rating tier;

or

(C) placing an applicant for insurance coverage with an affiliated company; or

(6) require a particular payment plan based wholly or partly on the credit information, credit report, or credit score of the applicant for insurance coverage or any person other than the applicant who would be insured under a policy of personal insurance [without considering any other applicable factor independent of credit information].

(b) An insurer may not consider an absence of credit information or an inability to determine credit information for an applicant for insurance coverage or for an insured as a factor in underwriting or rating an insurance policy ~~[unless the insurer:~~

~~(1) has statistical, actuarial, or reasonable underwriting information that:~~

~~[(A) is reasonably related to actual or anticipated loss experience; and~~

~~[(B) shows that the absence of credit information could result in actual or anticipated loss differences;~~

~~(2) treats the consumer as if the applicant for insurance coverage or insured had neutral credit information, as defined by the insurer; or~~

~~(3) excludes the use of credit information as a factor in underwriting and uses only other underwriting criteria].~~

SECTION ____ .004. Section 559.055, Insurance Code, is amended by adding Subsection (c) to read as follows:

(c) This section expires September 1, 2012.

SECTION ____ .005. The following laws are repealed:

(1) Section 559.004(b), Insurance Code;

(2) Sections 559.003, 559.051, 559.053, 559.054, and 559.056, Insurance Code; and

(3) Subchapters C and D, Chapter 559, Insurance Code.

SECTION ____ .006. (a) The changes in law made by this article apply only to a personal insurance policy:

(1) that is delivered, issued for delivery, or renewed on or after January 1, 2012;

(2) the application for which is submitted on or after January 1, 2012; or

(3) that is subject to determination of denial, cancellation, or nonrenewal on or after January 1, 2012.

(b) A personal insurance policy delivered, issued for delivery, or renewed before January 1, 2012, or the application for which is submitted before January 1, 2012, 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.

Representative L. Taylor moved to table Amendment No. 56.

The motion to table prevailed by (Record 944): 94 Yeas, 46 Nays, 3 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver;

Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; 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; Pitts; Price; Riddle; Ritter; 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; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; Lozano; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

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

Absent, Excused — Cook; Geren; Gonzales, L.; Lucio; Schwertner.

Absent, Excused, Committee Meeting — Coleman; Kolkhorst.

Amendment No. 57

Representative Gallego offered the following amendment to **HB 1951**:

Floor Packet Page No. 102

Amend **HB 1951** as follows:

Insert the following appropriately numbered SECTION and renumber the SECTIONS of the bill accordingly.

SECTION _____. Subtitle C, Title 5, Insurance Code, is amended by adding Chapter 565 to read as follows:

CHAPTER 565. PROHIBITING PRACTICES RELATED TO DISPUTE RESOLUTION.

Sec. 565.001. APPLICABILITY OF CHAPTER. This chapter applies to an insurance policy or other coverage agreement acquired by the covered person for personal, family, or household purposes issued by a company regulated by the commissioner, including:

(1) a domestic or foreign, stock or mutual, life, health, or accident insurance company;

(2) a domestic or foreign, stock or mutual, fire or casualty insurance company;

(3) a Mexican casualty company;

(4) a domestic or foreign Lloyd's plan;

(5) a domestic or foreign reciprocal or inter-insurance exchange;

(6) a domestic or foreign fraternal benefit society;

(7) a domestic or foreign title insurance company;

(8) an attorney's title insurance company;

- (9) a stipulated premium company;
- (10) a nonprofit legal service corporation;
- (11) a health maintenance organization;
- (12) a statewide mutual assessment company;
- (13) a local mutual aid association;
- (14) a local mutual burial association;
- (15) an association exempt under Section 887.102;
- (16) a nonprofit hospital, medical, or dental service corporation, including a company subject to Chapter 842;
- (17) a county mutual insurance company; and
- (18) a farm mutual insurance company.

Sec. 565.002. PROVISION REQUIRING ARBITRATION PROHIBITED.

(a) An insurance policy or other coverage agreement may not require the covered person to submit to arbitration a dispute related to the coverage that arises after the agreement is entered into.

(b) If a written agreement that involves the provision of insurance and other services, goods, property, or credit includes a provision that requires a dispute under the agreement to be submitted to arbitration, the agreement must include a clear and conspicuous disclosure that the mandatory arbitration provision does not apply to any insurance-related dispute under the agreement.

(c) A provision in an insurance policy or other coverage agreement that violates this section is void and unenforceable.

Sec. 565.003. LIABILITY. (a) A person described by Section 565.001 that issues a coverage agreement that violates this section is liable to the covered person for:

- (1) the covered person's actual damages sustained as a result of the violation;
- (2) \$100, regardless of whether actual damages are sustained; and
- (3) the covered person's attorney's fees and costs to recover under this subsection.

(b) A contract provision that requires an action to enforce this section to be submitted to arbitration is void and unenforceable.

(Kolkhorst now present)

Representative L. Taylor moved to table Amendment No. 57.

The motion to table prevailed by (Record 945): 92 Yeas, 46 Nays, 3 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Craddick; Creighton; Crownover; Darby; Davis, J.; Driver; Eissler; Elkins; Flynn; Frullo; Garza; Gooden; Hamilton; Hancock; Hardcastle; 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; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; 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; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; Lozano; Mallory Caraway; Marquez; Martinez; McClendon; Menendez; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

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

Absent, Excused — Cook; Geren; Gonzales, L.; Lucio; Schwertner.

Absent, Excused, Committee Meeting — Coleman.

Absent — Fletcher; Harless; Martinez Fischer.

STATEMENT OF VOTE

When Record No. 945 was taken, I was in the house but away from my desk. I would have voted no.

Martinez Fischer

Amendment No. 58

Representative Veasey offered the following amendment to **HB 1951**:
Floor Packet Page No. 224

Amend **HB 1951** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . INSURANCE COVERAGE FOR CHILD PASSENGER SAFETY SEAT SYSTEMS

SECTION ____ .01. Subchapter B, Chapter 1952, Insurance Code, is amended by adding Section 1952.059 to read as follows:

Sec. 1952.059. COVERAGE OF CHILD PASSENGER SAFETY SEAT SYSTEM. (a) In this section, "child passenger safety seat system" has the meaning assigned by Section 545.412, Transportation Code.

(b) This section applies to a moderate or severe traffic collision in which:

(1) a child passenger safety seat system suffers cracks or warping as a result of the collision;

(2) the vehicle door nearest the child safety seat was damaged;

(3) a vehicle occupant suffered an injury; or

(4) an airbag deployed.

(c) This section applies to a collision described by Subsection (b) regardless of whether the vehicle in which the seat was installed was driven from the scene of the collision.

(d) In addition to an insurer described by Section 1952.001, this section applies to a county mutual insurance company.

(e) An automobile insurance policy that provides liability coverage shall cover the cost of replacing a child passenger safety seat system damaged in a collision if:

(1) a driver covered by the policy is at fault for the collision; and

(2) the damaged child passenger safety seat system was installed in a vehicle other than the vehicle operated by the driver covered by the policy.

(f) Notwithstanding Subsection (e), an automobile insurance policy that provides collision coverage shall cover the cost of replacing a child passenger safety seat system damaged in a collision involving the covered vehicle, regardless of whether the operator of the covered vehicle is at fault.

(Lucio now present)

Amendment No. 58 was withdrawn.

Amendment No. 59

On behalf of Representative Gutierrez, Representative Walle offered the following amendment to **HB 1951**:

Floor Packet Page No. 34

Amend **HB 1951** (house committee printing) by inserting the following appropriately numbered ARTICLE and renumbering ARTICLES of the bill accordingly:

ARTICLE _____. ELECTION OF COMMISSIONER

SECTION _____.001. Section 31.022, Insurance Code, is amended to read as follows:

Sec. 31.022. ELECTION [~~APPOINTMENT; TERM~~]. The commissioner is elected by the qualified voters at the general election for state and county officers for a term of four years. [~~(a) The governor, with the advice and consent of the senate, shall appoint the commissioner. The commissioner serves a two year term that expires on February 1 of each odd numbered year.~~

[~~(b) The governor shall appoint the commissioner without regard to the race, color, disability, sex, religion, age, or national origin of the appointee.~~]

SECTION _____.002. Section 31.024, Insurance Code, is amended to read as follows:

Sec. 31.024. INELIGIBILITY FOR PUBLIC OFFICE. The commissioner is ineligible to be a candidate for another [~~a~~] public elective office in this state, unless the commissioner has resigned and the governor has accepted the resignation.

SECTION _____.003. Section 31.027(a), Insurance Code, is amended to read as follows:

(a) It is a ground for removal from office if the commissioner:

(1) [~~does not have at the time of appointment the qualifications required by Section 31.023;~~

[~~(2) does not maintain during service as commissioner the qualifications required by Section 31.023;~~

[~~(3) violates a prohibition established by Section 33.001, 33.003, [33.004,] or 33.005; or~~

(2) ~~(4)~~ cannot, because of illness or disability, discharge the commissioner's duties for a substantial part of the commissioner's term.

SECTION ____ .004. Section 31.041(c), Insurance Code, is amended to read as follows:

(c) A person appointed as an associate or deputy commissioner or to hold an equivalent position must have at least five years of ~~the~~ experience in the administration of business or government or as a practicing attorney or certified public accountant [required for appointment as commissioner under Section 31.023]. At least two years of that experience must be in work related to the position to be held.

SECTION ____ .005. Sections 33.004(a) and (b), Insurance Code, are amended to read as follows:

(a) A person who is an officer, employee, or paid consultant of a trade association in the field of insurance may not be[:

~~(1) the commissioner; or~~

~~(2) an employee of the department in a "bona fide executive, administrative, or professional capacity," as that phrase is used for purposes of establishing an exemption to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.) [who is exempt from the state's position classification plan or is compensated at or above the amount prescribed by the General Appropriations Act for step 1, salary group A17, of the position classification salary schedule].~~

(b) A person who is the spouse of an officer, manager, or paid consultant of a trade association in the field of insurance may not be[:

~~(1) the commissioner; or~~

~~(2) an employee of the department in a "bona fide executive, administrative, or professional capacity," as that phrase is used for purposes of establishing an exemption to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.) [who is exempt from the state's position classification plan or is compensated at or above the amount prescribed by the General Appropriations Act for step 1, salary group A17, of the position classification salary schedule].~~

SECTION ____ .006. Section 911.001(c), Insurance Code, is amended to read as follows:

(c) Except to the extent of any conflict with this chapter, the following provisions apply to a farm mutual insurance company:

(1) Subchapter A, Chapter 32;

(2) Subchapter D, Chapter 36;

(3) Sections 31.002(2), 32.021(c), 32.023, 32.041, ~~[33.002,]~~ 38.001, 81.001-81.004, 201.005, 201.055, 401.051, 401.052, 401.054-401.062, 401.103-401.106, 401.151, 401.152, 401.155, 401.156, 421.001, 801.051-801.055, 801.057, 801.101, 801.102, 822.204, 841.004, 841.251, 841.252, 862.101, 1806.001, 1806.101, 1806.103(b), and 1806.104-1806.107;

(4) Chapter 86;

(5) Subchapter A, Chapter 401;

(6) Subchapter B, Chapter 404;

- (7) Chapter 422;
- (8) Subchapter B, Chapter 424, other than Section 424.052, 424.072, or 424.073;
- (9) Chapter 441;
- (10) Chapter 443;
- (11) Chapter 462;
- (12) Chapter 481;
- (13) Chapter 541;
- (14) Chapter 802;
- (15) Subchapter A, Chapter 805;
- (16) Chapter 824; and
- (17) Article 1.09-1.

SECTION _____.007. Section 961.002(b), Insurance Code, is amended to read as follows:

(b) The following provisions of this code apply to a nonprofit legal services corporation in the same manner that they apply to an insurer or a person engaged in the business of insurance, to the extent the provisions do not conflict with this chapter:

- (1) Articles 1.09-1 and 21.47;
- (2) Sections 31.002, 31.004, 31.007, 31.021, 31.022, [~~31.023~~], 31.026, 31.027, 32.021, 32.022(a), 32.023, [~~33.002~~], 33.006, 36.108, 38.001, 81.004, 201.005, 201.055, 401.051, 401.052, 401.054-401.062, 401.103-401.106, 401.151, 401.152, 401.155, 401.156, 801.001, 801.002, 801.051-801.055, 801.057, 801.101, 801.102, 841.251, and 841.252;
- (3) Subchapter B, Chapter 31;
- (4) Subchapters A and C, Chapter 32;
- (5) Subchapter D, Chapter 36;
- (6) Subchapter A, Chapter 401;
- (7) Subchapter A, Chapter 542;
- (8) Subchapter A, Chapter 805; and
- (9) Chapters 86, 402, 441, 443, 481, 541, 802, and 824.

SECTION _____.008. Section 52.092(c), Election Code, is amended to read as follows:

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

(12) [~~11~~] judge, court of criminal appeals.

SECTION ____ .009. Section 504.401(d), Transportation Code, is amended to read as follows:

(d) In this section, "state official" means:

- (1) a member of the legislature;
- (2) the governor;
- (3) the lieutenant governor;
- (4) a justice of the supreme court;
- (5) a judge of the court of criminal appeals;
- (6) the attorney general;
- (7) the commissioner of the General Land Office;
- (8) the comptroller;
- (9) a member of the Railroad Commission of Texas;
- (10) the commissioner of agriculture;
- (11) the commissioner of insurance;
- (12) the secretary of state; or
- (13) [~~12~~] a member of the State Board of Education.

SECTION ____ .010. Sections 31.023 and 33.002, Insurance Code, are repealed.

SECTION ____ .011. (a) The first general election for commissioner of insurance shall be held November 6, 2012, for a two-year term beginning on January 1, 2013. Thereafter, the commissioner of insurance shall be elected to serve a four-year term.

(b) Until the first commissioner of insurance elected under this Act takes office, the commissioner serving on the effective date of this Act shall, unless otherwise removed as provided by law, continue in office under the prior law that governed the office, and that prior law is continued in effect for that purpose. If on January 1, 2013, there is a vacancy in the office of commissioner of insurance created under this Act because the first commissioner-elect has died or refuses or is permanently unable to serve, the commissioner serving on that date shall, unless otherwise removed as provided by law, continue in office under the prior law that governed the office until the governor fills the vacancy by appointment in the manner provided by law. The prior law that governed the office of the commissioner of insurance is continued in effect for that purpose.

SECTION ____ .012. Notwithstanding another provision of this Act, Section 31.027(a), Insurance Code, as amended by this article, and Section 504.401(d), Transportation Code, as amended by this article, take effect January 1, 2013.

Representative L. Taylor moved to table Amendment No. 59.

The motion to table prevailed by (Record 946): 94 Yeas, 47 Nays, 4 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycocock; Beck; Berman; Bohac; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Gooden; Hamilton; Hancock;

Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; 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; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Thompson; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Present, not voting — Mr. Speaker; Bonnen(C); Mallory Caraway; Miles.

Absent, Excused — Cook; Geren; Gonzales, L.; Schwertner.

Absent, Excused, Committee Meeting — Coleman.

HB 1951, as amended, was passed to engrossment by (Record 947): 96 Yeas, 46 Nays, 3 Present, not voting.

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

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

Absent, Excused — Cook; Geren; Gonzales, L.; Schwertner.

Absent, Excused, Committee Meeting — Coleman.

GENERAL STATE CALENDAR
(consideration continued)
CSHB 1355 ON SECOND READING
(by Orr, Smithee, and Vo)

CSHB 1355, A bill to be entitled An Act relating to title insurance coverage for minerals and surface damage resulting from mineral extraction and development.

Amendment No. 1

Representative Orr offered the following amendment to **CSHB 1355**:

Amend **CSHB 1355** (house committee printing) on page 2, between lines 4 and 5, by inserting the following:

(c) The premium for a policy of title insurance may not be increased directly or indirectly based on a title insurance company's voluntary issuance of an endorsement described by Subsection (a). An additional premium or other amount may not be charged directly or indirectly for the issuance of an endorsement described by Subsection (a).

Amendment No. 1 was adopted.

Amendment No. 2

Representative Hughes offered the following amendment to **CSHB 1355**:

Amend **CSHB 1355** (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 2703, Insurance Code, is amended by adding Sections 2703.055 and 2703.056 to read as follows:

Sec. 2703.055. REQUIREMENT OF CERTAIN PROVISIONS PROHIBITED. The commissioner may not require by rule or through adoption of a title insurance policy or other insuring form that a title insurance policy delivered or issued for delivery in this state:

(1) insure against a loss that a person with an interest in real property sustains from damage to the property by reason of severance of minerals from the surface estate; or

(2) provide insurance as to ownership of minerals.

Sec. 2703.056. EXCEPTIONS; MINERAL INTERESTS. (a) Subject to the underwriting standards of the title insurance company, a title insurance company may in a commitment for title insurance or a title insurance policy include a general exception or a special exception to except from coverage a mineral estate or an instrument which purports to reserve or transfer all or part of a mineral estate.

(b) The inclusion in a title insurance policy of a general exception or a special exception described by Subsection (a) does not create title insurance coverage as to the condition or ownership of the mineral estate.

SECTION _____. Sections 2703.055 and 2703.056, Insurance Code, as amended by this Act, apply only to a title insurance policy that is delivered or issued for delivery on or after January 1, 2012. A policy delivered or issued for delivery before January 1, 2012, 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. 2 was adopted.

CSHB 1355, as amended, was passed to engrossment.

HB 2510 ON SECOND READING
(by Lavender, Beck, Burkett, Hughes, et al.)

HB 2510, A bill to be entitled An Act relating to exempting the intrastate manufacture of certain incandescent light bulbs from federal regulation.

Amendment No. 1

Representative Beck offered the following amendment to **HB 2510**:

Amend **HB 2510** (house committee printing) on page 3 by striking lines 18-27 and substituting the following:

Sec. 2004.005. ATTORNEY GENERAL. On written notification to the attorney general by a resident of this state of the resident's intent to manufacture an incandescent light bulb to which this chapter applies, the attorney general may seek a declaratory judgment from a federal district court in

Amendment No. 1 was adopted.

HB 2510, as amended, was passed to engrossment. (D. Howard recorded voting no.)

FIVE-DAY POSTING RULE SUSPENDED

Representative Smithee moved to suspend the five-day posting rule to allow the Committee on Insurance to consider **SB 1213** and previously posted business at 9 a.m. tomorrow in JHR 140.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Insurance, 9 a.m. tomorrow, JHR 140, for a public hearing, to consider **SB 1213** and previously posted business.

RECESS

Representative Murphy moved that the house recess until 10 a.m. tomorrow in memory of James Clarke Box of Houston.

The motion prevailed.

The house accordingly, at 11:46 p.m., recessed until 10 a.m. tomorrow.

ADDENDUM

SIGNED BY THE SPEAKER

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

Senate List No. 25

SB 501, SB 656, SB 893, SB 980, SB 1104, SB 1153, SB 1160, SB 1168, SB 1341, SB 1680

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
Tuesday, May 10, 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:

SB 1213 Carona

Relating to consumer protections in the purchase of life settlement contracts; imposing penalties.

SB 1581 Ogden

Relating to state fiscal matters, and certain public health and safety matters, related to public and higher education; providing penalties.

SB 1616 West

Relating to the collection, storage, preservation, analysis, retrieval, and destruction of biological evidence.

SCR 53 Watson

Recognizing the Texas Heritage Songwriters' Association for fostering and preserving Texas culture.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Tuesday, May 10, 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:
LOCAL AND UNCONTESTED CALENDAR

HB 438 Thompson SPONSOR: Carona
Relating to health benefit plan coverage for orally administered anticancer medications.

HB 457 Craddick SPONSOR: Nelson
Relating to restrictions on the promotion and operation of charitable raffles.

HB 1147 Smith, Wayne SPONSOR: Wentworth
Relating to notice by a governmental entity regarding certain geospatial data products.

HB 1322 Scott SPONSOR: Lucio
Relating to the possession of fish in the tidal water of this state.

HB 1527 Miller, Sid SPONSOR: Uresti
Relating to the certification of the state's primary standards of weights and measures.

HB 1753 Gallego SPONSOR: Uresti
Relating to the threshold amount at which public utilities are required to report a transaction.

HB 2012 Thompson SPONSOR: Gallegos
Relating to certain prohibited dealings between a wholesaler and retailer of alcoholic beverages.

HB 2375 Hamilton SPONSOR: Carona
Relating to practices and professions regulated by the Texas Appraiser Licensing and Certification Board.

HB 2559 Truitt SPONSOR: Harris
Relating to commercial motor vehicle installment sales.

HB 2680 King, Tracy O. SPONSOR: Hegar
Relating to the procedure for certain small local exchange companies to propose to offer certain services or to make a minor change in a rate or tariff.

HB 2991 Deshotel SPONSOR: Carona

Relating to a determination of the reasonable relation of certain transactions to particular jurisdictions.

HB 3287 Giddings SPONSOR: Carona
Relating to license renewals by the Texas Department of Licensing and Regulation.

SB 40 Zaffirini
Relating to the functions of the Texas Guaranteed Student Loan Corporation.

SB 467 Wentworth
Relating to the power of the Texas Commission on Environmental Quality to authorize certain injection wells that transect or terminate in the Edwards Aquifer.

SB 649 Hinojosa
Relating to the continuation and functions of the Texas State Affordable Housing Corporation; providing penalties.

SB 765 Uresti
Relating to the territory of the El Paso County Water Control and Improvement District No. 4.

SB 1073 Jackson
Relating to rainwater harvesting systems that are connected to public water supply systems.

SB 1114 Wentworth
Relating to the regulation of driver training schools and instructors.

SB 1285 Watson
Relating to contributions to the retirement systems for certain police officers in certain municipalities.

SB 1330 Watson
Relating to driving safety courses for individuals younger than 25 years of age receiving deferred disposition for certain traffic offenses.

SB 1735 Van de Putte
Relating to limited purpose subsidiary life insurance companies.

SB 1880 Huffman
Relating to the powers and duties of the Imperial Redevelopment District; providing authority to impose a tax and issue bonds.

SB 1881 Wentworth
Relating to certain financial powers and duties of the Travis-Creedmoor Municipal Utility District.

SB 1906 Wentworth
Relating to certain notice requirements for municipalities and counties under the open meetings law.

SB 1907 Wentworth
Relating to access to certain archaic information.

SB 1922 Lucio

Relating to the creation of the Port Isabel Improvement District No. 1; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE
SENATE CHAMBER

Austin, Texas
Tuesday, May 10, 2011 - 3

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 370 Hochberg SPONSOR: Patrick
Relating to the eligibility of a student to participate in extracurricular activities or competitions after transferring or moving from one public school to another.
(Committee Substitute/Amended)

HB 444 Creighton SPONSOR: Nichols
Relating to notification of applications for permits for certain injection wells.

HB 755 Cook SPONSOR: Nichols
Relating to eligibility of certain dependents for coverage under the state employee group benefits program.

HB 841 Gonzalez, Naomi SPONSOR: Harris
Relating to certain statutory references to the Department of Family and Protective Services.

HB 843 Geren SPONSOR: Davis
Relating to the use of electronic means for the delivery of ad valorem tax bills to certain property owners and agents.
(Committee Substitute)

HB 908 Thompson SPONSOR: Harris
Relating to the division of community property on dissolution of marriage.
(Committee Substitute)

HB 1061 Otto SPONSOR: Duncan
Relating to the expiration of certain investment authority of the Teacher Retirement System of Texas.
(Amended)

HB 1380 Truitt SPONSOR: Rodriguez

Relating to the graduate medical training requirements for certain foreign medical school graduates applying for a license to practice medicine in this state.

(Committee Substitute)

HB 1404 Sheffield SPONSOR: Harris
Relating to certain temporary orders in a suit affecting the parent-child relationship during a parent's military deployment.

HB 1405 Smithee SPONSOR: Deuell
Relating to provision by a health benefit plan of prescription drug coverage specified by formulary and to modifications of that coverage.

(Committee Substitute)

HB 1829 Naishtat SPONSOR: Nelson
Relating to an application for emergency detention and to the transfer to a mental hospital of a person admitted for emergency detention.

(Committee Substitute/Amended)

HB 1917 Schwertner SPONSOR: Ogden
Relating to the removal of appointed emergency services commissioners by a commissioners court.

HB 2360 Schwertner SPONSOR: Ogden
Relating to the creation of the Corn Hill Regional Water Authority; providing authority to issue bonds.

(Amended)

HB 2376 Hamilton SPONSOR: Jackson
Relating to the regulation of plumbing.

(Committee Substitute)

HCR 119 Davis, John SPONSOR: Jackson
Congratulating James Alford Davis on being named the 2011 Citizen of the Year by the Menard County Chamber of Commerce.

HCR 131 Davis, John SPONSOR: Jackson
In memory of Howard Victor Reed of Austin.

HCR 132 Davis, John SPONSOR: Jackson
Honoring the Texas State Association of Parliamentarians on the occasion of their annual convention.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 4

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Tuesday, May 10, 2011 - 4

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:

SB 200 Zaffirini

Relating to reports, notices, and records required of institutions of higher education.

SB 371 Seliger

Relating to the eligibility for service retirement annuities of certain elected officials convicted of certain crimes.

SB 471 West

Relating to public school, child-placing agency, and day-care center policies addressing sexual abuse and other maltreatment of children.

SB 669 Wentworth

Relating to requests to inspect or be provided with copies of information under the public information law.

SB 1449 Zaffirini

Relating to an alternative method of satisfying certain licensing and program participation requirements for chemical dependency treatment facilities.

SB 1857 Zaffirini

Relating to the administration of medication for persons with intellectual and developmental disabilities.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 5

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Tuesday, May 10, 2011 - 5

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:

SB 5 Zaffirini SPONSOR: Branch

Relating to the administration and business affairs of public institutions of higher education.

SB 146 Hinojosa

Relating to the offense of smuggling of persons and unlawful transport of an individual; providing penalties.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 6

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Tuesday, May 10, 2011 - 6

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:

SB 1671 Duncan
Relating to the Teacher Retirement System of Texas.

Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

May 9

Border and Intergovernmental Affairs - **HB 3717**

Business and Industry - **SB 710, SB 1240**

Corrections - **HB 2352, HB 3366**

County Affairs - **HB 684, HB 2679**

Criminal Jurisprudence - **HB 220, HB 1646, HB 3423, SB 82, SB 331, SB 604, SB 688, SB 841, SB 1200, SB 1416, SJR 9**

Culture, Recreation, and Tourism - **HB 251, HB 3782, HCR 83**

Defense and Veterans' Affairs - **HB 1544, HB 2688, HB 3580**

Energy Resources - **HB 3532, SB 1125, SB 1478**

Environmental Regulation - **HB 2987, SB 385**

Government Efficiency and Reform - **HB 1875**

Higher Education - **HB 1237**

Homeland Security and Public Safety - **HB 161, HB 1167, HB 1328, HB 1356, HB 2446, HB 2887, HB 2896, HB 2957, HB 3324**

Human Services - **HB 985, HB 3053**

Judiciary and Civil Jurisprudence - **HB 910, HB 2635, HB 3123**

Natural Resources - **HB 737, HB 1279, HB 2166, HB 3620, HB 3668, HB 3853, HB 3861, HB 3862, SB 1596**

Pensions, Investments, and Financial Services - **HB 2931**

Public Education - **HB 1268, HB 2322, HB 3026**

Public Health - **HB 392, HB 574, HB 1266, HB 1386, HB 1621, HB 2092, HB 3370, HB 3537, SB 544, SB 662, SB 663**

State Affairs - **HB 1729, HB 2288, HB 3247, HB 3252, HB 3801, SB 602, SB 1338**

State Sovereignty, Select - **HB 1240, HB 2923, HB 3188, HCR 94, HR 243**

Transportation - **HB 664, HB 1636, HB 1669, HB 1938, HB 2917, HB 3723**

Urban Affairs - **HB 2224, HB 2361, HB 3035, HB 3357, HB 3363, HB 3597, HB 3607, HB 3716**

Ways and Means - **HB 717, HB 874, HB 1056, HB 1384, HB 2104, HB 2187, HB 3488, SB 776**

ENGROSSED

May 9 - HB 2197, HB 3473

ENROLLED

May 9 - HB 74

SENT TO THE GOVERNOR

May 9 - HB 15, HB 46, HB 906, HB 984, HB 1032, HB 1346, HB 1625, HB 2561, HCR 45

SIGNED BY THE GOVERNOR

May 9 - HB 612, HB 613, HCR 32, HCR 109, HCR 120, HCR 134, HCR 136, HCR 137, HCR 148

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SEVENTY-THIRD DAY (CONTINUED) — WEDNESDAY, MAY 11, 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 948).

Present — Mr. Speaker; Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; 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.

Absent — Burnam; Dutton.

The invocation was offered by Dr. Mark Denison, pastor, First Baptist Church, Conroe, as follows:

Our loving and generous Father, we step into your presence today with a sense of awe and reverence. We know that you care uniquely about the affairs of our world, country, and state. We pray for your divine inspiration and leadership for those in national office. But today we especially lift up our state government and this great body, in particular. For our elected representatives, we pray for an unusual endowment of insight and wisdom as they wrestle with difficult issues in difficult times. May they seek you in every decision. Give to them a fresh vision and unity of purpose. Forgive us for the mistakes of the past, and may your light guide our steps of tomorrow. Now, may your richest blessings fall upon the great

State of Texas, her leaders, and her citizens. Thank you for the opportunities of this day, to lead, inspire, work together, and to follow your will. We offer this prayer in the name of Christ, our Savior and Lord. Amen.

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

CAPITOL PHYSICIAN

The speaker recognized Representative Anchia who presented Dr. Horacio Ramirez of San Antonio as the "Doctor for the Day."

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

(Muñoz in the chair)

REGULAR ORDER OF BUSINESS SUSPENDED

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

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. 26).

HR 1243 - PREVIOUSLY ADOPTED

(by Raymond)

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

HR 1243, Commending Harry Cabluck on his 50-year career as a photojournalist.

On motion of Representative Branch, the names of all the members of the house were added to **HR 1243** as signers thereof.

INTRODUCTION OF GUEST

The chair recognized Representative Raymond who introduced Harry Cabluck.

HB 1979 - LAID ON THE TABLE SUBJECT TO CALL

Representative Laubenberg moved to lay **HB 1979** on the table subject to call.

The motion prevailed.

HB 1316 - LAID ON THE TABLE SUBJECT TO CALL

Representative Torres moved to lay **HB 1316** on the table subject to call.

The motion prevailed.

HCR 155 - ADOPTED
(by Branch and D. Howard)

Representative Branch moved to suspend all necessary rules to take up and consider at this time **HCR 155**.

The motion prevailed.

The following resolution was laid before the house:

HCR 155, In memory of Shirley Bird Perry, senior vice president of The University of Texas at Austin.

HCR 155 was read and was unanimously adopted by a rising vote.

On motion of Representative Naishtat, the names of all the members of the house were added to **HCR 155** as signers thereof.

(Burnam now present)

INTRODUCTION OF GUESTS

The chair recognized Representative Branch who introduced family members of Shirley Bird Perry and William Powers, president of The University of Texas at Austin.

HR 1837 - ADOPTED
(by Johnson)

Representative Johnson moved to suspend all necessary rules to take up and consider at this time **HR 1837**.

The motion prevailed.

The following resolution was laid before the house:

HR 1837, Honoring the Fourth Avenue Church of Christ in Dallas on the 50th anniversary of its founding.

HR 1837 was adopted.

(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 590 (by Thompson), A bill to be entitled An Act relating to amended sales tax reports and the reallocation of sales tax revenue. (Cain, Garza, Harless, Landtroop, Price, Simpson, and White recorded voting no.)

Amendment No. 1

Representative Thompson offered the following amendment to **CSHB 590**:
Amend **CSHB 590** (house committee printing) to read as follows:

(1) On page 1, strike lines 20-22 and substitute the following:

(B) refunds local tax revenue that was previously allocated to a municipality or local governmental entity; and

(2) On page 3, strike lines 14-16.

(3) On page 3, line 17, strike "(i)" and substitute "(h)".

(4) On page 4, strike lines 23-25 and substitute the following:

(B) refunds local tax revenue that was previously allocated to a county or local governmental entity; and

(5) On page 6, strike lines 13-15.

(6) On page 6, line 16, strike "(i)" and substitute "(h)".

Amendment No. 1 was adopted.

CSHB 1128 (by Menendez), A bill to be entitled An Act relating to consent to certain medical treatments by a surrogate decision-maker on behalf of certain inmates.

CSHB 1784 (by Farias), A bill to be entitled An Act relating to requiring an interagency memorandum of understanding regarding the Public Assistance Reporting Information System and to the use of data from that system. (Schwertner recorded voting no.)

CSHB 1797 (by Naishtat), A bill to be entitled An Act relating to a person's eligibility to obtain a license in social work. (Aycock and Garza recorded voting no.)

HB 2096 (by Thompson), A bill to be entitled An Act relating to the filing of writs of habeas corpus in mental health cases. (Aycock recorded voting no.)

CSHB 2102 (by Hernandez Luna, Sheets, Thompson, Harless, and Woolley), A bill to be entitled An Act relating to the requirement that certain health benefit plans provide coverage for supplemental breast cancer screening. (Aycock, Beck, Cain, Craddick, Darby, S. King, Laubenberg, Lavender, Legler, Madden, Margo, D. Miller, Paxton, Riddle, Sheffield, Simpson, V. Taylor, Weber, and Workman recorded voting no.)

HB 2103 (by Jackson), A bill to be entitled An Act relating to the consideration of a letter of credit issued by a federal home loan bank as an eligible security for collateral to secure public funds.

HB 2247 (by P. King, Berman, and Flynn), A bill to be entitled An Act relating to the eligibility of the adjutant general's department to receive Foundation School Program funding for students enrolled in the Texas ChalleNGe Academy.

CSHB 2316 (by Coleman), A bill to be entitled An Act relating to county powers, duties, and services, including the powers and duties of certain districts, and the authorization of certain health care programs and studies. (C. Anderson, Aycock, Beck, Burkett, Carter, Chisum, Frullo, Garza, Harless, Huberty, Kleinschmidt, Kuempel, Laubenberg, Legler, Madden, Perry, Phillips, Price, Schwertner, Sheffield, Shelton, Simpson, V. Taylor, Weber, and Workman recorded voting no.)

Amendment No. 1

Representative Coleman offered the following amendment to **CSHB 2316**:

Amend **CSHB 2316** (house committee printing) by striking SECTIONS 3 and 4 of the bill (page 1, line 23, through page 3, line 25) and renumbering subsequent SECTIONS accordingly.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Coleman offered the following amendment to **CSHB 2316**:

Amend **CSHB 2316** (house committee printing) by striking SECTION 8 of the bill (page 5, lines 14-26) and renumbering subsequent SECTIONS accordingly.

Amendment No. 2 was adopted.

CSHB 2363 (by Flynn), A bill to be entitled An Act relating to the creation of the Bearpen Creek Municipal Utility District of Hunt County; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

HB 2380 was withdrawn. (The vote was reconsidered later today, and **HB 2380** was passed to engrossment, as amended.)

HB 2425 (by Thompson), A bill to be entitled An Act relating to notice to the attorney general of challenges to the constitutionality of Texas statutes.

Amendment No. 1

Representative Thompson offered the following amendment to **HB 2425**:

Amend **HB 2425** (house committee printing) by striking page 1, line 7 through page 2, line 3 and substituting the following:

Sec. 402.010. LEGAL CHALLENGES TO CONSTITUTIONALITY OF STATE STATUTES. (a) In an action in which a party to the litigation files a petition, motion, or other pleading challenging the constitutionality of a statute of this state, the court shall, if the attorney general is not a party to or counsel involved in the litigation, serve notice of the constitutional question and a copy of the petition, motion, or other pleading that raises the challenge on the attorney general either by certified or registered mail or electronically to an e-mail address designated by the attorney general for the purposes of this section. Notice under this section must identify the statute in question, state the basis for the challenge, and specify the petition, motion, or other pleading that raises the challenge.

(b) A court may not enter a final judgment holding a statute of this state unconstitutional before the 45th day after the date notice required by Subsection (a) is served on the attorney general.

(c) A court's failure to file or serve notice as required by Subsection (a) does not deprive the court of jurisdiction or forfeit an otherwise timely filed claim or defense based on the challenge to the constitutionality of a statute of this state.

Amendment No. 1 was adopted.

HB 2492 (by Naishtat), A bill to be entitled An Act relating to the family allowance, treatment of exempt property, and an allowance in lieu of exempt property in the administration of a decedent's estate. (Aycock, Harless, and V. Taylor recorded voting no.)

CSHB 2595 (by Isaac, et al.), A bill to be entitled An Act relating to the electronic submission and recording of documents associated with voting by mail.

CSHB 2702 (by Solomons), A bill to be entitled An Act relating to the application of statutes that classify political subdivisions according to population.

Amendment No. 1

Representative Solomons offered the following amendment to **CSHB 2702**:

Amend **CSHB 2702** (house committee printing) on page 17, line 18, by striking "Health and Safety" and substituting "Government".

Amendment No. 1 was adopted.

CSHB 2960 (by Darby, Guillen, et al.), A bill to be entitled An Act relating to vehicles used for the purpose of participating in equine activities or attending livestock shows. (V. Taylor recorded voting no.)

HB 2982 (by Orr), A bill to be entitled An Act relating to the composition of the Finance Commission of Texas.

CSHB 2994 (by Miles), A bill to be entitled An Act relating to the creation, operation, and funding of the urban farm microenterprise support program. (C. Anderson, Aycock, Beck, Berman, Bohac, Brown, Chisum, Flynn, Huberty, Kleinschmidt, Laubenberg, Lavender, Madden, Patrick, Paxton, Perry, Phillips, Sheffield, Simpson, V. Taylor, Weber, and White recorded voting no.)

CSHB 2996 (by Miles), A bill to be entitled An Act relating to the creation of the Texas Urban Agricultural Innovation Authority. (C. Anderson, Aycock, Beck, Berman, Bohac, Brown, Cain, Carter, Chisum, Craddick, Darby, S. Davis, Flynn, Frullo, Hamilton, Harless, Huberty, Kleinschmidt, Kuempel, Landtroop, Laubenberg, Lavender, Legler, Madden, Parker, Patrick, Paxton, Perry, Phillips, Schwertner, Sheets, Sheffield, Shelton, Simpson, V. Taylor, Weber, White, Workman, and Zedler recorded voting no.)

CSHB 2997 (by Miles), A bill to be entitled An Act relating to the creation and funding of the urban farming pilot program and the creation of the Select Committee on Urban Farming. (C. Anderson, Aycock, Beck, Berman, Bohac, Brown, Cain, Carter, Chisum, Craddick, Darby, S. Davis, Flynn, Frullo, Hamilton, Harless, Huberty, Kleinschmidt, Kuempel, Landtroop, Laubenberg, Lavender, Legler, Madden, Parker, Patrick, Paxton, Perry, Phillips, Schwertner, Sheets, Sheffield, Shelton, Simpson, V. Taylor, Weber, White, Workman, and Zedler recorded voting no.)

CSHB 3079 (by Darby), A bill to be entitled An Act relating to dealer agreements regarding the purchase and sale of certain all-terrain vehicles or equipment or machinery used for agricultural, construction, utility, industrial, mining, outdoor power, forestry, and landscaping purposes. (Garza and Simpson recorded voting no.)

Amendment No. 1

Representative Darby offered the following amendment to **CSHB 3079**:

Amend **CSHB 3079** (house committee printing) as follows:

(1) On page 1, line 9, strike "utility,".

(2) On page 2, line 1, strike "UTILITY,".

(3) Strike page 3, line 22, through page 4, line 16, and substitute the following:

(7) "Equipment":

(A) means machinery, equipment, or implements or attachments to the machinery, equipment, or implements used for, or in connection with, any of the following purposes:

(i) lawn, garden, golf course, landscaping, or grounds maintenance;

(ii) planting, cultivating, irrigating, harvesting, or producing agricultural or forestry products;

(iii) raising, feeding, or tending to livestock or harvesting products from livestock or any other activity in connection with those activities;
or

(iv) industrial, construction, maintenance, mining, or utility activities or applications; and

(B) does not mean:

(i) trailers or self-propelled vehicles designed primarily for the transportation of persons or property on a street or highway, or

(ii) all-terrain vehicles, utility task vehicles, or recreational off-highway vehicles.

Amendment No. 1 was adopted.

HB 3111 (by Craddick), A bill to be entitled An Act relating to fees to finance capital improvements in certain municipalities. (C. Anderson, Berman, and Flynn recorded voting no.)

CSHB 3125 (by Thompson), A bill to be entitled An Act relating to the offenses of unauthorized duplication, unauthorized recording, unauthorized operation of recording device, and improper labeling of recordings. (Beck and Harless recorded voting no.)

HB 3152 (by Torres), A bill to be entitled An Act relating to recovery of the value of fraudulently obtained health care services provided or paid by the Nueces County Hospital District.

HB 3216 (by Otto), A bill to be entitled An Act relating to electronic communication between property owners and chief appraisers, appraisal districts, appraisal review boards, or any combination of those persons.

Amendment No. 1

Representative Fletcher offered the following amendment to **HB 3216**:

Amend **HB 3216** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____ . Section 1.111, Tax Code, is amended by amending Subsection (b) and adding Subsections (k) and (l) to read as follows:

(b) The designation of an agent must be made by written authorization on a form prescribed by the comptroller under Subsection (h) and signed by the owner, a property manager authorized to designate agents for the owner, or another person authorized to act on behalf of the owner other than the person being designated as agent, and must clearly indicate that the person is authorized to act on behalf of the property owner in property tax matters relating to the property or the property owner. The designation may authorize the agent to represent the owner in all property tax matters or in specific property tax matters as identified in the designation. The designation does not take effect with respect to an appraisal district or a taxing unit participating in the appraisal district until a copy of the designation is filed with the appraisal district. Each appraisal district established for a county having a population of 500,000 or more shall implement a system that allows a designation to be signed and filed electronically.

(k) On written request by the chief appraiser, an agent who electronically submits a designation of agent form shall provide the chief appraiser information concerning:

(1) the electronic signature of the person who signed the form;
(2) the date the person signed the form; and
(3) the Internet Protocol address of the computer the person used to complete the form.

(l) A person may not knowingly make a false entry in, or false alteration of, a designation of agent form that has been signed as provided by Subsection (b).

SECTION ____ . Section 1.111, Tax Code, as amended by this Act, applies only to a designation of an agent that is made on or after the effective date of this Act. A designation made before the effective date of this Act is governed by the law in effect when the designation was made, and the former law is continued in effect for that purpose.

Amendment No. 1 was adopted.

HB 3283 (by Guillen), A bill to be entitled An Act relating to the authority of certain development corporations to undertake projects with respect to community libraries.

HB 3369 (by S. King), A bill to be entitled An Act relating to the registration of certain physical therapy facilities by the Texas Board of Physical Therapy Examiners. (White recorded voting no.)

HB 3387 (by Rodriguez, Workman, Isaac, Aliseda, Hughes, et al.), A bill to be entitled An Act relating to the regulation of food prepared, stored, distributed, or sold at farmers' markets. (Aycock, Craddick, Darby, Frullo, Hamilton, Kuempel, Legler, Parker, Paxton, Shelton, and V. Taylor recorded voting no.)

CSHB 3399 (by Legler, Strama, Reynolds, and Chisum), A bill to be entitled An Act relating to the requirements for grant programs funded through the Texas emissions reduction plan. (Huberty recorded voting present, not voting.)

CSHB 3475 (by Gallego), A bill to be entitled An Act relating to the recusal and disqualification of municipal judges. (Frullo, Garza, Hamilton, Kuempel, Parker, Shelton, and Zedler recorded voting no.)

CSHB 3595 (by Chisum and Strama), A bill to be entitled An Act relating to energy efficiency goals and energy efficiency programs. (White recorded voting no.)

CSHB 3723 (by Guillen), A bill to be entitled An Act relating to optional fees on the registration of a vehicle imposed by a county. (C. Anderson, Berman, Burkett, Cain, Chisum, Craddick, Flynn, Frullo, Garza, Hamilton, Huberty, Kuempel, Landtroop, Laubenberg, Legler, Parker, Paxton, Perry, Phillips, Price, Schwertner, Sheets, Shelton, V. Taylor, White, Workman, and Zedler recorded voting no.)

CSHB 3730 (by Martinez), A bill to be entitled An Act relating to certain privatization of maintenance contracts awarded by the Texas Department of Transportation. (R. Anderson, Garza, Laubenberg, Perry, Sheets, Simpson, White, and Zedler recorded voting no.)

CSHB 3797 (by Gallego), A bill to be entitled An Act relating to the validation of the creation of, and certain acts related to, a venue project, and the dissolution of certain venue districts.

HR 1483 (by Vo), Endorsing the inclusion of Taiwan in the United States Visa Waiver Program.

ADJOURNMENT

Representative Larson moved that the house adjourn until 11:35 a.m. today in memory of Lieutenant Colonel James R. Gamble, Jr., (Ret.) of San Antonio.

The motion prevailed.

The house accordingly, at 11:31 a.m., adjourned until 11:35 a.m. today.

ADDENDUM

SIGNED BY THE SPEAKER

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

House List No. 26

HB 438, HB 444, HB 571, HB 610, HB 755, HB 841, HB 1322, HB 1404, HB 1527, HB 1806, HB 1832, HB 1917, HB 2559, HB 2680, HB 2785, HCR 116, HCR 119, HCR 132, HCR 139

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SEVENTY-FOURTH DAY — WEDNESDAY, MAY 11, 2011

The house met at 11:35 a.m. and was called to order by the speaker pro tempore.

The roll of the house was called and a quorum was announced present (Record 949).

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.

RULES SUSPENDED

Representative Thompson moved to suspend all necessary rules to take up and consider at this time, on third reading and final passage, the bills on the local, consent, and resolutions calendar which were considered on the previous legislative day.

The motion prevailed.

MOTION FOR ONE RECORD VOTE

On motion of Representative Thompson and by unanimous consent, the house agreed to use the first record vote taken for all those bills on the local, consent, and resolutions calendar that require a record vote on third reading and final passage, with the understanding that a member may record an individual vote on any bill with the journal clerk.

HB 2380 - VOTE RECONSIDERED

Representative Shelton moved to reconsider the vote by which **HB 2380** was withdrawn from the local, consent, and resolutions calendar.

The motion to reconsider prevailed.

**CSHB 2380 ON SECOND READING
(by Shelton)**

The chair laid before the house, on its second reading and passage to engrossment,

CSHB 2380, A bill to be entitled An Act relating to employment by school districts of certain persons under probationary contracts.

CSHB 2380 was withdrawn from the local, consent, and resolutions calendar earlier today.

Representative Shelton moved to postpone consideration of **CSHB 2380** until 6 p.m. today.

The motion prevailed.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today to attend a meeting of the Conference Committee on **HB 1**:

Zerwas on motion of Hamilton.

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

The following bills which were considered on second reading on the previous legislative day on the local, consent, and resolutions calendar were laid before the house, read third time, and passed by the following record vote (members registering votes and the results of the vote are shown following bill number).

(Record 950): 148 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; 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(C); Workman; Zedler.

Present, not voting — Mr. Speaker.

Absent, Excused, Committee Meeting — Zerwas.

HB 590 (Cain, Garza, Harless, Landtroop, Price, Simpson, and White - no) (141 - 7 - 1)

HB 1128

HB 1784 (Schwertner - no) (147 - 1 - 1)

HB 1797 (Aycock and Garza - no) (146 - 2 - 1)

HB 2096 (Aycock - no) (147 - 1 - 1)

HB 2102 (Aycock, Beck, Cain, Craddick, Darby, S. King, Laubenberg, Lavender, Legler, Madden, Margo, D. Miller, Paxton, Riddle, Sheffield, Simpson, V. Taylor, Weber, and Workman - no) (129 - 19 - 1)

HB 2103

HB 2247

HB 2316 (C. Anderson, Aycock, Beck, Burkett, Carter, Chisum, Frullo, Garza, Harless, Huberty, Kleinschmidt, Kuempel, Laubenberg, Legler, Madden, Perry, Phillips, Price, Schwertner, Sheffield, Shelton, Simpson, V. Taylor, Weber, and Workman - no) (123 - 25 - 1)

HB 2363

HB 2425

HB 2492 (Aycock, Harless, and V. Taylor - no) (145 - 3 - 1)

HB 2595

HB 2702

HB 2960 (V. Taylor - no) (147 - 1 - 1)

HB 2982

HB 2994 (C. Anderson, Aycock, Beck, Berman, Bohac, Brown, Chisum, Flynn, Huberty, Kleinschmidt, Laubenberg, Lavender, Madden, Patrick, Paxton, Perry, Phillips, Sheffield, Simpson, V. Taylor, Weber, and White - no) (126-22-1)

HB 2996 (C. Anderson, Aycock, Beck, Berman, Bohac, Brown, Cain, Carter, Chisum, Craddick, Darby, S. Davis, Flynn, Frullo, Hamilton, Harless, Huberty, Kleinschmidt, Kuempel, Landtroop, Laubenberg, Lavender, Legler, Madden, Parker, Patrick, Paxton, Perry, Phillips, Schwertner, Sheets, Sheffield, Shelton, Simpson, V. Taylor, Weber, White, Workman, and Zedler - no) (109 - 39 - 1)

HB 2997 (C. Anderson, Aycock, Beck, Berman, Bohac, Brown, Cain, Carter, Chisum, Craddick, Darby, S. Davis, Flynn, Frullo, Hamilton, Harless, Huberty, Kleinschmidt, Kuempel, Landtroop, Laubenberg, Lavender, Legler, Madden, Parker, Patrick, Paxton, Perry, Phillips, Schwertner, Sheets, Sheffield, Shelton, Simpson, V. Taylor, Weber, White, Workman, and Zedler - no) (109-39-1)

HB 3079 (Garza and Simpson - no) (146 - 2 - 1)

HB 3111 (C. Anderson, Berman, and Flynn - no) (145 - 3 - 1)

HB 3125 (Beck and Harless - no) (146 - 2 - 1)

HB 3152

HB 3216

HB 3283

HB 3369 (White - no) (147 - 1 - 1)

HB 3387 (Aycock, Craddick, Darby, Frullo, Hamilton, Kuempel, Legler, Parker, Paxton, Shelton, and V. Taylor - no) (137 - 11 - 1)

HB 3399 (Huberty - present, not voting) (147 - 0 - 2)

HB 3475 (Frullo, Garza, Hamilton, Kuempel, Parker, Shelton, and Zedler - no) (141 - 7 - 1)

HB 3595 (White - no) (147 - 1 - 1)

HB 3723 (C. Anderson, Berman, Burkett, Cain, Chisum, Craddick, Flynn, Frullo, Garza, Hamilton, Huberty, Kuempel, Landtroop, Laubenberg, Legler, Parker, Paxton, Perry, Phillips, Price, Schwertner, Sheets, Shelton, V. Taylor, White, Workman, and Zedler - no) (121 - 27 - 1)

HB 3730 (R. Anderson, Garza, Laubenberg, Perry, Sheets, Simpson, White, and Zedler - no) (140 - 8 - 1)

HB 3797

The following resolutions which were laid out on the previous legislative day on the local, consent, and resolutions calendar were adopted by the above referenced vote (Record 950): 148 Yeas, 0 Nays, 1 Present, not voting (members registering votes and the results of the vote are shown following bill number).

HR 1483

REGULAR ORDER OF BUSINESS SUSPENDED

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

(Marquez in the chair)

GENERAL STATE CALENDAR

SENATE BILLS THIRD READING

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

SB 1125 ON THIRD READING
(Anchia - House Sponsor)

SB 1125, A bill to be entitled An Act relating to energy efficiency goals and programs, public information regarding energy efficiency programs, and the participation of loads in certain energy markets.

SB 1125 was passed by (Record 951): 99 Yeas, 34 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Aycock; Bohac; Branch; Brown; Burkett; Burnam; Callegari; Carter; Castro; Chisum; Christian; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Eissler; Farias; Farrar; Frullo; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hardcastle; Harless; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Landtroop; Larson; Lavender; Legler; Lewis; Lozano; Lucio; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Morrison; Muñoz; Murphy; Naishtat; Oliveira; Orr; Otto; Patrick; Peña; Perry; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Scott; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Strama; Thompson; Torres; Turner; Veasey; Villarreal; Vo; Walle; Woolley; Workman.

Nays — Anderson, C.; Beck; Berman; Button; Cain; Cook; Craddick; Creighton; Fletcher; Flynn; Gooden; Hamilton; Hancock; Harper-Brown; Hughes; Hunter; Kolkhorst; Kuempel; Laubenberg; Lyne; Miller, D.; Miller, S.; Parker; Paxton; Phillips; Price; Riddle; Schwertner; Simpson; Solomons; Taylor, V.; Weber; White; Zedler.

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

Absent, Excused, Committee Meeting — Zerwas.

Absent — Aliseda; Anderson, R.; Bonnen; Coleman; Crownover; Driver; Elkins; Garza; Hartnett; Huberty; Nash; Sheets; Taylor, L.; Truitt.

STATEMENTS OF VOTE

When Record No. 951 was taken, I was in the house but away from my desk. I would have voted yes.

Aliseda

When Record No. 951 was taken, I was in the house but away from my desk. I would have voted no.

R. Anderson

I was shown voting yes on Record No. 951. I intended to vote no.

Callegari

When Record No. 951 was taken, I was in the house but away from my desk. I would have voted yes.

Crownover

I was shown voting yes on Record No. 951. I intended to vote no.

Harless

When Record No. 951 was taken, I was in the house but away from my desk. I would have voted yes.

Huberty

I was shown voting yes on Record No. 951. I intended to vote no.

Larson

I was shown voting yes on Record No. 951. I intended to vote no.

Margo

When Record No. 951 was taken, I was in the house but away from my desk. I would have voted no.

Nash

When Record No. 951 was taken, my vote failed to register. I would have voted yes.

Sheets

When Record No. 951 was taken, I was in the house but away from my desk. I would have voted yes.

L. Taylor

When Record No. 951 was taken, my vote failed to register. I would have voted no.

Truitt

I was shown voting no on Record No. 951. I intended to vote yes.

Weber

SB 551 ON THIRD READING

(Otto - House Sponsor)

SB 551, A bill to be entitled An Act relating to liability for interest on ad valorem taxes on improvements that escaped taxation in a previous year.

SB 551 was passed by (Record 952): 134 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Carter; Chisum; Christian; Cook; Craddick; Creighton; Darby; Davis, J.; Davis, S.; Davis, Y.; Driver; Dukes; Dutton; Eiland; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; 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; Madden; Mallory Caraway; Margo; 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; Strama; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler.

Nays — Castro.

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

Absent, Excused, Committee Meeting — Zerwas.

Absent — Aliseda; Anderson, R.; Callegari; Coleman; Crownover; Deshotel; Eissler; Garza; Gonzalez; Lyne; Solomons; Taylor, L.

STATEMENT OF VOTE

When Record No. 952 was taken, I was in the house but away from my desk. I would have voted yes.

Callegari

SB 1505 ON THIRD READING (Lewis - House Sponsor)

SB 1505, A bill to be entitled An Act relating to the appraisal for ad valorem tax purposes of a real property interest in oil or gas in place.

SB 1505 was passed by (Record 953): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Geren; Giddings; Gonzales, 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; Madden; Mallory Caraway; Margo; 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.

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

Absent, Excused, Committee Meeting — Zerwas.

Absent — Aliseda; Anderson, C.; Garza; Gonzales, L.; Lyne.

STATEMENT OF VOTE

When Record No. 953 was taken, I was in the house but away from my desk. I would have voted yes.

C. Anderson

MAJOR STATE CALENDAR HOUSE BILLS THIRD READING

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

HB 272 ON THIRD READING (by Smithee, Chisum, Hancock, Margo, Sheets, et al.)

HB 272, A bill to be entitled An Act relating to the operation of the Texas Windstorm Insurance Association and to the resolution of certain disputes concerning claims made to that association; providing penalties.

Representative Smithee moved to postpone consideration of **HB 272** until 1 p.m. today.

The motion prevailed.

HB 3647 ON THIRD READING (by Turner)

HB 3647, A bill to be entitled An Act relating to directing payment, after approval, of certain miscellaneous claims and judgments against the state out of funds designated by this Act; making appropriations.

HB 3647 was passed by (Record 954): 146 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; 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; 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.

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

Absent, Excused, Committee Meeting — Zerwas.

Absent — Coleman.

The chair stated that **HB 3647** was passed subject to the provisions of Article III, Section 49a of the Texas Constitution.

HB 13 ON THIRD READING

(by Kolkhorst, S. King, Truitt, and Zerwas)

HB 13, A bill to be entitled An Act relating to the Medicaid program and alternate methods of providing health services to low-income persons in this state.

HB 13 was passed by (Record 955): 112 Yeas, 28 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, S.; Davis, Y.; Deshotel; Driver; Dutton; Eiland; Eissler; Elkins; Fletcher; Flynn; Frullo; Gallego; Garza; Giddings; Gonzales, L.; Gonzalez; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hochberg; 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; Martinez; Miles; Miller, D.; Miller, S.; 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; Strama; Taylor, L.; Taylor, V.; Truitt; Villarreal; Vo; Weber; White; Woolley; Workman; Zedler.

Nays — Burnam; Castro; Coleman; Dukes; Farias; Farrar; Gonzales, V.; Guillen; Gutierrez; Hernandez Luna; Howard, D.; Johnson; Lozano; Lucio; Mallory Caraway; Martinez Fischer; McClendon; Menendez; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Thompson; Walle.

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

Absent, Excused, Committee Meeting — Zerwas.

Absent — Davis, J.; Geren; Hilderbran; Hopson; Torres; Turner; Veasey.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 955. I intended to vote no.

Gallego

When Record No. 955 was taken, I was in the house but away from my desk. I would have voted yes.

Geren

I was shown voting yes on Record No. 955. I intended to vote no.

Martinez

When Record No. 955 was taken, I was in the house but away from my desk. I would have voted yes.

Torres

HB 1951 ON THIRD READING

(by L. Taylor)

HB 1951, A bill to be entitled An Act relating to the continuation and operation of the Texas Department of Insurance and the operation of certain insurance programs; imposing administrative penalties.

Representative L. Taylor moved to postpone consideration of **HB 1951** until 5 p.m. today.

The motion prevailed.

GENERAL STATE CALENDAR

HOUSE BILLS

THIRD READING

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

HB 1359 ON THIRD READING

(by Veasey)

HB 1359, A bill to be entitled An Act relating to authorization for a caregiver who is a relative to enroll a child in school.

HB 1359 was passed by (Record 956): 141 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; 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; 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; 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;

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; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler.

Nays — Riddle.

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

Absent, Excused, Committee Meeting — Zerwas.

Absent — Allen; Coleman; Gallego; Isaac; Turner.

STATEMENT OF VOTE

When Record No. 956 was taken, I was in the house but away from my desk. I would have voted yes.

Gallego

HB 2746 ON THIRD READING (by Martinez Fischer)

HB 2746, A bill to be entitled An Act relating to liability for the additional tax imposed on land appraised for ad valorem tax purposes as qualified open-space land in the event of a change of use of the land if the land is transferred to a charitable organization for purposes of building housing for sale without profit to a low-income individual or family.

HB 2746 was passed by (Record 957): 118 Yeas, 22 Nays, 2 Present, not voting.

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

Nays — Anderson, C.; Beck; Brown; Button; Cain; Carter; Creighton; Davis, S.; Fletcher; Harper-Brown; Hartnett; Hughes; Landtroop; Miller, S.; Patrick; Perry; Phillips; Riddle; Schwertner; Sheffield; Weber; White.

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

Absent, Excused, Committee Meeting — Zerwas.

Absent — Coleman; Dutton; Farias; Garza; Smith, W.; Veasey; Walle.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 957. I intended to vote no.

Harless

I was shown voting yes on Record No. 957. I intended to vote no.

Paxton

HB 2194 ON THIRD READING

(by L. Taylor)

HB 2194, A bill to be entitled An Act relating to the conduct and administration of elections.

HB 2194 was passed by (Record 958): 134 Yeas, 7 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; 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; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; 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; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Torres; Truitt; Veasey; Villarreal; Vo; Weber; White; Woolley; Zedler.

Nays — Alonzo; Castro; Davis, Y.; Johnson; Quintanilla; Reynolds; Thompson.

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

Absent, Excused, Committee Meeting — Zerwas.

Absent — Coleman; Farias; Giddings; Turner; Walle; Workman.

HB 2190 ON THIRD READING

(by Elkins)

HB 2190, A bill to be entitled An Act relating to the deadline by which provisional ballots must be processed for certain elections.

HB 2190 was passed by (Record 959): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alvarado; Anchia; Anderson, C.; Aycock; Beck; Berman; Bohac; Bonnen; 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; 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; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; 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; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler.

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

Absent, Excused, Committee Meeting — Zerwas.

Absent — Anderson, R.; Coleman; Legler; Quintanilla; Turner.

STATEMENT OF VOTE

When Record No. 959 was taken, I was in the house but away from my desk. I would have voted yes.

R. Anderson

HB 2359 ON THIRD READING (by Hopson)

HB 2359, A bill to be entitled An Act relating to direct campaign expenditures.

HB 2359 was passed by (Record 960): 130 Yeas, 14 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hochberg; 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; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Raymond; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Thompson; Torres; Truitt; Veasey; Villarreal; Walle; Weber; White; Woolley; Workman; Zedler.

Nays — Alonzo; Burnam; Castro; Dutton; Gonzales, V.; Hernandez Luna; Howard, D.; Johnson; Mallory Caraway; Naishtat; Quintanilla; Reynolds; Taylor, V.; Vo.

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

Absent, Excused, Committee Meeting — Zerwas.

Absent — Davis, S.; Lucio; Turner.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 960. I intended to vote no.

L. Gonzales

When Record No. 960 was taken, I was in the house but away from my desk. I would have voted no.

Lucio

HB 1766 ON THIRD READING

(by **Crownover, Truitt, Zerwas, Anchia, L. Taylor, et al.**)

HB 1766, A bill to be entitled An Act relating to the creation of a voluntary consumer-directed health plan for certain individuals eligible to participate in the insurance coverage provided under the Texas Employees Group Benefits Act and their qualified dependents.

Representative Crownover moved to postpone consideration of **HB 1766** until 1 p.m. today.

The motion prevailed.

HB 2707 ON THIRD READING

(by **Burnam, Quintanilla, Gutierrez, and Menendez**)

HB 2707, A bill to be entitled An Act relating to the holding of an interest in certain alcoholic beverage licenses, permits, or premises by certain persons whose alcoholic beverage license or permit has been revoked.

HB 2707 was passed by (Record 961): 121 Yeas, 24 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Aycock; Beck; Berman; Bonnen; Branch; Burkett; Burnam; Callegari; Castro; Chisum; Christian; Coleman; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; 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; Hunter; Isaac; Jackson; Johnson; Keffer; King, S.; King, T.; Kleinschmidt; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Lewis; Lozano; Lucio; Lyne; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Schwertner; Scott; Sheets; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; Woolley.

Nays — Anderson, C.; Anderson, R.; Bohac; Brown; Button; Cain; Cook; Craddick; Creighton; Fletcher; Flynn; Hughes; King, P.; Kolkhorst; Legler; Madden; Morrison; Patrick; Paxton; Riddle; Sheffield; White; Workman; Zedler.

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

Absent, Excused, Committee Meeting — Zerwas.

Absent — Carter; Deshotel.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 961. I intended to vote no.

D. Miller

I was shown voting yes on Record No. 961. I intended to vote no.

Nash

I was shown voting yes on Record No. 961. I intended to vote no.

Parker

I was shown voting yes on Record No. 961. I intended to vote no.

Weber

HB 1228 ON THIRD READING

(by Dutton)

HB 1228, A bill to be entitled An Act relating to foreclosure of a property owners' association assessment lien.

HB 1228 was passed by (Record 962): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Bohac; Bonnen; Branch; Brown; Burckett; Burnam; Cain; Callegari; 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, 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; 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.

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

Absent, Excused, Committee Meeting — Zerwas.

Absent — Allen; Berman; Button; Carter; Gonzales, L.

STATEMENTS OF VOTE

When Record No. 962 was taken, I was in the house but away from my desk. I would have voted no.

Carter

I was shown voting yes on Record No. 962. I intended to vote no.

Creighton

When Record No. 962 was taken, my vote failed to register. I would have voted yes.

L. Gonzales

I was shown voting yes on Record No. 962. I intended to vote no.

Sheffield

HB 3001 ON THIRD READING

(by Thompson, et al.)

HB 3001, A bill to be entitled An Act relating to the electronic monitoring of certain high-risk sex offenders; providing a penalty.

HB 3001 was passed by (Record 963): 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; 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; 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.

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

Absent, Excused, Committee Meeting — Zerwas.

HB 1355 ON THIRD READING
(by Orr, Smithee, and Vo)

HB 1355, A bill to be entitled An Act relating to title insurance coverage for minerals and surface damage resulting from mineral extraction and development.

Representative Orr moved to postpone consideration of **HB 1355** until 2 p.m. today.

The motion prevailed.

HB 2510 ON THIRD READING
(by Lavender, Beck, Burkett, Hughes, et al.)

HB 2510, A bill to be entitled An Act relating to exempting the intrastate manufacture of certain incandescent light bulbs from federal regulation.

HB 2510 was passed by (Record 964): 142 Yeas, 3 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; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; 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.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; 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; Vo; Walle; Weber; White; Woolley; Workman; Zedler.

Nays — Castro; Howard, D.; Villarreal.

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

Absent, Excused, Committee Meeting — Zerwas.

Absent — Dutton; King, S.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 964. I intended to vote no.

Anchia

I was shown voting yes on Record No. 964. I intended to vote no.

Strama

HR 1843 - ADOPTED (by Solomons)

Representative Solomons moved to suspend all necessary rules to take up and consider at this time **HR 1843**.

The motion prevailed.

The following resolution was laid before the house:

HR 1843, Honoring Harmony School of Innovation in Carrollton.

HR 1843 was adopted.

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. 2.)

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Higher Education, during lunch recess today, Desk 94, for a formal meeting, to consider **SB 5**.

Business and Industry, during lunch recess today, Desk 47, for a formal meeting, to consider **SB 767**, **SB 1212**, **SB 1368**, and pending business.

RECESS

At 12:09 p.m., the chair announced that the house would stand recessed until 1:15 p.m. today.

AFTERNOON SESSION

The house met at 1:15 p.m. and was called to order by Representative Bonnen.

POSTPONED BUSINESS

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

HB 272 ON THIRD READING

(by Smithee, Chisum, Hancock, Margo, Sheets, et al.)

HB 272, A bill to be entitled An Act relating to the operation of the Texas Windstorm Insurance Association and to the resolution of certain disputes concerning claims made to that association; providing penalties.

HB 272 was read third time earlier today and was postponed until this time.

Amendment No. 1

Representative Smithee offered the following amendment to **HB 272**:

Amend **HB 272** on third reading, in Section 2210.573(e), Insurance Code, as added by the bill, by striking "If a claimant fails to submit information necessary for the association to determine whether to pay a claim or any portion of a claim or to deny payment of a claim or any portion of a claim, the association may request in writing the necessary information from the claimant." and substituting "If a claimant fails to submit information necessary for the association to determine whether to pay a claim or any portion of a claim or to deny payment of a claim or any portion of a claim, the association shall, not later than the 15th day after the date the association receives notice of the claim, request in writing any necessary information from the claimant. For good cause, the association may make a request for additional information under this subsection not later than the 30th day after the date the association receives notice a claim."

Amendment No. 1 was adopted.

Amendment No. 2

Representative Smithee offered the following amendment to **HB 272**:

Amend **HB 272** on third reading, in Section 2210.577, Insurance Code, as added by the bill by adding the following new Subsection (c-1) and (g):

(c-1) The commissioner shall adopt rules regarding notice of panel meetings and the transparency of deliberations of the technical panel.

(g) A member of the technical panel is not individually liable for an act or failure to act in the performance of the official duties in connection with the individual's work on the panel.

Amendment No. 2 was adopted.

Amendment No. 3

Representative Smithee offered the following amendment to **HB 272**:

Amend **HB 272** on third reading as follows:

(1) In the heading to Section 2210.012, Insurance Code, as added by the bill, between "EMPLOYEES" and the underlined period, insert "; REPORT OF CERTAIN FRAUDULENT CONDUCT".

(2) In Section 2210.012(a), Insurance Code, as added by the bill and amended on second reading by Amendment No. 20 by Walle, strike:

"Any board member, employee or member of the Windstorm Legislative Oversight Committee who reasonably suspects that a fraudulent insurance act has been or is about to be committed by any board member, employee or member of the Windstorm Legislative Oversight Committee, not later than the 30th day after discovering the conduct, shall report the conduct and identity of the person engaging in the conduct to the Travis County District Attorney and the Texas Department of insurance."

(3) In Section 2210.012, Insurance Code, as added by the bill, add the following new Subsection (d):

(d) A board member, employee of the association, or member of the windstorm insurance legislative oversight board established under Subchapter N, who reasonably suspects that a fraudulent insurance act has been or is about to be committed by any board member, employee of the association, or member of the windstorm insurance legislative oversight board established under Subchapter N, shall, not later than the 30th day after discovering the conduct, report the conduct and identity of the person engaging in the conduct to the Travis County District Attorney or the department.

Amendment No. 3 was adopted.

HB 272, as amended, was passed by (Record 965): 103 Yeas, 38 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gonzalez; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Marquez; Miles; 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; Strama; Taylor, L.; Taylor, V.; Truitt; Weber; White; Woolley; Workman; Zedler.

Nays — Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Gonzales, V.; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; Lozano; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McClendon; Menendez; Muñoz; Naishtat; Oliveira; Quintanilla; Raymond; Reynolds; Rodriguez; Thompson; Veasey; Vo; Walle.

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

Absent, Excused, Committee Meeting — Zerwas.

Absent — Deshotel; Giddings; Kleinschmidt; Torres; Turner; Villarreal.

STATEMENTS OF VOTE

When Record No. 965 was taken, I was in the house but away from my desk. I would have voted no.

Deshotel

When Record No. 965 was taken, my vote failed to register. I would have voted yes.

Kleinschmidt

I was shown voting no on Record No. 965. I intended to vote yes.

Lucio

I was shown voting yes on Record No. 965. I intended to vote present, not voting.

Miles

When Record No. 965 was taken, I was temporarily out of the house chamber. I would have voted yes.

Torres

When Record No. 965 was taken, I was in the house but away from my desk. I would have voted yes.

Villarreal

HB 1766 ON THIRD READING

(by Crossover, Truitt, Zerwas, Anchia, L. Taylor, et al.)

HB 1766, A bill to be entitled An Act relating to the creation of a voluntary consumer-directed health plan for certain individuals eligible to participate in the insurance coverage provided under the Texas Employees Group Benefits Act and their qualified dependents.

HB 1766 was read third time earlier today and was postponed until this time.

Amendment No. 1

On behalf of Representative Crossover, Representative L. Taylor offered the following amendment to **HB 1766**:

Amend **HB 1766** by inserting the following appropriately numbered SECTION and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. It is the intent of the legislature that in implementing an optional consumer-directed health plan, the Employees Retirement System of Texas shall not divide the self-funded risk pool of the state employees group benefits program provided under Chapter 1551, Insurance Code.

Amendment No. 1 was adopted.

HB 1766, as amended, was passed by (Record 966): 115 Yeas, 25 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Deshotel; Driver; Eiland; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Giddings; Gonzales, L.; Gonzalez; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hochberg; 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; Marquez; McClendon; Miles; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Truitt; Turner; Weber; White; Woolley; Workman; Zedler.

Nays — Alonzo; Burnam; Castro; Davis, Y.; Dukes; Dutton; Farrar; Gallego; Gonzales, V.; Gutierrez; Howard, D.; Johnson; Lozano; Mallory Caraway; Martinez; Martinez Fischer; Menendez; Muñoz; Naishtat; Oliveira; Quintanilla; Raymond; Reynolds; Veasey; Vo.

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

Absent, Excused, Committee Meeting — Zerwas.

Absent — Coleman; Farias; Hernandez Luna; Lucio; Torres; Villarreal; Walle.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 966. I intended to vote no.

Alvarado

I was shown voting yes on Record No. 966. I intended to vote no.

Rodriguez

I was shown voting yes on Record No. 966. I intended to vote no.

Thompson

When Record No. 966 was taken, I was temporarily out of the house chamber. I would have voted yes.

Torres

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. 26).

COMMITTEE GRANTED PERMISSION TO MEET

Representative Deshotel requested permission for the Committee on Business and Industry to meet while the house is in session, at 2:40 p.m. today, in 3W.15, to consider **SB 142**, **SB 767**, and **SB 1368**.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Business and Industry, 2:40 p.m. today, 3W.15, for a formal meeting, to consider **SB 142**, **SB 767**, and **SB 1368**.

HB 3055 ON SECOND READING

(by Peña, Garza, Aliseda, Torres, and Margo)

HB 3055, A bill to be entitled An Act relating to the penalty for providing false information on an application for a ballot to be voted by mail.

HB 3055 was read second time on May 10 and was postponed until 9 p.m. May 10.

Representative Peña moved to postpone consideration of **HB 3055** until 5 p.m. today.

The motion prevailed.

HB 2589 ON SECOND READING

(by Peña)

HB 2589, A bill to be entitled An Act relating to the delivery of a voter registration application to the registrar by a volunteer deputy registrar; providing a criminal penalty.

HB 2589 was read second time on May 10 and was postponed until 9:15 p.m. May 10.

Amendment No. 1

Representative Peña offered the following amendment to **HB 2589**:

Amend **HB 2589** by adding the following appropriately numbered SECTION to the bill and renumbering remaining SECTIONS of the bill accordingly:

SECTION _____. Section 13.038, Election Code, is amended to read as follows:

Sec. 13.038. POWERS GENERALLY; OFFENSE. (a) A volunteer deputy registrar may distribute voter registration application forms throughout the county and receive registration applications submitted to the deputy in person.

(b) A volunteer deputy registrar commits an offense if the volunteer deputy distributes a voter registration application form to a person the volunteer deputy knows is ineligible to register to vote under Section 13.001. An offense under this subsection is a state jail felony.

Amendment No. 1 was adopted.

HB 2589, as amended, was passed to engrossment.

CSHJR 109 ON SECOND READING**(by Orr, Aycock, Hochberg, Pitts, Otto, et al.)**

CSHJR 109, A joint resolution proposing a constitutional amendment to clarify references to the permanent school fund and to allow the legislature by general law to direct the General Land Office to distribute revenue derived from permanent school fund land or properties to the available school fund.

CSHJR 109 was read second time on May 10 and was postponed until 9:30 p.m. May 10.

Amendment No. 1

Representative Orr offered the following amendment to **CSHJR 109**:

Amend **CSHJR 109** (house committee printing) as follows:

(1) On page 2, lines 24-25, strike "the legislature by general law may direct".

(2) On page 2, line 27, strike "to distribute" and substitute "may in its sole discretion distribute".

(3) On page 3, line 1, strike "not more than 50 percent of the net" and substitute "any or all".

(4) On page 3, lines 7 and 8, strike "the legislature by general law to direct".

(5) On page 3, line 10, between "fund" and the period, insert "to provide additional funding for public education".

AMENDMENT NO. 1 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE BRANCH: Mr. Orr, I share your interest in having more funding for public education, as I saw the broad bipartisan support of your joint authors. But, I did get a message from one of my constituents—a very thoughtful individual, and I just wanted to read to you one of his questions and see if you could help me with it.

REPRESENTATIVE ORR: Sure, I'd be glad to.

BRANCH: He says, "Any action by the State of Texas to diminish the value of this guarantee would not be in the best interest of the public school system, nor would it represent fair treatment to the investors who have loaned money to various school districts based on this guarantee." What's your reaction to that?

ORR: The answer to that is that the Land Office on the PSF fund—this does not touch the corpus whatsoever, and so, it will not devalue the fund whatsoever in what I'm doing here.

BRANCH: So, you're saying it doesn't affect the guarantee.

ORR: Absolutely not.

REMARKS ORDERED PRINTED

Representative Branch moved to print remarks between Representative Orr and Representative Branch.

The motion prevailed.

REPRESENTATIVE WEBER: Rob, is this what you and I talked about? Jerry Patterson and I had a discussion about it, if you think back a couple of weeks, and I think I asked you—had you talked to him about it?

ORR: Yes, sir. We've had many conversations.

WEBER: Touché. Are you aware, or do you know—has Commissioner Patterson been able to stay ahead of the schedule in making payments on the permanent school fund? Is that what you're addressing? Is he behind? Is he up to date? Where is he in that schedule?

ORR: Well, he really doesn't have a schedule. The way the current law now is, he can make as much or as little deposit to the State Board of Education now. He doesn't even have to do a payout. The last several years he has done about \$100 million a year. This session, in negotiations on this, he is committed to what he is already committed to with this—somewhere close to \$800 million—and so, he's not behind or ahead. He is doing the right thing. We've worked hard to put together this agreement, to be sure to protect the permanent school fund.

WEBER: Okay, well, that confuses me a little bit. He's been putting about \$100 million a year, but this time he's put \$800 million a year, is that what you said?

ORR: He is committed. He did the \$100 million and then after that, through the process, he committed another \$150 million per year, another \$300 million, and then he just—doing this, he committed \$300 million for the next biennium.

WEBER: Okay. And so, this doesn't limit the amount he puts in by any stretch of the imagination, is that correct?

ORR: No, it does not limit the amount he puts in whatsoever.

WEBER: Okay, and he's free, and able to put in—does it give him a floor or a minimum he can put in?

ORR: No, it does not.

WEBER: Okay.

ORR: It's at the direction of the General Land Office.

(Zerwas now present)

REMARKS ORDERED PRINTED

Representative Weber moved to print remarks between Representative Orr and Representative Weber.

The motion prevailed.

(Harper-Brown in the chair)

Amendment No. 1 was adopted.

CSHJR 109, as amended, was adopted by (Record 967): 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; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; 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; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Harper-Brown(C).

Absent — Torres.

STATEMENT OF VOTE

When Record No. 967 was taken, I was temporarily out of the house chamber. I would have voted yes.

Torres

CSHB 804 ON SECOND READING (by Lewis, Aliseda, Branch, Harless, et al.)

CSHB 804, A bill to be entitled An Act relating to the offense of illegal voting by a person who is not a United States citizen.

CSHB 804 was read second time on May 10 and was postponed until 9:30 p.m. May 10.

Representative Lewis moved to postpone consideration of **CSHB 804** until 5 p.m. today.

The motion prevailed.

LEAVE OF ABSENCE GRANTED

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

Gutierrez on motion of Burnam.

CSHB 628 ON SECOND READING**(by Callegari)**

CSHB 628, A bill to be entitled An Act relating to contracts by governmental entities and related professional services and to public works performance and payment bonds.

CSHB 628 was read second time on May 10 and was postponed until 9:30 p.m. May 10.

Amendment No. 1

Representative Callegari offered the following amendment to **CSHB 628**:

Amend **CSHB 628** (house committee report) as follows:

(1) On page 3, line 11, between "attorney," and "engineer," insert "certified public accountant,";

(2) Strike SECTION 2.06 of the bill and renumber the subsequent sections accordingly;

(3) On page 10, line 7, strike "AND QUASI-GOVERNMENTAL ENTITIES";

(4) On page 10, line 9, strike "or quasi-governmental entity";

(5) On page 11, line 18, between "services" and "that", insert ", or to procurement of construction services pursuant to Section 49.273, Water Code,";

(6) In SECTION 2.09 of the bill (page 13, line 2), insert the following:
Sec. 2267.009. EXEMPTION: COUNTY TOLL AUTHORITIES. This chapter does not apply to a project of a county under Chapter 284, Transportation Code, unless the county adopts an order electing to be governed by this chapter for a project to be developed by the county under Chapter 284.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Callegari offered the following amendment to **CSHB 628**:

Amend **CSHB 628** (house committee report) as follows:

SECTION _____. Section 44.031(b), Education Code, is amended to read as follows:

(b) Except as provided by this subchapter, in determining to whom to award a contract, the district shall consider:

(1) the purchase price;

(2) the reputation of the vendor and of the vendor's goods or services;

(3) the quality of the vendor's goods or services;

(4) the extent to which the goods or services meet the district's needs;

(5) the vendor's past relationship with the district;

(6) the impact on the ability of the district to comply with laws and rules relating to historically underutilized businesses;

(7) the total long-term cost to the district to acquire the vendor's goods or services; [~~and~~]

(8) for a contract for goods and services, other than goods and services related to telecommunications and information services or building construction and maintenance, whether the vendor or the vendor's ultimate parent company or majority owner:

(A) has its principal place of business in this state; or

(B) employs at least 500 persons in this state; and

(9) any other relevant factor specifically listed in the request for bids or proposals.

AMENDMENT NO. 2 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE BURNAM: Would you please explain the amendment in the portion that strikes a quasi-governmental entity in two sections of the bill on page 10?

REPRESENTATIVE CALLEGARI: Yes, let me just pull it up so I can read it. The bill originally, in Section 2267.002, related to the applicability of chapter to governmental entities and quasi-governmental entities, it removes the words "and quasi-governmental entities," and then two lines later it refers to a public work contract made by governmental entity or quasi-governmental entity, and it strikes the words "quasi-governmental entity" again.

BURNAM: And, it's your belief and my belief then this addresses the concerns my city had about the bill?

CALLEGARI: It's my understanding, yes.

Amendment No. 2 was adopted.

REMARKS ORDERED PRINTED

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

The motion prevailed.

Amendment No. 3

Representative Giddings offered the following amendment to **CSHB 628**:

Amend **CSHB 628** (house committee printing), on page 19, line 4, by striking "seventh" and substituting "tenth business".

Amendment No. 3 was adopted.

Amendment No. 4

Representatives Y. Davis and Huberty offered the following amendment to **CSHB 628**:

Amend **CSHB 628** (house committee report) by inserting the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter G, Chapter 2166, Government Code, is amended by adding Section 2166.3031 to read as follows:

Sec. 2166.3031. UNIFORM PURCHASING CONDITION. (a) Except as provided by Subsection (b), the uniform general conditions for a construction project in which iron, steel, or manufactured goods will be used must require that the bid documents provided to all bidders and the contract include a requirement that the iron, steel, and manufactured goods used in the project be produced in the United States.

(b) Subsection (a) does not apply to a project for which the governmental entity responsible for the project determines that:

(1) iron, steel, or specific manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

(2) inclusion of iron, steel, or specific manufactured goods produced in the United States will increase the total cost of the iron, steel, or specific manufactured goods for the project by more than 15 percent.

(c) This section applies to a project otherwise exempted from the application of this chapter by Sections 2166.003 and 2166.004.

SECTION _____. Section 2166.3031, Government Code, as added by this Act, applies only to bid documents submitted or contracts entered into on or after the effective date of this Act.

Amendment No. 4 was withdrawn.

Amendment No. 5

Representative Solomons offered the following amendment to **CSHB 628**:

Amend **CSHB 628** on page 13, line 2 (house committee printing) by adding Section 2267.009 as follows:

"Sec. 2267.009. EXEMPTION: COORDINATED COUNTY TRANSPORTATION AUTHORITY. This chapter does not apply to a coordinated county transportation authority under Chapter 460, Transportation Code."

Amendment No. 5 was adopted.

CSHB 628, as amended, was passed to engrossment.

CSHB 1205 ON SECOND READING

(by Turner, Allen, Aliseda, Rodriguez, and Gallego)

CSHB 1205, A bill to be entitled An Act relating to the procedures for reducing or terminating community supervision and the establishment of certain time credits through which a defendant's period of community supervision is reduced.

CSHB 1205 was read second time on May 10 and was postponed until 9:45 p.m. May 10.

Amendment No. 1

Representative Carter offered the following amendment to **CSHB 1205**:

Amend **CSHB 1205** (house committee printing) as follows:

(1) On page 3, line 8, strike "or".

- (2) On page 3, at the end of line 10, insert "or".
 (3) On page 3, between lines 10 and 11, insert:
"(D) under Section 20.03 or 28.02, Penal Code;".

Amendment No. 1 was adopted.

CSHB 1205, as amended, was passed to engrossment by (Record 968): 111 Yeas, 35 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Castro; Chisum; Coleman; Cook; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Frullo; Gallego; Garza; Giddings; Gonzales, V.; Gonzalez; Guillen; Hancock; Hardcastle; Harless; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Howard, C.; Howard, D.; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Legler; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Muñoz; Murphy; Naishtat; Nash; Oliveira; Patrick; Peña; Perry; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, W.; Smithee; Strama; Taylor, L.; Thompson; Torres; Turner; Veasey; Villarreal; Vo; Walle; White; Woolley; Zedler.

Nays — Anderson, R.; Bonnen; Callegari; Carter; Christian; Craddick; Creighton; Flynn; Geren; Gonzales, L.; Gooden; Hamilton; Hopson; Huberty; King, P.; King, S.; Landtroop; Laubenberg; Lavender; Lewis; Miller, S.; Morrison; Orr; Otto; Parker; Paxton; Phillips; Schwertner; Smith, T.; Solomons; Taylor, V.; Truitt; Weber; Workman; Zerwas.

Present, not voting — Mr. Speaker; Harper-Brown(C).

Absent, Excused — Gutierrez.

Absent — Larson.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 968. I intended to vote no.

C. Anderson

I was shown voting yes on Record No. 968. I intended to vote no.

Beck

I was shown voting no on Record No. 968. I intended to vote yes.

Callegari

I was shown voting yes on Record No. 968. I intended to vote no.

Harless

I was shown voting yes on Record No. 968. I intended to vote no.

Kolkhorst

SB 602 ON SECOND READING
(Marquez - House Sponsor)

SB 602, A bill to be entitled An Act relating to allowing a governmental body to redact certain personal information under the public information law without the necessity of requesting a decision from the attorney general and the calculation of certain deadlines under the public information law.

SB 602 was considered in lieu of **CSHB 1671**.

SB 602 was read second time.

Amendment No. 1

Representative Fletcher offered the following amendment to **SB 602**:

Amend **SB 602** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION _____. Subchapter C, Chapter 552, Government Code, is amended by adding Section 552.1305 to read as follows:

Sec. 552.1305. EXCEPTION: CERTAIN PERSONAL INFORMATION FROM TRAFFIC VIOLATION RECORDS. Information contained in a citation issued for a violation of a state traffic law or local traffic ordinance is excepted from the requirements of Section 552.021 if the information is the home address or personal telephone number of the person who is the subject of a citation.

Amendment No. 1 was adopted.

Amendment No. 2

Representative S. Davis offered the following amendment to **SB 602**:

Amend **SB 602** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 51.217, Education Code, is amended by adding Subsection (g) to read as follows:

(g) The personal information of an individual maintained in an institution's emergency notification system is confidential and is not subject to disclosure under Chapter 552, Government Code. In this subsection, "personal information" includes an e-mail address or telephone number maintained in order to notify an individual of an emergency.

Amendment No. 2 was adopted.

Amendment No. 3

Representative Solomons offered the following amendment to **SB 602**:

Amend **SB 602** (house committee report) as follows:

(1) On page 1, between lines 6 and 7, insert the following:

SECTION 1. The heading to Section 552.130, Government Code, is amended to read as follows:

Sec. 552.130. EXCEPTION: CONFIDENTIALITY OF CERTAIN MOTOR VEHICLE RECORDS.

(2) On page 4, line 18, strike "552.263" and substitute "552.022, 552.263,".

(3) Add the following appropriately numbered SECTIONS to the bill:

SECTION _____. Section 552.022, Government Code, is amended to read as follows:

Sec. 552.022. CATEGORIES OF PUBLIC INFORMATION; EXAMPLES.

(a) Without limiting the amount or kind of information that is public information under this chapter, the following categories of information are public information and not excepted from required disclosure unless made confidential under this chapter or ~~[unless they are expressly confidential under]~~ other law:

(1) a completed report, audit, evaluation, or investigation made of, for, or by a governmental body, except as provided by Section 552.108;

(2) the name, sex, ethnicity, salary, title, and dates of employment of each employee and officer of a governmental body;

(3) information in an account, voucher, or contract relating to the receipt or expenditure of public or other funds by a governmental body;

(4) the name of each official and the final record of voting on all proceedings in a governmental body;

(5) all working papers, research material, and information used to estimate the need for or expenditure of public funds or taxes by a governmental body, on completion of the estimate;

(6) the name, place of business, and the name of the municipality to which local sales and use taxes are credited, if any, for the named person, of a person reporting or paying sales and use taxes under Chapter 151, Tax Code;

(7) a description of an agency's central and field organizations, including:

(A) the established places at which the public may obtain information, submit information or requests, or obtain decisions;

(B) the employees from whom the public may obtain information, submit information or requests, or obtain decisions;

(C) in the case of a uniformed service, the members from whom the public may obtain information, submit information or requests, or obtain decisions; and

(D) the methods by which the public may obtain information, submit information or requests, or obtain decisions;

(8) a statement of the general course and method by which an agency's functions are channeled and determined, including the nature and requirements of all formal and informal policies and procedures;

(9) a rule of procedure, a description of forms available or the places at which forms may be obtained, and instructions relating to the scope and content of all papers, reports, or examinations;

(10) a substantive rule of general applicability adopted or issued by an agency as authorized by law, and a statement of general policy or interpretation of general applicability formulated and adopted by an agency;

(11) each amendment, revision, or repeal of information described by Subdivisions (7)-(10);

(12) final opinions, including concurring and dissenting opinions, and orders issued in the adjudication of cases;

(13) a policy statement or interpretation that has been adopted or issued by an agency;

(14) administrative staff manuals and instructions to staff that affect a member of the public;

(15) information regarded as open to the public under an agency's policies;

(16) information that is in a bill for attorney's fees and that is not privileged under the attorney-client privilege;

(17) information that is also contained in a public court record; and

(18) a settlement agreement to which a governmental body is a party.

(b) A court in this state may not order a governmental body or an officer for public information to withhold from public inspection any category of public information described by Subsection (a) or to not produce the category of public information for inspection or duplication, unless the category of information is [~~expressly made~~] confidential under this chapter or other law.

SECTION _____. The heading to Section 552.102, Government Code, is amended to read as follows:

Sec. 552.102. EXCEPTION: CONFIDENTIALITY OF CERTAIN PERSONNEL INFORMATION.

SECTION _____. The heading to Section 552.109, Government Code, is amended to read as follows:

Sec. 552.109. EXCEPTION: CONFIDENTIALITY OF CERTAIN PRIVATE COMMUNICATIONS OF AN ELECTED OFFICE HOLDER.

SECTION _____. The heading to Section 552.110, Government Code, is amended to read as follows:

Sec. 552.110. EXCEPTION: CONFIDENTIALITY OF TRADE SECRETS; CONFIDENTIALITY OF CERTAIN COMMERCIAL OR FINANCIAL INFORMATION.

SECTION _____. The heading to Section 552.113, Government Code, is amended to read as follows:

Sec. 552.113. EXCEPTION: CONFIDENTIALITY OF GEOLOGICAL OR GEOPHYSICAL INFORMATION.

SECTION _____. The heading to Section 552.114, Government Code, is amended to read as follows:

Sec. 552.114. EXCEPTION: CONFIDENTIALITY OF STUDENT RECORDS.

SECTION _____. The heading to Section 552.115, Government Code, is amended to read as follows:

Sec. 552.115. EXCEPTION: CONFIDENTIALITY OF BIRTH AND DEATH RECORDS.

SECTION _____. The heading to Section 552.117, Government Code, is amended to read as follows:

Sec. 552.117. EXCEPTION: CONFIDENTIALITY OF CERTAIN ADDRESSES, TELEPHONE NUMBERS, SOCIAL SECURITY NUMBERS, AND PERSONAL FAMILY INFORMATION.

SECTION _____. The heading to Section 552.118, Government Code, is amended to read as follows:

Sec. 552.118. EXCEPTION: CONFIDENTIALITY OF OFFICIAL PRESCRIPTION FORM.

SECTION _____. The heading to Section 552.119, Government Code, is amended to read as follows:

Sec. 552.119. EXCEPTION: CONFIDENTIALITY OF CERTAIN PHOTOGRAPHS [PHOTOGRAPH] OF PEACE OFFICERS [OFFICER].

SECTION _____. The heading to Section 552.120, Government Code, is amended to read as follows:

Sec. 552.120. EXCEPTION: CONFIDENTIALITY OF CERTAIN RARE BOOKS AND ORIGINAL MANUSCRIPTS.

SECTION _____. The heading to Section 552.121, Government Code, is amended to read as follows:

Sec. 552.121. EXCEPTION: CONFIDENTIALITY OF CERTAIN DOCUMENTS HELD FOR HISTORICAL RESEARCH.

SECTION _____. The heading to Section 552.123, Government Code, is amended to read as follows:

Sec. 552.123. EXCEPTION: CONFIDENTIALITY OF NAME OF APPLICANT FOR CHIEF EXECUTIVE OFFICER OF INSTITUTION OF HIGHER EDUCATION.

SECTION _____. The heading to Section 552.1235, Government Code, is amended to read as follows:

Sec. 552.1235. EXCEPTION: CONFIDENTIALITY OF IDENTITY OF PRIVATE DONOR TO INSTITUTION OF HIGHER EDUCATION.

SECTION _____. The heading to Section 552.124, Government Code, is amended to read as follows:

Sec. 552.124. EXCEPTION: CONFIDENTIALITY OF RECORDS OF LIBRARY OR LIBRARY SYSTEM.

SECTION _____. The heading to Section 552.126, Government Code, is amended to read as follows:

Sec. 552.126. EXCEPTION: CONFIDENTIALITY OF NAME OF APPLICANT FOR SUPERINTENDENT OF PUBLIC SCHOOL DISTRICT.

SECTION _____. The heading to Section 552.127, Government Code, is amended to read as follows:

Sec. 552.127. EXCEPTION: CONFIDENTIALITY OF PERSONAL INFORMATION RELATING TO PARTICIPANTS IN NEIGHBORHOOD CRIME WATCH ORGANIZATION.

SECTION _____. The heading to Section 552.128, Government Code, is amended to read as follows:

Sec. 552.128. EXCEPTION: CONFIDENTIALITY OF CERTAIN INFORMATION SUBMITTED BY POTENTIAL VENDOR OR CONTRACTOR.

SECTION _____. The heading to Section 552.129, Government Code, is amended to read as follows:

Sec. 552.129. CONFIDENTIALITY OF CERTAIN MOTOR VEHICLE INSPECTION INFORMATION.

SECTION _____. The heading to Section 552.131, Government Code, is amended to read as follows:

Sec. 552.131. EXCEPTION: CONFIDENTIALITY OF CERTAIN ECONOMIC DEVELOPMENT INFORMATION.

SECTION _____. The heading to Section 552.133, Government Code, is amended to read as follows:

Sec. 552.133. EXCEPTION: CONFIDENTIALITY OF PUBLIC POWER UTILITY COMPETITIVE MATTERS.

SECTION _____. The heading to Section 552.134, Government Code, is amended to read as follows:

Sec. 552.134. EXCEPTION: CONFIDENTIALITY OF CERTAIN INFORMATION RELATING TO INMATE OF DEPARTMENT OF CRIMINAL JUSTICE.

SECTION _____. The heading to Section 552.135, Government Code, is amended to read as follows:

Sec. 552.135. EXCEPTION: CONFIDENTIALITY OF CERTAIN INFORMATION HELD BY SCHOOL DISTRICT.

SECTION _____. The heading to Section 552.138, Government Code, is amended to read as follows:

Sec. 552.138. EXCEPTION: CONFIDENTIALITY OF FAMILY VIOLENCE SHELTER CENTER AND SEXUAL ASSAULT PROGRAM INFORMATION.

SECTION _____. The heading to Section 552.139, Government Code, is amended to read as follows:

Sec. 552.139. EXCEPTION: CONFIDENTIALITY OF GOVERNMENT INFORMATION RELATED TO SECURITY OR INFRASTRUCTURE ISSUES FOR COMPUTERS.

SECTION _____. The heading to Section 552.140, Government Code, is amended to read as follows:

Sec. 552.140. EXCEPTION: CONFIDENTIALITY OF MILITARY DISCHARGE RECORDS.

SECTION _____. The heading to Section 552.142, Government Code, is amended to read as follows:

Sec. 552.142. EXCEPTION: CONFIDENTIALITY OF RECORDS OF CERTAIN DEFERRED ADJUDICATIONS AND CERTAIN MISDEMEANORS PUNISHABLE BY FINE ONLY.

SECTION _____. The heading to Section 552.145, Government Code, is amended to read as follows:

Sec. 552.145. EXCEPTION: CONFIDENTIALITY OF TEXAS NO-CALL LIST.

SECTION _____. The heading to Section 552.148, Government Code, is amended to read as follows:

Sec. 552.148. EXCEPTION: CONFIDENTIALITY OF CERTAIN PERSONAL INFORMATION MAINTAINED BY MUNICIPALITY PERTAINING TO A MINOR.

SECTION _____. The heading to Section 552.149, Government Code, is amended to read as follows:

Sec. 552.149. EXCEPTION: CONFIDENTIALITY OF RECORDS OF COMPTROLLER OR APPRAISAL DISTRICT RECEIVED FROM PRIVATE ENTITY.

SECTION _____. The heading to Section 552.150, Government Code, is amended to read as follows:

Sec. 552.150. EXCEPTION: CONFIDENTIALITY OF INFORMATION THAT COULD COMPROMISE SAFETY OF OFFICER OR EMPLOYEE OF HOSPITAL DISTRICT.

SECTION _____. The heading to Section 552.151, Government Code, as added by Chapter 1377 (S.B. 1182), Acts of the 81st Legislature, Regular Session, 2009, is amended to read as follows:

Sec. 552.151. EXCEPTION: CONFIDENTIALITY OF INFORMATION REGARDING SELECT AGENTS.

SECTION _____. The heading to Section 552.151, Government Code, as added by Chapter 283 (S.B. 1068), Acts of the 81st Legislature, Regular Session, 2009, is amended to read as follows:

Sec. 552.151. EXCEPTION: CONFIDENTIALITY OF INFORMATION CONCERNING PUBLIC EMPLOYEE OR OFFICER PERSONAL SAFETY.

(4) Renumber the SECTIONS of the bill accordingly.

Amendment No. 3 was adopted.

SB 602, as amended, was passed to third reading.

CSHB 1671 - LAID ON THE TABLE SUBJECT TO CALL

Representative Marquez moved to lay **CSHB 1671** on the table subject to call.

The motion prevailed.

CSHB 3517 ON SECOND READING (by Branch)

CSHB 3517, A bill to be entitled An Act relating to the administration and business affairs of public institutions of higher education.

CSHB 3517 was read second time on May 10 and was postponed until 6:50 a.m. today.

Representative Branch moved to postpone consideration of **CSHB 3517** until 8 p.m. today.

The motion prevailed.

CSHB 2233 ON SECOND READING

(by Huberty, Rodriguez, et al.)

CSHB 2233, A bill to be entitled An Act relating to certain contracts entered into by school districts for another entity to provide food services at one or more district schools.

CSHB 2233 was read second time on May 4, postponed until May 9, postponed until May 10, and was again postponed until 7 a.m. today.

Representative Huberty moved to postpone consideration of **CSHB 2233** until 3:15 p.m. today.

The motion prevailed.

HB 3308 ON THIRD READING

(by Rodriguez)

HB 3308, A bill to be entitled An Act relating to the operation of plug-in electric motor vehicles.

HB 3308 was read third time on May 10, postponed until later that day, and was again postponed until 8 a.m. today.

Representative Rodriguez moved to postpone consideration of **HB 3308** until 8 a.m. Tuesday, September 27.

The motion prevailed.

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, postponed until May 2, postponed until May 9, and was again postponed until 8 a.m. today.

Representative Hilderbran moved to postpone consideration of **HB 1089** until 1 p.m. tomorrow.

The motion prevailed.

HB 1355 ON THIRD READING

(by Orr, Smithee, and Vo)

HB 1355, A bill to be entitled An Act relating to title insurance coverage for minerals and surface damage resulting from mineral extraction and development.

HB 1355 was read third time earlier today and was postponed until this time.

Amendment No. 1

Representative Hughes offered the following amendment to **HB 1355**:

Amend **HB 1355** on third reading, by striking Section 2703.0515(c), Insurance Code, as added on second reading by Amendment No. 1 by Orr, and substituting:

(c) An additional premium or other amount may not be charged for an endorsement to a loan policy of title insurance if the endorsement:

(1) insures against loss from damage to improvements or permanent buildings located on land that results from the future exercise of any right existing on the date of the loan policy to use the surface of the land for the extraction or development of coal, lignite, oil, gas, or another mineral;

(2) expressly does not insure against loss resulting from subsidence;
and

(3) was promulgated by the commissioner in calendar year 2009.

Amendment No. 1 was adopted.

HB 1355, as amended, was passed by (Record 969): 146 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; 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; Hamilton; Hancock; Hardcastle; Harless; 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.

Present, not voting — Mr. Speaker; Harper-Brown(C).

Absent, Excused — Gutierrez.

Absent — Christian.

STATEMENT OF VOTE

I was shown voting yes on Record No. 969. I intended to vote present, not voting.

Menendez

CSHB 3790 ON SECOND READING

(by Pitts)

CSHB 3790, A bill to be entitled An Act relating to certain state fiscal matters; providing penalties.

CSHB 3790 was read second time on May 3, postponed until May 4, postponed until May 5, postponed until May 9, postponed until May 10, and was again postponed until 8 a.m. today.

Representative Darby moved to postpone consideration of **CSHB 3790** until 7 a.m. tomorrow.

The motion prevailed.

CSHB 3640 ON SECOND READING

(by Pitts)

CSHB 3640, A bill to be entitled An Act relating to the remittance and allocation of certain taxes and fees.

CSHB 3640 was read second time on May 3, postponed until May 4, postponed until May 5, postponed until May 9, postponed until May 10, and was again postponed until 8 a.m. today.

Representative Darby moved to postpone consideration of **CSHB 3640** until 7 a.m. tomorrow.

The motion prevailed.

CSHB 3665 ON SECOND READING

(by Otto)

CSHB 3665, A bill to be entitled An Act relating to state fiscal matters related to general government.

CSHB 3665 was read second time on May 3, postponed until May 4, postponed until May 5, postponed until May 9, postponed until May 10, and was again postponed until 8 a.m. today.

Representative Otto moved to postpone consideration of **CSHB 3665** until 7 a.m. tomorrow.

The motion prevailed.

CSHB 3639 ON SECOND READING

(by Pitts and Aycock)

CSHB 3639, A bill to be entitled An Act relating to state fiscal matters related to public and higher education.

CSHB 3639 was read second time on May 3, postponed until May 4, postponed until May 5, postponed until May 9, postponed until May 10, and was again postponed until 8 a.m. today.

Representative Darby moved to postpone consideration of **CSHB 3639** until 7 a.m. tomorrow.

The motion prevailed.

HB 3648 ON SECOND READING
(by Otto)

HB 3648, A bill to be entitled An Act relating to state fiscal matters related to the judiciary.

HB 3648 was read second time on May 3, postponed until May 4, postponed until May 5, postponed until May 9, postponed until May 10, and was again postponed until 8 a.m. today.

Representative Otto moved to postpone consideration of **HB 3648** until 7 a.m. tomorrow.

The motion prevailed.

CSHB 3418 ON SECOND READING
(by Darby)

CSHB 3418, A bill to be entitled An Act relating to certain state fiscal matters related to natural resources or the environment.

CSHB 3418 was read second time on May 3, postponed until May 4, postponed until May 5, postponed until May 9, postponed until May 10, and was again postponed until 8 a.m. today.

Representative Darby moved to postpone consideration of **CSHB 3418** until 7 a.m. tomorrow.

The motion prevailed.

SB 647 ON SECOND READING
(L. Taylor - House Sponsor)

SB 647, A bill to be entitled An Act relating to the continuation and operation of the office of public insurance counsel.

SB 647 was considered in lieu of **HB 1950**.

SB 647 was read second time.

Amendment No. 1

Representative Sheets offered the following amendment to **SB 647**:

Amend **SB 647** immediately following the enacting clause (house committee printing, page 1, between lines 4 and 5), by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____ . Section 501.002, Insurance Code, is amended to read as follows:

Sec. 501.002. OFFICE OF PUBLIC INSURANCE COUNSEL. The independent office of public insurance counsel represents the interests of insurance consumers in this state and assists the commissioner in ensuring that:

- (1) rates for and coverage under insurance products offered in this state:
 - (A) are fair and reasonable to insurers, agents, and consumers; and
 - (B) are not confiscatory to insurers and agents; and
- (2) insurance products are reasonably available to consumers in all parts of this state.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Martinez Fischer offered the following amendment to **SB 647**:

Amend **SB 647** in the following ways:

(1) SECTION _____. Section 501.153, Insurance Code, is amended to read as follows:

Sec. 501.153. AUTHORITY TO APPEAR, INTERVENE, OR INITIATE.
The public counsel:

(1) may appear or intervene, as a party or otherwise, as a matter of right before the commissioner or department on behalf of insurance consumers, as a class, in matters involving:

(A) rates, rules, and forms affecting:

(i) property and casualty insurance;

(ii) title insurance;

(iii) credit life insurance;

(iv) credit accident and health insurance; or

(v) any other line of insurance for which the commissioner or department promulgates, sets, adopts, or approves rates, rules, or forms;

(B) rules affecting life, health, or accident insurance; or

(C) withdrawal of approval of policy forms:

(i) in proceedings initiated by the department under Sections 1701.055 and 1701.057; or

(ii) if the public counsel presents persuasive evidence to the department that the forms do not comply with this code, a rule adopted under this code, or any other law;

(2) may initiate or intervene as a matter of right or otherwise appear in a judicial proceeding involving or arising from an action taken by an administrative agency in a proceeding in which the public counsel previously appeared under the authority granted by this chapter;

(3) may appear or intervene, as a party or otherwise, as a matter of right on behalf of insurance consumers as a class in any proceeding in which the public counsel determines that insurance consumers are in need of representation, except that the public counsel may not intervene in an enforcement or parens patriae proceeding brought by the attorney general; ~~and~~

(4) may appear or intervene before the commissioner or department as a party or otherwise on behalf of small commercial insurance consumers, as a class, in a matter involving rates, rules, or forms affecting commercial insurance consumers, as a class, in any proceeding in which the public counsel determines that small commercial consumers are in need of representation; and

(5) may initiate a special rate hearing before the State Office of Administrative Hearings under Section 2251.106(d).

(2) SECTION _____. Section 2251.106, Insurance Code, is amended by amending Subsections (b) and (c) and adding Subsections (d) and (e) to read as follows:

(b) The public insurance counsel, not later than the 30th day after the date of a rate filing under this chapter, may:

(1) file with the commissioner a written objection to:

(A) [(+) an insurer's rate filing; or

(B) [(=) the criteria on which the insurer relied to determine the rate; or

(2) initiate a special rate hearing before the State Office of Administrative Hearings under Subsection (d).

(c) A written objection filed under Subsection (b)(1) [(=)] must contain the reasons for the objection.

(d) If the public insurance counsel determines that a rate filing under this subchapter does not comply with the standards established under Subchapter B, the public insurance counsel may request that the State Office of Administrative Hearings conduct a special rate hearing to determine whether the filed rate is excessive or unfairly discriminatory. A special rate hearing under this subsection shall be conducted in the same manner as a rate hearing is conducted under Chapter 40, except that the public insurance counsel shall perform the duties and may assume the powers assigned to the commissioner under Sections 40.059 and 40.060.

(e) If, after a special rate hearing under Subsection (d), the administrative law judge determines that an insurer has charged a rate for personal automobile insurance or residential property insurance that is excessive or unfairly discriminatory, as described by Section 2251.051, the administrative law judge may order a refund or discount to the same extent and in the same amount that the commissioner may issue an order under Section 2254.003(b)(1). A decision of an administrative law judge under this subsection is subject to judicial review as provided by Subchapter D, Chapter 36, to the same extent and in the same manner as an action of the commissioner.

(3) SECTION _____. Subchapter D, Chapter 501, Insurance Code, is amended by adding Section 501.161 to read as follows:

Sec. 501.161. REPORT TO LEGISLATURE. On or before December 31 of each even-numbered year, the office shall submit to the appropriate committees of each house of the legislature a written report containing any recommendations for legislation that the office determines are appropriate to benefit and protect insurance consumers, as a class, in the insurance market in this state.

(4) SECTION _____. Section 501.153, Insurance Code, is amended to read as follows:

Sec. 501.153. AUTHORITY TO APPEAR, INTERVENE, OR INITIATE. The public counsel:

(1) may appear or intervene, as a party or otherwise, as a matter of right before the commissioner or department on behalf of insurance consumers, as a class, in matters involving:

- (A) rates, rules, and forms affecting:
 - (i) property and casualty insurance;
 - (ii) title insurance;
 - (iii) credit life insurance;
 - (iv) credit accident and health insurance; or
 - (v) any other line of insurance for which the commissioner or department promulgates, sets, adopts, or approves rates, rules, or forms;

(B) rules affecting life, health, or accident insurance; or

(C) withdrawal of approval of policy forms:

(i) in proceedings initiated by the department under Sections 1701.055 and 1701.057; or

(ii) if the public counsel presents persuasive evidence to the department that the forms do not comply with this code, a rule adopted under this code, or any other law;

(2) may initiate or intervene as a matter of right or otherwise appear in a judicial proceeding involving or arising from an action taken by an administrative agency in a proceeding in which the public counsel previously appeared under the authority granted by this chapter;

(3) may appear or intervene, as a party or otherwise, as a matter of right on behalf of insurance consumers as a class in any proceeding in which the public counsel determines that insurance consumers are in need of representation, except that the public counsel may not intervene in an enforcement or parens patriae proceeding brought by the attorney general; ~~and~~

(4) may appear or intervene before the commissioner or department as a party or otherwise on behalf of small commercial insurance consumers, as a class, in a matter involving rates, rules, or forms affecting commercial insurance consumers, as a class, in any proceeding in which the public counsel determines that small commercial consumers are in need of representation; and

(5) notwithstanding Section 556.006(a), Government Code, may appear before a legislative committee and support or oppose the passage or defeat of a legislative measure on behalf of insurance consumers, as a class.

(5) SECTION _____. Subchapter D, Chapter 501, Insurance Code, is amended by adding Section 501.1531 to read as follows:

Sec. 501.1531. LOBBYING ACTIVITIES NOT AUTHORIZED. Section 501.153 does not authorize the public counsel to engage in activities to an extent or in a manner that would require a person engaging in those activities to register as a lobbyist under Section 305.003, Government Code.

Amendment No. 2 was withdrawn.

(Speaker in the chair)

SB 647, as amended, was passed to third reading. (S. Davis recorded voting no.)

HB 1950 - LAID ON THE TABLE SUBJECT TO CALL

Representative L. Taylor moved to lay **HB 1950** on the table subject to call.

The motion prevailed.

HB 1250 ON SECOND READING

(by Frullo)

HB 1250, A bill to be entitled An Act relating to the use of facsimile signatures for certain documents involving certain municipalities.

HB 1250 was read second time on April 26, postponed until May 3, postponed until May 6, postponed until May 9, and was again postponed until 9 a.m. today.

Representative Frullo moved to postpone consideration of **HB 1250** until 9 a.m. tomorrow.

The motion prevailed.

HB 3036 ON THIRD READING

(by Alvarado)

HB 3036, A bill to be entitled An Act relating to the municipal sales and use tax for street maintenance.

HB 3036 was read third time on May 10 and failed to pass by Record No. 906. The vote was reconsidered later that day, and **HB 3036** was postponed until 6:59 a.m. today.

HB 3036 was passed by (Record 970): 121 Yeas, 19 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Aycock; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Callegari; Castro; Chisum; Coleman; Cook; Craddick; 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; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hunter; Jackson; Johnson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Lavender; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Patrick; Peña; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Woolley; Zerwas.

Nays — Anderson, R.; Beck; Cain; Carter; Christian; Creighton; Hughes; Isaac; Landtroop; Legler; Miller, S.; Parker; Perry; Simpson; Smith, T.; Weber; White; Workman; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Gutierrez.

Absent — Aliseda; Button; King, T.; Laubenberg; Paxton; Riddle; Shelton; Smith, W.

STATEMENTS OF VOTE

When Record No. 970 was taken, I was in the house but away from my desk. I would have voted yes.

Aliseda

I was shown voting yes on Record No. 970. I intended to vote no.

C. Anderson

I was shown voting yes on Record No. 970. I intended to vote no.

Bohac

I was shown voting yes on Record No. 970. I intended to vote no.

Branch

I was shown voting yes on Record No. 970. I intended to vote no.

Flynn

I was shown voting yes on Record No. 970. I intended to vote no.

Garza

I was shown voting yes on Record No. 970. I intended to vote no.

C. Howard

I was shown voting yes on Record No. 970. I intended to vote no.

Huberty

I was shown voting yes on Record No. 970. I intended to vote no.

P. King

When Record No. 970 was taken, I was in the house but away from my desk. I would have voted no.

Laubenberg

I was shown voting yes on Record No. 970. I intended to vote no.

Morrison

When Record No. 970 was taken, I was in the house but away from my desk. I would have voted no.

Paxton

When Record No. 970 was taken, I was in the house but away from my desk. I would have voted no.

Riddle

I was shown voting yes on Record No. 970. I intended to vote no.

Sheets

When Record No. 970 was taken, I was in the house but away from my desk. I would have voted no.

W. Smith

**MAJOR STATE CALENDAR
HOUSE BILLS
SECOND READING**

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

**CSHB 3328 ON SECOND READING
(by Keffer, Crownover, Burnam, Parker, Strama, et al.)**

CSHB 3328, A bill to be entitled An Act relating to the disclosure of the composition of hydraulic fracturing fluids used in hydraulic fracturing treatments.

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).

CSHB 3328 - (consideration continued)

Amendment No. 1

Representative Parker offered the following amendment to **CSHB 3328**:

Amend **CSHB 3328** as follows:

On page 1, strike Section 91.851(1)(B)(ii), starting on line 21, and insert the following:

"(ii) each chemical ingredient that is subject to the requirements of 29 C.F.R. Section 1910.1200(g)(2)."

On page 2, line 5, strike "and" at the end of Section 91.851(1)(C).

On page 2, line 8, insert the word "and" at the end of Section 91.851(1)(D).

On page 2, line 9, insert the following new Paragraph E at the end of Section 91.851(1):

"(E) in addition to the completed form specified in Paragraph (D), provide to the commission a list of all other chemical ingredients not listed on the completed form that were intentionally included and used for the purpose of creating a hydraulic fracturing treatment. The commission rule shall ensure that an operator, service company or supplier is not responsible for disclosing ingredients that:

(i) were not purposely added to the hydraulic fracturing treatment;

(ii) occur incidentally or are otherwise unintentionally present in the treatment; or

(iii) in the case of the operator, are not disclosed to the operator by a service company or supplier. The commission rule shall not require that the ingredients be identified based on the additive in which they are found or that the concentration of such ingredients be provided."

On page 2, strike Section 91.851(3), starting on line 14, and insert the following:

"(3) prescribe a process by which an entity required to comply with Subdivision (1) or (2) may withhold and declare certain information as a trade secret for purposes of Section 552.110, Government Code, including the identity and amount of the chemical ingredient used in a hydraulic fracturing treatment."

Amendment No. 2

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

Amend the Parker amendment to **CSHB 3328** (house committee printing) as follows:

(1) On page 1, line 13, between "list" and "of", insert ", to be made available on a publicly accessible website,".

(2) On page 1, line 15, between "treatment" and "and", insert "for the well".

Amendment No. 2 was adopted.

CSHB 3328 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE BURNAM: Mr. Chairman, this amendment changes what, and to whom, chemicals used in a freight job are disclosed. Does Parker's amendment in any way limit public access to the non-MSDS chemicals that will be provided to the Railroad Commission and the Ground Water Protection Council?

REPRESENTATIVE KEFFER: No, it does not in any way limit public access to the chemicals used.

BURNAM: So, the Parker amendment requires that each list of non-MSDS chemicals used in a freight job for a well is provided to the Railroad Commission as a part of the operator's well completion report?

KEFFER: That's correct.

BURNAM: And it's the intent of this amendment—of this bill, if this amendment is adopted, the list of non-MSDS chemicals be made available on a publicly accessible website, either the Railroad Commission or the Ground Water Protection Council, or both.

KEFFER: That is correct. It will be either of the two websites, yes, that's correct.

REMARKS ORDERED PRINTED

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

The motion prevailed.

Amendment No. 1, as amended, was adopted.

CSHB 3328, as amended, was passed to engrossment. (Laubenberg recorded voting no.)

(Harper-Brown in the chair)

CSHB 2592 ON SECOND READING
(by **Truitt, Rodriguez, Harless, Farias, McClendon, et al.**)

CSHB 2592, A bill to be entitled An Act relating to notice and disclosure requirements for certain credit services organizations regarding charges and consumer borrowing.

Amendment No. 1

Representative Truitt offered the following amendment to **CSHB 2592**:

Amend **CSHB 2592** as follows:

(1) On page 1, lines 19 and 20, strike "a motor vehicle certificate of title" and substitute "an unencumbered motor vehicle".

(2) On page 2, line 13, strike "intermediate" and substitute "immediate".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Solomons offered the following amendment to **CSHB 2592**:

Amend **CSHB 2592** (house committee printing) as follows:

(1) On page 2, line 1, between "consumers" and the colon, insert "and on any Internet website, including a social media site, maintained by the credit access business".

(2) On page 3, immediately following line 27, insert the following:

Sec. 393.224. ADMINISTRATIVE PENALTY. The consumer credit commissioner, in accordance with rules adopted by the Finance Commission of Texas, may assess an administrative penalty against a credit access business that knowingly and wilfully violates this subchapter or a rule adopted under this subchapter in the manner provided by Subchapter F, Chapter 14.

Amendment No. 2 was adopted.

Amendment No. 3

Representative Elkins offered the following amendment to **CSHB 2592**:

Amend **CSHB 2592** (house committee printing) by striking page 2, line 19, through page 3, line 18, and substituting the following:

Before performing services described by Section 393.221(1), a credit access business must provide to a consumer a disclosure adopted by rule of the Finance Commission of Texas that discloses the interest, fees, and annual percentage rates, as applicable, to be charged on a deferred presentment transaction or on a motor vehicle certificate of title loan, as applicable.

Representative Truitt moved to table Amendment No. 3.

The motion to table was lost by (Record 971): 64 Yeas, 75 Nays, 6 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Bonnen; Branch; Brown; Burnam; Button; Carter; Coleman; Cook; Creighton; Crownover; Davis, S.; Davis, Y.; Driver; Farias; Gallego; Geren; Gonzales, L.; Gonzales, V.; Hancock; Hardcastle; Harless; Hartnett; Hernandez Luna; Hochberg; Howard, D.; Hunter; Jackson; Johnson; Keffer; Kleinschmidt; Kolkhorst; Legler; Lucio; Lyne; Margo; Marquez; Martinez; Martinez Fischer; Menendez; Naishtat; Nash; Oliveira; Orr; Otto; Patrick; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Scott; Shelton; Smith, T.; Strama; Truitt; Veasey; Villarreal; Walle; Woolley.

Nays — Aliseda; Anderson, R.; Aycocock; Beck; Berman; Bohac; Burkett; Cain; Callegari; Castro; Chisum; Christian; Craddick; Darby; Davis, J.; Deshotel; Dukes; Dutton; Eissler; Elkins; Farrar; Fletcher; Flynn; Frullo; Garza; Gonzalez; Gooden; Guillen; Hamilton; Hopson; Howard, C.; Huberty; Hughes; Isaac; King, P.; King, S.; King, T.; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Lewis; Madden; McClendon; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Parker; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Riddle; Schwertner; Sheets; Sheffield; Simpson; Smith, W.; Smithee; Solomons; Taylor, V.; Torres; Vo; Weber; White; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Eiland; Harper-Brown(C); Lozano; Mallory Caraway; Turner.

Absent, Excused — Gutierrez.

Absent — Giddings; Hilderbran; Taylor, L.; Thompson.

STATEMENTS OF VOTE

I was shown voting no on Record No. 971. I intended to vote yes.

Castro

I was shown voting no on Record No. 971. I intended to vote yes.

Farrar

When Record No. 971 was taken, I was in the house but away from my desk. I would have voted no.

Hilderbran

Amendment No. 3 was adopted.

CSHB 2592, as amended, was passed to engrossment. (Perry recorded voting no.)

CSHB 2594 ON SECOND READING

(by Truitt, Rodriguez, Harless, Farias, McClendon, et al.)

CSHB 2594, A bill to be entitled An Act relating to the licensing and regulation of certain credit services organizations and the regulation of certain extensions of consumer credit obtained by those organizations or with regard to which the organizations provide assistance; providing an administrative penalty.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today to attend a conference committee meeting:

Aycock on motion of Crownover.

CSHB 2594 - (consideration continued)

CSHB 2594 - POINT OF ORDER

Representative Laubenberg raised a point of order against further consideration of **CSHB 2594** under Rule 11, Section 2 and Rule 4, Section 41 of the House Rules on the grounds that the committee substitute is not germane to the bill.

The point of order was withdrawn.

Representative Truitt moved to postpone consideration of **CSHB 2594** until 4:35 p.m. today.

The motion prevailed.

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 because of family business:

Eiland on motion of Y. Davis.

CONSTITUTIONAL AMENDMENTS CALENDAR HOUSE JOINT RESOLUTIONS SECOND READING

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

SJR 28 ON SECOND READING (Marquez - House Sponsor)

SJR 28, A joint resolution proposing a constitutional amendment relating to the provision of parks and recreational facilities by conservation and reclamation districts in El Paso County.

SJR 28 was considered in lieu of **HJR 92**.

SJR 28 was adopted by (Record 972): 126 Yeas, 13 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; 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;

Hamilton; Hancock; Hardcastle; Harless; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Laubenberg; Legler; Lozano; Lucio; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Peña; Phillips; Pickett; Price; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Schwertner; Scott; Sheets; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Woolley; Workman; Zerwas.

Nays — Creighton; Hughes; Landtroop; Miller, S.; Paxton; Perry; Riddle; Sheffield; Simpson; Taylor, V.; Weber; White; Zedler.

Present, not voting — Mr. Speaker; Harper-Brown(C).

Absent, Excused — Aycock; Eiland; Gutierrez.

Absent — Anderson, C.; Lavender; Lewis; Lyne; Morrison; Pitts.

STATEMENTS OF VOTE

When Record No. 972 was taken, my vote failed to register. I would have voted no.

C. Anderson

When Record No. 972 was taken, I was in the house but away from my desk. I would have voted yes.

Lavender

I was shown voting no on Record No. 972. I intended to vote yes.

Sheffield

HJR 92 - LAID ON THE TABLE SUBJECT TO CALL

Representative Marquez moved to lay **HJR 92** on the table subject to call.

The motion prevailed.

CSHJR 135 ON SECOND READING

(by Phillips, Callegari, Hancock, Fletcher, Aliseda, et al.)

CSHJR 135, A joint resolution proposing a constitutional amendment relating to an individual's or a religious organization's freedom of religion.

Representative Phillips moved to postpone consideration of **CSHJR 135** until 5:30 p.m. today.

The motion prevailed.

GENERAL STATE CALENDAR

HOUSE BILLS

SECOND READING

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

HB 2748 ON SECOND READING
(by Martinez Fischer)

HB 2748, A bill to be entitled An Act relating to grants to student clubs for dropout prevention.

HB 2748 was passed to engrossment. (Cain, Christian, P. King, Laubenberg, Morrison, Perry, V. Taylor, and Weber recorded voting no.)

HB 1528 ON SECOND READING
(by S. Miller)

HB 1528, A bill to be entitled An Act relating to consolidating precincts in a primary election.

HB 1528 - POINT OF ORDER

Representative Farrar raised a point of order against further consideration of **HB 1528** under Rule 4, Section 32(c)(1) of the House Rules on the grounds that the bill analysis is incorrect.

The chair overruled the point of order.

HB 1528 was passed to engrossment.

CSHB 3341 ON SECOND READING
(by Anchia, Hartnett, Murphy, Harper-Brown, and Martinez Fischer)

CSHB 3341, A bill to be entitled An Act relating to the rebate, refund, or payment of tax proceeds to a qualified hotel project.

Amendment No. 1

Representative Murphy offered the following amendment to **CSHB 3341**:

Amend **CSHB 3341** (house committee printing) by striking all below the enacting clause and inserting the following:

SECTION 1. Section 2303.5055, Government Code, is amended by adding Subsection (f) to read as follows:

(f) Notwithstanding any other law, the comptroller shall deposit eligible taxable proceeds that were collected by or forwarded to the comptroller, and to which the qualified hotel project is entitled according to an agreement under this section, in trust in a separate suspense account of the project. A suspense account is outside the state treasury, and the comptroller may make a rebate, refund, or payment authorized by this section without the necessity of an appropriation. The comptroller shall rebate, refund, or pay to each qualified hotel project eligible taxable proceeds to which the project is entitled under this section at least quarterly.

SECTION 2. Section 151.429(h), Tax Code, is amended to read as follows:

(h) Notwithstanding the other provisions of this section, the owner of a qualified hotel project shall receive a rebate, refund, or payment of 100 percent of the sales and use taxes paid or collected by the qualified hotel project or businesses located in the qualified hotel project pursuant to this chapter and 100 percent of the hotel occupancy taxes paid by persons for the use or possession of or for the right to the use or possession of a room or space at the qualified hotel

project pursuant to the provisions of Chapter 156 during the first 10 years after such qualified hotel project is open for initial occupancy. The comptroller shall deposit the taxes in trust in a separate suspense account of the qualified hotel project. A suspense account is outside the state treasury, and the comptroller may make a rebate, refund, or payment authorized by this section without the necessity of an appropriation. The comptroller shall rebate, refund, or pay to each qualified hotel project eligible taxable proceeds to which the project is entitled under this section at least monthly.

SECTION 3. This Act takes effect September 1, 2011.

Amendment No. 1 was adopted.

CSHB 3341, as amended, was passed to engrossment. (Laubenberg and White recorded voting no.)

CSHB 351 ON SECOND READING
(by Veasey)

CSHB 351, A bill to be entitled An Act relating to the expunction of records and files relating to a person's arrest.

Amendment No. 1

Representative Veasey offered the following amendment to **CSHB 351**:

Amend **CSHB 351** (house committee report) as follows:

(1) On page 1, lines 5-6, strike the introductory clause and substitute the following:

Article 55.01, Code of Criminal Procedure, is amended by amending Subsections (a), (a-1), (b), and (c) and adding Subsection (a-2) to read as follows:

(2) On page 2, lines 1-2, strike "any offense arising out of the transaction for which the person was arrested, except for" and substitute "the offense, unless the offense is".

(3) On page 2, line 11, between "and" and "the attorney", insert the following:

⋮
(a) at least 180 days have elapsed from the date of arrest if the arrest was for an offense punishable as a Class C misdemeanor;

(b) at least one year has elapsed from the date of arrest if the arrest was for an offense punishable as a Class B or A misdemeanor;

(c) at least two years have elapsed from the date of arrest if the arrest was for an offense punishable as a felony; or

(d)

(4) On page 2, line 15, strike "or".

(5) On page 2, lines 17-20, strike [~~an indictment or information charging the person with commission of a felony was~~] presented at any time following the arrest, was [~~the indictment or information has been~~] dismissed or quashed" and substitute the following:

an indictment or information charging the person with commission of a misdemeanor [~~felony~~] was presented at any time following the arrest, was [~~the indictment or information has been~~] dismissed or quashed; or

(iii) if an indictment or information charging the person with commission of a felony was presented at any time following the arrest, was dismissed or quashed

(6) On page 3, between lines 21 and 22, insert the following:

(a-2) Notwithstanding any other provision of this article, a person who intentionally or knowingly absconds from the jurisdiction after being released under Chapter 17 following an arrest is not eligible under Subsection (a)(2)(A)(i)(a), (b), or (c) or Subsection (a)(2)(B) for an expunction of the records and files relating to that arrest.

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

SECTION _____. Section 4, Article 55.02, Code of Criminal Procedure, is amended to read as follows:

Sec. 4. (a) If the state establishes that the person who is the subject of an expunction order is still subject to conviction for an offense arising out of the transaction for which the person was arrested because the statute of limitations has not run and there is reasonable cause to believe that the state may proceed against the person for the offense, the court may provide in its expunction order that the law enforcement agency and the prosecuting attorney responsible for investigating the offense may retain any records and files that are necessary to the investigation.

(a-1) The court may provide in its expunction order that the applicable law enforcement agency and prosecuting attorney may retain the arrest records and files of any person who becomes entitled to an expunction of those records and files based on the expiration of a period described by Article 55.01(a)(2)(A)(i)(a), (b), or (c), but without the certification of the prosecuting attorney as described by Article 55.01(a)(2)(A)(i)(d).

(a-2) In the case of a person who is the subject of an expunction order on the basis of an acquittal, the court may provide in the expunction order that the law enforcement agency and the prosecuting attorney retain records and files if:

(1) the records and files are necessary to conduct a subsequent investigation and prosecution of a person other than the person who is the subject of the expunction order; or

(2) the state establishes that the records and files are necessary for use in:

(A) another criminal case, including a prosecution, motion to adjudicate or revoke community supervision, parole revocation hearing, mandatory supervision revocation hearing, punishment hearing, or bond hearing; or

(B) a civil case, including a civil suit or suit for possession of or access to a child.

(b) Unless the person who is the subject of the expunction order is again arrested for or charged with an offense arising out of the transaction for which the person was arrested or unless the court provides for the retention of records and files under Subsection (a-2) [~~(a) of this section~~], the provisions of Articles 55.03 and 55.04 [~~of this code~~] apply to files and records retained under this section.

Amendment No. 1 was adopted.

CSHB 351, as amended, was passed to engrossment.

HB 2006 ON SECOND READING
(by Bonnen)

HB 2006, A bill to be entitled An Act relating to the release of a photograph of a police officer and access to records maintained by internal investigative divisions in certain municipalities.

Amendment No. 1

Representative Bonnen offered the following amendment to **HB 2006**:

Amend **HB 2006** (house committee printing) as follows:

(1) On page 1, strike lines 6-9 and substitute the following:

SECTION 1. Subchapter F, Chapter 143, Local Government Code, is amended by adding Section 143.090 to read as follows:

Sec. 143.090. RELEASE OF PHOTOGRAPHS OF POLICE OFFICERS.

A department, commission, or municipality may not release a photograph that depicts a police officer unless:

(1) the officer has been charged with an offense by indictment or by information;

(2) the officer is a party in a civil service hearing or a case before a hearing examiner or in arbitration;

(3) the photograph is introduced as evidence in a judicial proceeding;

or

(4) the officer gives written consent to the release of the photograph.

(2) On page 1, lines 10-12, strike "Section 143.1214, Local Government Code, is amended by amending Subsections (a) and (e) and adding Subsection (f)" and substitute "Sections 143.1214(a) and (e), Local Government Code, are amended".

(3) On page 2, strike lines 13-22.

Amendment No. 1 was adopted.

HB 2006, as amended, was passed to engrossment.

SB 316 ON SECOND READING
(Gallego - House Sponsor)

SB 316, A bill to be entitled An Act relating to criminal asset forfeiture, the disposition of proceeds and property from criminal asset forfeiture, and accountability for that disposition; providing civil penalties.

SB 316 was considered in lieu of **HB 2856**.

Representative Gallego moved to postpone consideration of **SB 316** until 4:50 p.m. today.

The motion prevailed.

HB 2382 ON SECOND READING**(by Murphy and Torres)**

HB 2382, A bill to be entitled An Act relating to notice required upon nonrenewal of property/casualty insurance policies.

HB 2382 was passed to engrossment.

HB 738 ON SECOND READING**(by Otto)**

HB 738, A bill to be entitled An Act relating to the authority of the Teacher Retirement System of Texas to invest in hedge funds.

HB 738 was passed to engrossment.

CSHB 14 ON SECOND READING**(by Murphy, et al.)**

CSHB 14, A bill to be entitled An Act relating to the eligibility for unemployment benefits of a person receiving certain forms of remuneration.

CSHB 14 was passed to engrossment.

CSHB 2460 ON SECOND READING**(by Truitt)**

CSHB 2460, A bill to be entitled An Act relating to confidentiality of information held by a public retirement system.

CSHB 2460 was passed to engrossment.

HB 359 ON SECOND READING**(by Allen, Nash, Shelton, Patrick, and Torres)**

HB 359, A bill to be entitled An Act relating to the use of corporal punishment in public schools.

Amendment No. 1

Representatives T. Smith, Dutton, Weber, Shelton, and Huberty offered the following amendment to **HB 359**:

Amend **HB 359** (house committee report) by striking all below the enacting clause and substituting the following:

SECTION 1. Subchapter A, Chapter 37, Education Code, is amended by adding Section 37.0011 to read as follows:

Sec. 37.0011. USE OF CORPORAL PUNISHMENT. (a) In this section, "corporal punishment" means the deliberate infliction of physical pain by hitting, paddling, spanking, slapping, or any other physical force used as a means of discipline. The term does not include:

(1) physical pain caused by reasonable physical activities associated with athletic training, competition, or physical education; or

(2) the use of restraint as authorized under Section 37.0021.

(b) If the board of trustees of an independent school district adopts a policy under Section 37.001(a)(8) under which corporal punishment is permitted as a method of student discipline, a district educator may use corporal punishment to discipline a student only if the student's parent or guardian or other person having lawful control over the student has previously provided written, signed consent to the use of corporal punishment as a method of student discipline.

(c) To provide consent for the use of corporal punishment as a method of student discipline, a student's parent or guardian or other person having lawful control over the student must provide separate written, signed consent to the board of trustees of the school district in the manner established by the board. Subject to Subsection (e), consent under this subsection is effective unless:

- (1) consent is revoked under Subsection (d); or
- (2) the student leaves the district.

(d) The student's parent or guardian or other person having lawful control over the student may revoke the consent provided to the board of trustees under Subsection (c) at any time. The parent, guardian, or other person may revoke consent by submitting a written, signed revocation to the board in the manner established by the board.

(e) The board of trustees of an independent school district may adopt rules requiring a student's parent or guardian to renew the consent under Subsection (c) each school year.

SECTION 2. This Act applies beginning with the 2011-2012 school year.

SECTION 3. This Act takes effect immediately if it 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 Act takes effect September 1, 2011.

Amendment No. 1 was adopted.

Amendment No. 2

Representatives Giddings, Berman, Darby, and Elkins offered the following amendment to **HB 359**:

Amend **HB 359** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 37.124, Education Code, is amended by adding Subsection (d) to read as follows:

(d) It is an exception to the application of Subsection (a) that, at the time the person engaged in conduct prohibited under that subsection, the person was a student in the sixth grade or a lower grade level.

SECTION _____. Section 37.126, Education Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) Except as provided by Section 37.125, a person commits an offense if the person intentionally disrupts, prevents, or interferes with the lawful transportation of children:

(1) to or from school on a vehicle owned or operated by a county or independent school district; or

(2) to or from ~~or~~ an activity sponsored by a school on a vehicle owned or operated by a county or independent school district.

(c) It is an exception to the application of Subsection (a)(1) that, at the time the person engaged in conduct prohibited under that subdivision, the person was a student in the sixth grade or a lower grade level.

SECTION _____. Section 42.01, Penal Code, is amended by adding Subsection (f) to read as follows:

(f) It is an exception to the application of Subsections (a)(1), (2), (3), (5), or (6) that, at the time the person engaged in conduct prohibited under the applicable subdivision, the person was a student in the sixth grade or a lower grade level, and the prohibited conduct occurred at a public school campus during regular school hours.

SECTION _____. The change in law made by Sections 37.124, Education Code, 37.126, Education Code, and 42.01, Penal Code, as amended by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

Amendment No. 2 was adopted by (Record 973): 101 Yeas, 29 Nays, 4 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Berman; Bohac; Burnam; Castro; Chisum; Cook; Creighton; Davis, J.; Davis, S.; Davis, Y.; Driver; Dukes; Dutton; Eissler; Elkins; Farias; Farrar; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Hernandez Luna; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Landtroop; Larson; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Nash; Oliveira; Orr; Otto; Patrick; Paxton; Peña; Pickett; Price; Quintanilla; Raymond; Reynolds; Rodriguez; Schwertner; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, V.; Thompson; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Woolley; Workman; Zerwas.

Nays — Anderson, C.; Anderson, R.; Beck; Bonnen; Brown; Cain; Callegari; Christian; Craddick; Darby; Deshotel; Fletcher; Guillen; Hilderbran; Kolkhorst; Kuempel; Laubenberg; Lavender; Legler; Lewis; Miller, D.; Miller, S.; Parker; Perry; Riddle; Ritter; Weber; White; Zedler.

Present, not voting — Mr. Speaker; Anchia; Carter; Harper-Brown(C).

Absent, Excused — Aycock; Eiland; Gutierrez.

Absent — Branch; Burkett; Button; Coleman; Crownover; Marquez; Morrison; Murphy; Phillips; Pitts; Scott; Taylor, L.; Torres.

STATEMENTS OF VOTE

When Record No. 973 was taken, my vote failed to register. I would have voted yes.

Burkett

When Record No. 973 was taken, I was in the house but away from my desk. I would have voted yes.

Crownover

I was shown voting no on Record No. 973. I intended to vote yes.

Hilderbran

When Record No. 973 was taken, my vote failed to register. I would have voted yes.

Scott

When Record No. 973 was taken, I was in the house but away from my desk. I would have voted yes.

L. Taylor

When Record No. 973 was taken, I was temporarily out of the house chamber. I would have voted yes.

Torres

I was shown voting no on Record No. 973. I intended to vote yes.

Zedler

(Aycock now present)

The vote of the house was taken on the passage to engrossment of **HB 359**, as amended, and the vote was announced yeas 69, nays 70.

A verification of the vote was requested and was granted.

The roll of those voting yea and nay was again called and the verified vote resulted, as follows (Record 974): 69 Yeas, 73 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Berman; Brown; Burnam; Carter; Coleman; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eissler; Elkins; Farias; Farrar; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Hernandez Luna; Hochberg; Howard, D.; Huberty; Isaac; Johnson; Keffer; Lozano; Lucio; Madden; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Nash; Oliveira; Patrick; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Strama; Taylor, V.; Thompson; Torres; Turner; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Nays — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Bohac; Bonnen; Branch; Burkett; Button; Cain; Callegari; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Driver; Fletcher; Flynn; Frullo; Garza; Guillen; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Hilderbran; Hopson;

Howard, C.; Hughes; Hunter; Jackson; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Orr; Otto; Parker; Paxton; Perry; Phillips; Price; Riddle; Ritter; Schwertner; Scott; Smith, W.; Smithee; Solomons; Taylor, L.; Truitt; White; Workman; Zedler.

Present, not voting — Mr. Speaker; Harper-Brown(C).

Absent, Excused — Eiland; Gutierrez.

Absent — Castro; Peña; Pitts; Veasey.

The chair stated that **HB 359**, as amended, failed to pass to engrossment by the above vote. (The vote was reconsidered on May 12, and **HB 359** was further amended and was passed to engrossment.)

STATEMENT OF VOTE

I was shown voting yes on Record No. 974. I intended to vote no.

Deshotel

LEAVES OF ABSENCE GRANTED

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

Castro on motion of Vo.

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

Veasey on motion of Martinez Fischer.

POSTPONED BUSINESS

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

CSHB 2594 ON SECOND READING

(by Truitt, Rodriguez, Harless, Farias, McClendon, et al.)

CSHB 2594, A bill to be entitled An Act relating to the licensing and regulation of certain credit services organizations and the regulation of certain extensions of consumer credit obtained by those organizations or with regard to which the organizations provide assistance; providing an administrative penalty.

CSHB 2594 was read second time earlier today and was postponed until this time.

Amendment No. 1

Representative Truitt offered the following amendment to **CSHB 2594**:

Amend **CSHB 2594** as follows:

(1) On page 3, line 5, strike "a motor vehicle certificate of title" and substitute "an unencumbered motor vehicle".

(2) On page 3, line 19, strike "305" and substitute "349".

(3) On page 3, line 20, between "business" and "do not", insert "conducting business under this chapter".

(4) On page 7, line 12, after the semicolon, insert "and".

(5) On page 7, lines 14-15, strike the following:

; and

(3) may use remote closing agents

(6) On page 12, line 20, between "refinancing" and "of the extensions", insert "transactions".

(7) On page 13, line 3, between "surrendered" and "under", insert "or repossessed".

(8) On page 13, line 7, strike "average" and substitute "mean, median, and mode of the".

(9) On page 13, line 17, strike "holder".

(10) On page 14, line 20; page 15, lines 1, 4, and 18; page 16, lines 8-9, 11-12, and 16-17; and page 17, lines 18 and 26, strike "Subchapter G of Chapter 393" each time it appears and substitute "Chapter 393 with respect to a credit access business".

(11) On page 16, line 22, strike "person" and substitute "credit access business".

(12) On page 16, lines 23 and 24, strike both occurrences of "Subchapter G,".

(13) On page 16, line 26, and page 17, line 1, strike both occurrences of "Subchapter G of Chapter 393,".

(14) On page 17, line 2, between "Title 4," and "to make", insert ", or a credit access business who violates or causes a violation of Chapter 393 or a rule adopted under Chapter 393,".

(15) On page 17, line 10, strike "Subchapter G of Chapter 393" and substitute "Chapter 393, if the person is a credit access business,".

CSHB 2594 - POINT OF ORDER

Representative Laubenberg raised a point of order against further consideration of **CSHB 2594** under Rule 4, Section 32(c)(4) of the House Rules on the grounds that the bill analysis is incorrect.

The point of order was withdrawn.

Representative Truitt moved to postpone consideration of **CSHB 2594** until 6:10 p.m. today.

The motion prevailed.

CSHB 2233 ON SECOND READING

(by Huberty, Rodriguez, et al.)

CSHB 2233, A bill to be entitled An Act relating to certain contracts entered into by school districts for another entity to provide food services at one or more district schools.

CSHB 2233 was read second time on May 4, postponed until May 9, postponed until May 10, postponed until 7 a.m. today, and was again postponed until this time.

CSHB 2233 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE STRAMA: As you know, two of my school districts use this technique—that would not be available to them anymore—of having their food services contractor bid, well, they don't bid it, but, sole-source their food from one vendor. But, in doing so, they are getting the economy of scale of that vendor, lumping them in with all the other school districts that that vendor represents, and negotiating a price on the food commodity that that commodity vendor would only give at the type of scale they're getting that my district couldn't believe, whether rightly or wrongly. My district believes it could not command that price on its own. Do you understand that concern for me?

REPRESENTATIVE HUBERTY: I understand your concern, but prior to the attorney general's opinion, they did bundle their contract. The intent of this is they will still be able to bundle those contracts, create—and then themselves, that food management company, will be able to then go out into the marketplace and create, using the resources and tools available of that value approach, a selection process that meets their specifications, and still select that provider of choice for themselves, and negotiate those rebates. There's nothing to prevent that at all. I think it shows there is some good will and that they're out there bidding those. So, I understand your concern, I think we talked about it earlier. I think there is a level of transparency here that is missing, and they can—their contract can be for five, 10, 15, 20 years. If whatever they end up negotiating is reasonable and the school board approves it, that's fine. It puts local control there.

STRAMA: Okay, so let's try to get that very specifically into the record. There's nothing in your bill that prevents Pflugerville ISD, Round Rock ISD, other midsize or smaller ISDs from being part of a very large bid, managed by their food services general contractor, that lumps all of them together, that has an indefinite time period associated with it, and that enables Pflugerville to get a food price that may not be available to Pflugerville on its own, but that when lumping Pflugerville together with all those other school districts that want to be part of this bid, it gives them access to the economies of scale that may only be accessible to them.

HUBERTY: That is correct, Representative Strama. In fact, there are co-ops in the different regional service centers. We have 20 regional service centers across the state and a lot of those have procurements and co-ops that are available. And these food companies that provide the actual food are part of these co-ops, so they can buy off of that list, as well. So, there's multiple opportunities for them to have that, and those co-ops can then publicly bid those, as well. And again, I hate to use the word "bid" because I am a private sector guy, and I do like best-value approaches, because you should be able to pick the person who you want to do business with. We shouldn't, as the government, tell you who to do business with. We just want to make sure the resources are available to you.

STRAMA: Thank you, I appreciate the clarification.

REMARKS ORDERED PRINTED

Representative Strama moved to print remarks between Representative Huberty and Representative Strama.

The motion prevailed.

CSHB 2233 was passed to engrossment. (L. Gonzales, Perry, and Strama recorded voting no.)

**SB 316 ON SECOND READING
(Gallego - House Sponsor)**

SB 316, A bill to be entitled An Act relating to criminal asset forfeiture, the disposition of proceeds and property from criminal asset forfeiture, and accountability for that disposition; providing civil penalties.

SB 316 was read second time earlier today and was postponed until this time.

Amendment No. 1

Representative Gallego offered the following amendment to **SB 316**:

Amend **SB 316** (house committee report) as follows:

(1) On page 2, line 1, strike "and (d-2)" and substitute "(d-2), and (d-3)".

(2) On page 3, line 27, to page 4, line 1, strike "as an official purpose of the agency or attorney" and substitute "as a law enforcement purpose or an official purpose of office, as appropriate,".

(3) On page 4, between lines 13 and 14, insert:

(d-3) To clarify whether the use of property or the use of proceeds from the disposition of property is authorized under this article, the attorney general shall adopt rules specifying the uses that are considered to be made for:

(1) official purposes of the office of the attorney representing the state;
and

(2) law enforcement purposes of a municipal, county, or state law enforcement agency.

(4) On page 4, line 26, between "training," and "investigative," insert "and".

(5) On page 4, line 26, strike "and other items" and substitute "and must specify whether those expenditures were made in accordance with rules adopted by the attorney general under Subsection (d-3)".

(6) On page 6, between lines 21 and 22, insert the following:

(d) The law enforcement agency or attorney representing the state shall reimburse the state auditor for costs incurred by the state auditor in performing an audit under this article.

(7) On page 9, strike lines 2-23 and substitute the following:

SECTION 4. The changes in law made by this Act in amending Article 59.03, Code of Criminal Procedure, apply only to property seized on or after September 1, 2011.

SECTION 5. (a) Except as provided by Section 6 of this Act, the changes in law made by this Act in amending Article 59.06, Code of Criminal Procedure, apply to the disposition or use, on or after September 1, 2011, of proceeds or

property received by a law enforcement agency or attorney representing the state under Chapter 59, Code of Criminal Procedure, regardless of whether the receipt of the proceeds or property occurred before, on, or after September 1, 2011.

(b) The attorney general shall adopt the rules required by Article 59.06(d-3), Code of Criminal Procedure, as added by this Act, as soon as practicable after this Act takes effect. For that purpose, the attorney general may adopt the rules in the manner provided by law for emergency rules.

SECTION 6. The changes in law made by this Act in amending Article 59.06(g), Code of Criminal Procedure, and adding Articles 59.061 and 59.062, Code of Criminal Procedure, apply to any audit performed on or after September 1, 2011.

SECTION 7. This Act takes effect immediately if it 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 Act takes effect September 1, 2011.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Hilderbran offered the following amendment to **SB 316**:

Amend **SB 316** (house committee printing) as follows:

(1) In SECTION 2 of the bill, in amended Article 59.06(d), Code of Criminal Procedure (page 2, line 1), between "Subsections" and "(c-2)", insert "(b-3)".

(2) In amended Article 59.06, Code of Criminal Procedure, on page 2, between lines 2 and 3, insert the following:

(b-3) Notwithstanding any other provision of this article, in a judicial district with a population of less than 150,000, with the approval of a commissioner's court or a review committee described by this subsection, a district attorney with felony jurisdiction may transfer proceeds from the sale of forfeited property, after the deduction of amounts described by Subsection (a), to local law enforcement agencies to be used for law enforcement purposes, including the provision of training or the administration of community outreach programs. If the district attorney represents only one county, a transfer under this subsection is subject to the approval of the commissioners court. If the district attorney represents more than one county, the transfer is subject to the approval of a regional review committee composed of a county judge, a county attorney, and a county commissioner appointed by a member of the house of representatives of this state who represents one of the counties represented by the district attorney.

Amendment No. 2 was adopted.

Amendment No. 3

Representative Fletcher offered the following amendment to **SB 316**:

Amend **SB 316** (house committee printing) as follows:

(1) Add the following appropriately numbered SECTIONS to the bill:

SECTION _____. Article 59.06, Code of Criminal Procedure, is amended by adding Subsection (c-3) to read as follows:

(c-3) Notwithstanding Subsection (a), with respect to forfeited property seized in connection with a violation of Chapter 481, Health and Safety Code (Texas Controlled Substances Act), by a peace officer employed by the Department of Public Safety, in a proceeding under Article 59.05 in which a default judgment is rendered in favor of the state, the attorney representing the state shall enter into a local agreement with the department that allows the attorney representing the state either to:

(1) transfer forfeited property to the department to maintain, repair, use, and operate for official purposes in the manner provided by Subsection (b);
or

(2) allocate proceeds from the sale of forfeited property described by Subsection (c), after the deduction of court costs as described by that subsection, in the following proportions:

(A) 40 percent to a special fund in the department to be used solely for law enforcement purposes;

(B) 30 percent to a special fund in the county treasury for the benefit of the office of the attorney representing the state, to be used by the attorney solely for the official purposes of the attorney's office; and

(C) 30 percent to the general revenue fund.

SECTION _____. Article 59.06(c-3), Code of Criminal Procedure, as added by this Act, applies to property seized or taken into custody on or after the effective date of this Act. Property seized or taken into custody before the effective date of this Act is governed by the law in effect on the date the property is seized or taken into custody, and the former law is continued in effect for that purpose.

(2) In SECTION 5 of the bill, on page 9, strike lines 10 and 11, and substitute "The changes in law made by this Act in adding Subsections (c-2), (d-1), and (d-2), Article 59.06, Code of Criminal Procedure, and amending Subsection (d), Article 59.06, Code of".

(3) Renumber remaining SECTIONS of the bill as appropriate.

Amendment No. 3 was adopted.

SB 316 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE RAYMOND: Pete, I just wanted to get a clarification for my folks back home who were asking me about this. The—and I'm sorry, I don't have your bill in front of me, but I've got some notes here. As a matter of clarification, they're asking, what is the legislative intent for the following amendment to Article 59.06(d-1) and 6, Subsections (a) and (b), where it says a head of "a law enforcement agency or attorney representing the state will be required to secure approval from commissioner's court or the governing body of the municipality to make any expenditure if (a) and (b) apply." It's only if (a) and (b) apply, is that correct?

REPRESENTATIVE GALLEGOS: That's correct.

REMARKS ORDERED PRINTED

Representative Raymond moved to print remarks between Representative Gallego and Representative Raymond.

The motion prevailed.

SB 316, as amended, was passed to third reading.

HB 2856 - LAID ON THE TABLE SUBJECT TO CALL

Representative Gallego moved to lay **HB 2856** on the table subject to call.

The motion prevailed.

**GENERAL STATE CALENDAR
(consideration continued)**

**CSHB 3310 ON SECOND READING
(by Rodriguez)**

CSHB 3310, A bill to be entitled An Act relating to incentives for the purchase or lease of an electric-powered light-duty motor vehicle.

Amendment No. 1

Representative Rodriguez offered the following amendment to **CSHB 3310**:

Amend **CSHB 3310** (house committee printing) on page 1, SECTION 1, by inserting an additional amendment to Section 386.152 to read as follows:

(d) If the commission, in consultation with the Governor and the advisory board, finds that use of the money for the program under this subchapter will cause the state to be found to be in noncompliance with the state implementation plan to the extent that Federal action is likely, and if reallocation of some or all the funding for the program under this subchapter to the diesel emissions reduction incentive program under Chapter 386 will resolve such noncompliance, then the commission may reallocate only the portion of the funding necessary to resolve the noncompliance.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Chisum offered the following amendment to **CSHB 3310**:

Amend **CSHB 3310** by adding the following appropriately numbered SECTIONS and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 386.104, Health and Safety Code, is amended by adding Subsection (i) to read as follows:

(i) The commission shall consider an application for a vehicle replacement or a fleet expansion for a project with an activity life of five years or more, or 400,000 miles, whichever is earlier.

SECTION _____. Section 391.004, Health and Safety Code, as added by Chapter 1232 (**SB 1759**), Acts of the 81st Legislature, Regular Session, 2009, is amended by adding Subsection (d) to read as follows:

(d) The commission shall minimize, to the maximum extent possible, the amount of paperwork required for an application. An applicant may be required to submit a photograph or other documentation of a vehicle identification number, registration information, inspection information, tire condition, or engine block identification only if the photograph or documentation is requested by the commission after the commission has decided to award a grant to the applicant under this chapter.

SECTION _____. Section 391.005, Health and Safety Code, as added by Chapter 1232 (SB 1759), Acts of the 81st Legislature, Regular Session, 2009, is amended by adding Subsection (i) to read as follows:

(i) Under this chapter, for the vehicle to be replaced, "ownership" includes leasing or other commercial financing. If the commission determines that a heavy-duty motor vehicle or engine that is leased or otherwise commercially financed must be decommissioned, the commission shall ensure that the applicant has a legal right to decommission the vehicle or engine before awarding a grant to the applicant.

(j) Notwithstanding any other provision in this chapter, the commission shall consider an application for a vehicle replacement or a fleet expansion for a project with an activity life of five years or more, or 400,000 miles, whichever is earlier.

(Veasey now present)

Amendment No. 2 was withdrawn.

CSHB 3310, as amended, failed to pass to engrossment by (Record 975): 50 Yeas, 92 Nays, 2 Present, not voting.

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

Nays — Allen; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, S.; Driver; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harper-Brown(C); Hartnett; Hilderbran; Hopson; Howard, C.; Hughes; 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; 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.

Present, not voting — Mr. Speaker; Chisum.

Absent, Excused — Castro; Eiland; Gutierrez.

Absent — Eissler; Hunter; Pitts.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 975. I intended to vote no.

Huberty

I was shown voting yes on Record No. 975. I intended to vote no.

Peña

CSHB 1776 ON SECOND READING

(by Lozano, Hancock, Muñoz, Sheffield, and Creighton)

CSHB 1776, A bill to be entitled An Act relating to contracts between dentists and health maintenance organizations or insurers.

CSHB 1776 was passed to engrossment.

CSSB 1087 ON SECOND READING

(Hilderbran - House Sponsor)

CSSB 1087, A bill to be entitled An Act relating to state-issued certificates of franchise authority to provide cable service and video service.

CSSB 1087 was considered in lieu of **HB 256**.

CSSB 1087 was passed to third reading. (Patrick recorded voting no.)

HB 256 - LAID ON THE TABLE SUBJECT TO CALL

Representative Hilderbran moved to lay **HB 256** on the table subject to call.

The motion prevailed.

HB 1728 ON SECOND READING

(by Keffer)

HB 1728, A bill to be entitled An Act relating to energy savings performance contracts.

Amendment No. 1

Representative Keffer offered the following amendment to **HB 1728**:

Amend **HB 1728** as follows:

(1) On page ____, line ____, strike the existing new Section (f-1) and substitute the following:

"(f-1) Notwithstanding other law, the board of trustees may contract with the provider of the energy or water conservation measures to perform work that is related to, connected with, or otherwise ancillary to the measures identified in the scope of an energy savings performance contract and may use any available money, other than money borrowed from this state, to pay the provider for such services under this section and the board is not required to pay for such costs solely out of the savings realized by the school district under an energy saving performance contract."

(2) On page ____, line ____, strike the existing new Section (g-1) and substitute with the following:

"(g-1) Notwithstanding other law, the board may contract with the provider of the energy or water conservation measures to perform work that is related to, connected with, or otherwise ancillary to the measures identified in the scope of an energy savings performance contract and may use any available money, other than money borrowed from this state, to pay the provider for such services under this section and the board is not required to pay for such costs solely out of the savings realized by the institution of higher education under an energy saving performance contract."

(3) On page ____, line ____, strike the existing new Section (f-1) and substitute the following:

"(f-1) Notwithstanding other law, the state agency may contract with the provider of the energy or water conservation measures to perform work that is related to, connected with, or otherwise ancillary to the measures identified in the scope of an energy savings performance contract and may use any available money, other than money borrowed from this state, to pay the provider for such services under this section and the state agency is not required to pay for such costs solely out of the savings realized by the local government under an energy saving performance contract."

(4) On page ____, line ____, strike the existing new Section (a-1) and substitute the following:

"(a-1) Notwithstanding other law, the governing body of a local government may contract with the provider of the energy or water conservation measures to perform work that is related to, connected with, or otherwise ancillary to the measures identified in the scope of an energy savings performance contract and may use any available money, other than money borrowed from this state, to pay the provider for such services under this section and the governing body is not required to pay for such costs solely out of the savings realized by the local government under an energy saving performance contract."

Amendment No. 1 was adopted.

Amendment No. 2

Representative Farrar offered the following amendment to **HB 1728**:

Amend **HB 1728** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____ . Section 44.902, Education Code, is amended by adding Subsection (b-1) and amending Subsection (d) to read as follows:

(b-1) For purposes of Subsection (b), a strategy for achieving energy efficiency includes facility design and construction.

(d) The board of trustees may submit the plan required under Subsection (a) to the State Energy Conservation Office for the purposes of determining whether funds available through loan programs administered by the office or tax incentives administered by the state or federal government are available to the district. The board may not disallow any proper allocation of incentives.

Amendment No. 2 was adopted.

HB 1728, as amended, was passed to engrossment.

SB 279 ON SECOND READING
(Laubenberg and Rodriguez - House Sponsors)

SB 279, A bill to be entitled An Act relating to inclusion of pets and other companion animals in protective orders; providing a penalty.

SB 279 was considered in lieu of **HB 323**.

SB 279 was passed to third reading.

HB 323 - LAID ON THE TABLE SUBJECT TO CALL

Representative Laubenberg moved to lay **HB 323** on the table subject to call.

The motion prevailed.

HB 3326 ON SECOND READING
(by Woolley)

HB 3326, A bill to be entitled An Act relating to the classification of certain entities as primarily engaged in retail trade for purposes of the franchise tax.

HB 3326 was passed to engrossment.

LEAVE OF ABSENCE GRANTED

The following member was granted leave for the remainder of today to attend a meeting of the Conference Committee on **HB 1**:

Pitts on motion of Brown.

CSHB 189 ON SECOND READING
(by T. Smith, Martinez Fischer, Harless, et al.)

CSHB 189, A bill to be entitled An Act relating to the criminal and civil consequences for certain intoxication offenses and to certain fees associated with the enforcement and administration of certain of those consequences.

Amendment No. 1

Representative T. Smith offered the following amendment to **CSHB 189**:

Amend **CSHB 189** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 521.251, Transportation Code, is amended to read as follows:

Sec. 521.251. EFFECTIVE DATE OF OCCUPATIONAL LICENSE. (a) If a person's license is suspended under Chapter 524 or 724 and the person has not had a prior suspension arising from an alcohol-related or drug-related enforcement contact in the five years preceding the date of the person's arrest, an

order under this subchapter granting the person an occupational license takes effect immediately. However, the court shall order the person to comply with the counseling and rehabilitation program required under Section 521.245.

(b) An order under this subchapter granting the person an occupational license may not take effect before the 45th day after the effective date of the person's driver's license suspension under Chapter 524 or 724 if [H] the person's [driver's] license has been suspended as a result of:

(1) an alcohol-related or drug-related enforcement contact during the five years preceding the date of the person's arrest; or

(2) [the order may not take effect before the 91st day after the effective date of the suspension.]

[e] If the person's driver's license has been suspended as a result of a conviction under Section 49.04, 49.07, or 49.08, Penal Code, during the five years preceding the date of the person's arrest, the order may not take effect before the 181st day after the effective date of the suspension.

[d] Notwithstanding any other provision in this section, if the person's driver's license has been suspended as a result of] a second or subsequent conviction under Section 49.04, 49.045, 49.07, or 49.08, Penal Code, committed within five years of the date on which the most recent preceding offense was committed, [an order granting the person an occupational license may not take effect before the first anniversary of the effective date of the suspension].

(c) [e] For the purposes of this section, "alcohol-related or drug-related enforcement contact" means a driver's license suspension, disqualification, or prohibition order under the laws of this state or another state resulting from:

(1) a conviction of an offense prohibiting the operation of a motor vehicle while:

(A) intoxicated;

(B) under the influence of alcohol; or

(C) under the influence of a controlled substance;

(2) a refusal to submit to the taking of a breath or blood specimen following an arrest for an offense prohibiting the operation of a motor vehicle while:

(A) intoxicated;

(B) under the influence of alcohol; or

(C) under the influence of a controlled substance; or

(3) an analysis of a breath or blood specimen showing an alcohol concentration of a level specified by Section 49.01, Penal Code, following an arrest for an offense prohibiting the operation of a motor vehicle while intoxicated [has the meaning assigned by Section 524.001].

(d) For purposes of this section, a person has been convicted if the person was adjudged guilty of the offense or entered a plea of guilty or nolo contendere in return for a grant of deferred adjudication, regardless of whether the sentence for the offense was ever imposed or whether the sentence was probated and person was subsequently discharged from community supervision.

Amendment No. 2

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

Amend Amendment No. 1 by T. Smith to **CSHB 189** (house committee printing) by striking page 1, lines 4-5 and substituting:

SECTION _____. This Act shall be known as the Nicole "Lilly" Lalime and Todd Levin Memorial Act.

Amendment No. 2 was adopted. (The vote was reconsidered on May 12, and Amendment No. 2 was withdrawn.)

Amendment No. 1, as amended, was adopted. (The vote was reconsidered on May 12, and Amendment No. 1, as amended, was adopted.)

Amendment No. 3

Representative W. Smith offered the following amendment to **CSHB 189**:

Amend **CSHB 189** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Chapter 17, Code of Criminal Procedure, is amended by adding Article 17.442 to read as follows:

Art. 17.442. CONDITIONS REQUIRING ALCOHOL TESTING. (a) A magistrate may require a defendant as a condition of release on bond to obtain and use an alcohol monitoring device and to obtain and use the device at the defendant's own expense.

(b) If a magistrate requires a defendant to obtain and use an alcohol monitoring device under this article, the magistrate must specify the date by which the defendant must begin using the device.

(c) The magistrate may revoke the bond and order the defendant arrested if the magistrate finds, after notice and an opportunity for a hearing, that:

(1) the defendant failed to obtain and use an alcohol monitoring device, as required by the magistrate;

(2) the defendant tampered with or otherwise attempted to circumvent or disable the alcohol monitoring device;

(3) the alcohol monitoring device showed that the defendant violated a condition of bond;

(4) the defendant otherwise did not submit to alcohol testing; or

(5) the defendant failed to pay the costs of alcohol testing, including the costs of an alcohol monitoring device, if:

(A) payment was ordered under Subsection (d) as a condition of bond; and

(B) the magistrate determines that the defendant is not indigent and is financially able to make the payments as ordered.

(d) The costs of the alcohol monitoring device and associated services may be:

(1) assessed as a cost of court;

(2) ordered paid as a condition of bond by the defendant directly to the agency or service provider designated by the magistrate under Subsection (e) in the same manner as a defendant is required to pay fees under Article 17.441(d); or

(3) waived or reduced.

(e) The magistrate may designate an agency or service provider to verify the installation of an alcohol monitoring device and to monitor the defendant's use of the device.

SECTION _____. Subchapter B, Chapter 103, Government Code, is amended by adding Section 103.0217 to read as follows:

Sec. 103.0217. ADDITIONAL FEES IN CERTAIN CRIMINAL CASES: CODE OF CRIMINAL PROCEDURE. A defendant who is ordered by the court to obtain and use an alcohol monitoring device under Article 17.442, Code of Criminal Procedure, shall pay a fee in the manner and amount set by the magistrate under that article.

Amendment No. 3 was adopted.

Amendment No. 4

Representative Madden offered the following amendment to **CSHB 189**:

Amend **CSHB 189** (house committee printing) by striking SECTION 2 of the bill (page 2, lines 16 through 23) and substituting the following:

SECTION 2. Section 13, Article 42.12, Code of Criminal Procedure, is amended by adding Subsection (o) to read as follows:

(o) A judge granting deferred adjudication to a defendant for an offense under Section 49.04, 49.05, 49.06, or 49.065, Penal Code, may require the defendant to have an ignition interlock device installed under Subsection (i), except that if an analysis of a specimen of the person's blood or breath taken following an arrest showed an alcohol concentration level of 0.15 or more at the time the analysis was performed, the judge shall require the defendant to have the device installed regardless of whether the defendant would be required to have the device installed if the defendant was convicted.

Amendment No. 4 was adopted. (Carter and Phillips recorded voting no.)

Amendment No. 5

Representative Martinez Fischer offered the following amendment to **CSHB 189**:

Amend **CSHB 189** (house committee printing) as follows:

(1) On page 6, line 1, strike "The" and substitute "(a) Except as provided by Subsection (b) of this SECTION, the".

(2) On page 6, between lines 8 and 9, insert:

(b) In a criminal action pending on or commenced on or after the effective date of this Act, for an offense committed before the effective date of this Act, the court may proceed in accordance with Section 5(d), Article 42.12, Code of Criminal Procedure, as amended by this Act, if the defendant so elects by written motion filed with the trial court before the sentencing hearing begins.

CSHB 189 - POINT OF ORDER

Representative Carter raised a point of order against further consideration of **CSHB 189**.

The point of order was withdrawn.

Representative T. Smith moved to postpone consideration of **CSHB 189** until 7 p.m. today.

The motion prevailed.

**CSHB 748 ON SECOND READING
(by Menendez and Hartnett)**

CSHB 748, A bill to be entitled An Act relating to a criminal defendant's incompetency to stand trial, to certain related time credits, and to the maximum period allowed for restoration of the defendant to competency.

CSHB 748 was passed to engrossment. (Laubenberg recorded voting no.)

RECESS

At 6:40 p.m., the chair announced that the house would stand recessed until 7:10 p.m. today.

NIGHT SESSION

The house met at 7:10 p.m. and was called to order by Representative Ritter.

**HR 1809 - ADOPTED
(by S. Davis)**

Representative S. Davis moved to suspend all necessary rules to take up and consider at this time **HR 1809**.

The motion prevailed.

The following resolution was laid before the house:

HR 1809, Honoring the residents of Seven Acres Jewish Senior Care Services on the occasion of Older Americans Month.

HR 1809 was adopted.

**HR 1951 - ADOPTED
(by Woolley)**

Representative S. Davis moved to suspend all necessary rules to take up and consider at this time **HR 1951**.

The motion prevailed.

The following resolution was laid before the house:

HR 1951, Congratulating David and Caroline Pierce of Houston on their 50th wedding anniversary.

HR 1951 was adopted.

**GENERAL STATE CALENDAR
(consideration continued)**

**HB 3131 ON SECOND READING
(by Geren)**

HB 3131, A bill to be entitled An Act relating to providing that certain travel vouchers submitted by peace officers assigned to a protective detail are confidential.

HB 3131 - POINT OF ORDER

Representative Walle raised a point of order against further consideration of **HB 3131** under Rule 4, Section 32 of the House Rules on the grounds that the bill analysis is incorrect.

The point of order was withdrawn.

Representative Geren moved to postpone consideration of **HB 3131** until 8 p.m. today.

The motion prevailed.

**CSHB 1994 ON SECOND READING
(by Weber, et al.)**

CSHB 1994, A bill to be entitled An Act relating to the creation of a first offender prostitution prevention program.

CSHB 1994 was passed to engrossment. (Carter and Peña recorded voting no.)

**CSSB 141 ON SECOND READING
(Anchia - House Sponsor)**

CSSB 141, A bill to be entitled An Act relating to debt management services and the regulation of debt management services providers.

CSSB 141 was considered in lieu of **HB 1222**.

Amendment No. 1

Representative Anchia offered the following amendment to **CSSB 141**:

Amend **CSSB 141** (house committee printing) in added Section 394.210(h), Finance Code (page 11, line 6), by striking "Subsection (g)" and substituting "Subsection (g)(3)(B)".

Amendment No. 1 was adopted.

(Eiland now present)

CSSB 141, as amended, failed to pass to third reading by (Record 976): 62 Yeas, 78 Nays, 2 Present, not voting. (The vote was reconsidered on May 12, and **CSSB 141**, as amended, was passed to third reading by Record No. 984.)

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Berman; Burnam; Coleman; Davis, Y.; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Guillen; Hancock; Harless; Hernandez Luna;

Hochberg; Hopson; Howard, D.; Hunter; Johnson; King, T.; Kleinschmidt; Larson; Laubenberg; Lozano; Lucio; Lyne; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; Menendez; Miles; Morrison; Muñoz; Naishtat; Oliveira; Pickett; Price; Quintanilla; Raymond; Reynolds; Rodriguez; Scott; Shelton; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle; Woolley; Workman.

Nays — Aliseda; Anderson, R.; Aycock; Beck; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Deshotel; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Gooden; Hamilton; Hardcastle; Harper-Brown; Hartnett; Howard, C.; Huberty; Hughes; Isaac; Jackson; Keffer; King, P.; King, S.; Kolkhorst; Kuempel; Landtroop; Lavender; Legler; Lewis; Madden; Miller, D.; Miller, S.; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Riddle; Schwertner; Sheets; Sheffield; Simpson; Smith, T.; Smith, W.; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Zedler; Zerwas.

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

Absent, Excused — Castro; Gutierrez.

Absent, Excused, Committee Meeting — Pitts.

Absent — Dukes; Geren; Hilderbran; McClendon; Smithee.

STATEMENTS OF VOTE

When Record No. 976 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

When Record No. 976 was taken, I was in the house but away from my desk. I would have voted yes.

Geren

I was shown voting yes on Record No. 976. I intended to vote no.

L. Gonzales

I was shown voting yes on Record No. 976. I intended to vote no.

Hancock

When Record No. 976 was taken, I was in the house but away from my desk. I would have voted yes.

Hilderbran

I was shown voting yes on Record No. 976. I intended to vote no.

Laubenberg

When Record No. 976 was taken, I was in the house but away from my desk. I would have voted yes.

McClendon

CSHB 32 ON SECOND READING

(by Creighton, Zerwas, Schwertner, Hancock, Shelton, et al.)

CSHB 32, A bill to be entitled An Act relating to required individual health insurance coverage.

CSHB 32 - POINT OF ORDER

Representative Coleman raised a point of order against further consideration of **CSHB 32** under Rule 4, Section 18(b) of the House Rules on the grounds that the committee minutes are incomplete.

The point of order was withdrawn.

Representative Creighton moved to postpone consideration of **CSHB 32** until 8:15 p.m. today.

The motion prevailed.

HB 1872 ON SECOND READING

(by Giddings)

HB 1872, A bill to be entitled An Act relating to requirements regarding information to be provided to employees covered by workers' compensation health care networks.

HB 1872 was passed to engrossment. (Garza, Laubenberg, Perry, and Weber recorded voting no.)

HB 1576 ON SECOND READING

(by Garza)

HB 1576, A bill to be entitled An Act relating to the monitoring of compliance with low-income and moderate-income housing ad valorem tax exemptions.

Amendment No. 1

On behalf of Representative Garza, Representative Brown offered the following amendment to **HB 1576**:

Amend **HB 1576** (house committee printing) as follows:

(1) Add the following appropriately numbered SECTIONS to the bill:

SECTION _____. Section 11.182(a), Tax Code, is amended by amending Subdivision (2) and adding Subdivisions (3) and (4) to read as follows:

(2) "Community housing development organization" has the meaning assigned by 24 C.F.R. Section 92.2 [42 U.S.C. Section 12704].

(3) "Control" means having the power to manage, direct, superintend, restrict, regulate, govern, or oversee. An organization is considered to control a limited partnership if the organization directly or through a wholly controlled subsidiary controls 100 percent of the general partner interest. An organization is considered to control a limited liability company if the organization is the sole manager or managing member of the company.

(4) "Low-income individual or family" means "individuals and families of low income" as defined by Section 2306.004, Government Code.

SECTION ____ . Section 11.182, Tax Code, is amended by adding Subsections (a-1), (b-1), (b-2), and (b-3) and amending Subsections (e) and (g) to read as follows:

(a-1) An organization is considered to own property for purposes of this section and the provisions of Section 2, Article VIII, Texas Constitution, authorizing the legislature by general law to exempt from taxation property owned by an institution engaged primarily in public charitable functions, if the organization has legal or equitable title to the property. For purposes of eligibility for an exemption under this section:

(1) property owned by a tax credit partnership or limited liability company is considered to be owned by a community housing development organization if the general partner of the tax credit partnership or the manager of the limited liability company is or is controlled by the community housing development organization; and

(2) property owned by a single member limited liability company is considered to be owned by the company's single member.

(b-1) For purposes of determining whether an organization has satisfied the requirements of Subsection (b)(2) in order to qualify for an exemption under this section, an opinion included in an audit of the organization prepared by a person 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.

(b-2) Notwithstanding Subsection (b), if the legal owner of property is not an organization described by that subsection, the legal owner is entitled to an exemption from taxation of property under this section if the property otherwise qualifies for the exemption and the legal owner is:

(1) an entity 100 percent of the interest in which is owned by an organization that meets the requirements of Subsection (b); or

(2) an entity controlled by an organization that meets the requirements of Subsection (b).

(b-3) A reference in this section to an organization includes an entity described by Subsection (b-2).

(e) In addition to meeting the applicable requirements of Subsections (b) and (c), to receive an exemption under Subsection (b) for improved real property that includes a housing project constructed after December 31, 2001, and financed with qualified 501(c)(3) bonds issued under Section 145 of the Internal Revenue Code of 1986, tax-exempt private activity bonds subject to volume cap, or low-income housing tax credits, the organization must:

(1) control 100 percent of the interest in the general partner if the project is owned by a limited partnership;

(2) comply with all rules of and laws administered by the Texas Department of Housing and Community Affairs applicable to community housing development organizations if the department has continuing jurisdiction and oversight over the bond financing used to finance the project; and

(3) submit annually to the Texas Department of Housing and Community Affairs, if required by the organization's financing documents, and to the governing body of each taxing unit for which the project receives an exemption for the housing project evidence demonstrating that the organization spent an amount equal to at least 90 percent of the project's cash flow in the preceding fiscal year as determined by the audit required by Subsection (g), for eligible persons in the county in which the property is located, on social, educational, or economic development services, capital improvement projects, or rent reduction.

(g) To receive an exemption under Subsection (b) or (f), an organization must annually have an audit prepared by an independent auditor. The audit must include a detailed report on the organization's sources and uses of funds. A copy of the audit must be delivered to the Texas Department of Housing and Community Affairs, if required by the organization's financing documents, and to the chief appraiser of the appraisal district in which the property subject to the exemption is located.

SECTION _____. Section 11.1825, Tax Code, is amended by amending Subsections (a), (c), (d), (i), (j), (k), (l), and (t) and adding Subsections (a-1), (a-2), and (b-1) to read as follows:

(a) In this section, "control" means having the power to manage, direct, superintend, restrict, regulate, govern, or oversee. An organization is considered to control a limited partnership if the organization directly or through a wholly controlled subsidiary controls 100 percent of the general partner interest. An organization is considered to control a limited liability company if the organization is the sole manager or managing member of the company.

(a-1) An organization is considered to own property for purposes of this section and the provisions of Section 2, Article VIII, Texas Constitution, authorizing the legislature by general law to exempt from taxation property owned by an institution engaged primarily in public charitable functions, if the organization has legal or equitable title to the property. For purposes of eligibility for an exemption under this section:

(1) property owned by a tax credit partnership or limited liability company is considered to be owned by an organization if the general partner of the tax credit partnership or the manager of the limited liability company is or is controlled by the organization; and

(2) property owned by a single member limited liability company is considered to be owned by the company's single member.

(a-2) An organization is entitled to an exemption from taxation of real property owned by the organization that the organization constructs or rehabilitates and uses to provide housing to individuals or families meeting the income eligibility requirements of this section.

(b-1) For purposes of determining whether an organization has satisfied the requirements of Subsection (b)(1)(B) in order to qualify for an exemption under this section, an opinion included in an audit of the organization prepared by a person 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.

(c) Notwithstanding Subsection (b), if the legal ~~an~~ owner of real property ~~that~~ is not an organization described by that subsection, the legal owner is entitled to an exemption from taxation of property under this section if the property otherwise qualifies for the exemption and the legal owner is:

(1) an entity 100 percent of the interest in which is owned by ~~a limited partnership of which~~ an organization that meets the requirements of Subsection (b) ~~[controls 100 percent of the general partner interest];~~ or

(2) an entity controlled by ~~the parent of which is~~ an organization that meets the requirements of Subsection (b).

(d) If the legal owner of the property is an entity described by Subsection (c) ~~the entity must~~:

(1) the legal owner must be organized under the laws of this state~~;~~ and ~~(2)~~ have its principal place of business in this state; and

(2) the organization that owns 100 percent of the interest in or controls the legal owner as described by Subsection (c) must have equitable title to the property.

(i) Property owned for the purpose of constructing or rehabilitating a housing project on the property is exempt under this section only if:

(1) the property is used to provide housing to individuals or families described by Subsection (f); or

(2) the housing project is under active construction or rehabilitation or other physical preparation.

(j) For purposes of Subsection (i)(2), a housing project is under physical preparation if the organization has engaged in architectural or engineering work, soil testing, land clearing activities, or site improvement work necessary for the construction or rehabilitation of the project or has conducted an environmental or land use study relating to the construction or rehabilitation of the project.

(k) An organization may not receive an exemption for property owned for the purpose of constructing a housing project ~~constructed by the organization~~ if the construction of the project was completed before January 1, 2004.

(l) If the property is owned for the purpose of rehabilitating a housing project on the property:

(1) the original construction of the housing project must have been completed at least 10 years before the date the organization began actual rehabilitation of the project;

(2) the person from whom the organization acquired the project must have owned the project for at least five years, if the organization is not the original owner of the project, unless the organization acquired the project from a person that acquired the project by foreclosing on the project or receiving a deed or other instrument in lieu of foreclosure that conveyed the project to the person;

(3) the organization must provide to the chief appraiser and, if the project was financed with bonds, the issuer of the bonds a written statement prepared by a certified public accountant stating that the organization has spent on rehabilitation costs at least the greater of \$5,000 or the amount required by the financial lender for each dwelling unit in the project; and

(4) the organization must maintain a reserve fund for replacements:

(A) in the amount required by the financial lender; or

(B) if the financial lender does not require a reserve fund for replacements, in an amount equal to \$300 per unit per year.

(t) Notwithstanding Section 11.43(c), an exemption under this section does not terminate because of a change in ownership of the property if:

(1) the property is foreclosed on for any reason and, not later than the 30th day after the date of the foreclosure sale, the owner of the property submits to the chief appraiser evidence that the property is owned by:

(A) an organization that meets the requirements of Subsection (b);

or

(B) an entity that meets the requirements of Subsections (c) and

(d); or

(2) in the case of property owned by an entity described by Subsections (c) and (d), the organization meeting the requirements of Subsection (b) that owns 100 percent of the interest in or controls the ~~[general partner interest of or is the parent of the]~~ entity as described by Subsection (c) ceases to serve in that capacity and, not later than the 30th day after the date the cessation occurs, the owner of the property submits evidence to the chief appraiser that the organization has been succeeded in that capacity by another organization that meets the requirements of Subsection (b).

SECTION _____. Section 11.1826(c), Tax Code, is amended to read as follows:

(c) Not later than the 180th day after the last day of the organization's most recent fiscal year, the organization must deliver a copy of the audit to the department, if required by the organization's financing documents, and the chief appraiser of the appraisal district in which the property is located.

SECTION _____. This Act shall not be construed to permit refunds of taxes paid before the effective date of this Act on low or moderate income housing determined eligible for an exemption under the provisions of this Act, and applies only to ad valorem taxes imposed for a tax year beginning on or after the effective date of this Act.

SECTION _____. This Act takes effect January 1, 2013.

(2) Renumber the SECTIONS of the bill accordingly.

Amendment No. 1 was withdrawn.

Representative Garza moved to postpone consideration of **HB 1576** until 8:10 p.m. today.

The motion prevailed.

HB 335 ON SECOND READING**(by Shelton, Kolkhorst, Schwertner, Zerwas, Creighton, et al.)**

HB 335, A bill to be entitled An Act relating to implementation and requirements of certain health care reform laws.

Amendment No. 1

Representative Shelton offered the following amendment to **HB 335**:

Amend **HB 335** (house committee printing) as follows:

- (1) On page 1, lines 12-13, strike "to the board" and substitute: "to:
 - (1) the board;
 - (2) the governor;
 - (3) the lieutenant governor;
 - (4) the speaker of the house of representatives; and
 - (5) the appropriate standing legislative committees having jurisdiction over issues relating to health care reform".
- (2) On page 2, line 21, after the semicolon, insert "and".
- (3) On page 2, line 23, strike "provision; and" and substitute "provision."
- (4) Strike page 2, lines 24-25.

Amendment No. 1 was adopted.

HB 335, as amended, was passed to engrossment.

CSHB 1043 ON SECOND READING**(by Christian, Lucio, Zedler, and Rodriguez)**

CSHB 1043, A bill to be entitled An Act relating to creating an offense for engaging in certain conduct relating to cockfighting.

Amendment No. 1

Representative S. Miller offered the following amendment to **CSHB 1043**:

Amend **CSHB 1043** (house committee printing) as follows:

- (1) On page 2, between lines 18 and 19, insert the following:
 - (e) It is a defense to prosecution for an offense under this section that:
 - (1) the actor was engaged in bona fide experimentation for scientific research; or
 - (2) the conduct engaged in by the actor is a generally accepted and otherwise lawful animal husbandry or agriculture practice involving livestock animals.
- (2) On page 2, line 19, strike "(e)" and substitute "(f)".

Amendment No. 1 was adopted.

CSHB 1043, as amended, was passed to engrossment. (Cain, T. King, Landtroop, Peña, Perry, Raymond, V. Taylor, and White recorded voting no.)

HB 3282 ON SECOND READING**(by Guillen)**

HB 3282, A bill to be entitled An Act relating to the operation and regulation of 24-number bingo games.

HB 3282 - POINT OF ORDER

Representative C. Howard raised a point of order against further consideration of **HB 3282** under Rule 4, Section 32(c)(2) of the House Rules on the grounds that the bill analysis is incorrect.

The point of order was withdrawn.

Representative Guillen moved to postpone consideration of **HB 3282** until 8:45 p.m. today.

The motion prevailed.

CSHB 2728 ON SECOND READING
(by Thompson)

CSHB 2728, A bill to be entitled An Act relating to the operation and regulation of charitable bingo.

Amendment No. 1

Representative Thompson offered the following amendment to **CSHB 2728**:

Amend **CSHB 2728** as follows:

1. Strike SECTION 5
2. On page 4, line 14 strike \$50 and insert \$25

Amendment No. 1 was adopted.

CSHB 2728, as amended, was passed to engrossment. (C. Anderson, Berman, Cain, Carter, J. Davis, Flynn, Hopson, Landtroop, Laubenberg, Patrick, Perry, V. Taylor, Weber, and Workman recorded voting no.)

CSHB 2649 ON SECOND READING
(by Allen)

CSHB 2649, A bill to be entitled An Act relating to the award of diligent participation credit to defendants confined in a state jail felony facility.

LEAVE OF ABSENCE GRANTED

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

Marquez on motion of Raymond.

CSHB 2649 - (consideration continued)

Amendment No. 1

Representative Allen offered the following amendment to **CSHB 2649**:

Amend **CSHB 2649** (house committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Section 15(h), Article 42.12, Code of Criminal Procedure, is amended by amending Subdivision (1) and adding Subdivisions (4), (5), and (6) to read as follows:

(1) A defendant confined in a state jail felony facility does not earn good conduct time for time served in the facility but may be awarded diligent participation credit in accordance with Subdivision (6).

(4) For purposes of Subdivisions (5) and (6), "diligent participation" includes:

(A) successful completion of an educational, vocational, or substance abuse treatment program; and

(B) progress toward successful completion of an educational, vocational, or substance abuse treatment program that was interrupted by illness, injury, or another circumstance outside the control of the defendant.

(5) For a defendant who has participated in an educational, vocational, or substance abuse treatment program while confined in a state jail felony facility, not later than the 30th day before the date on which the defendant will have served 80 percent of the defendant's sentence, the Texas Department of Criminal Justice shall report to the sentencing court the number of days during which the defendant diligently participated in any educational, vocational, or substance abuse treatment program.

(6) A judge, based on the report received under Subdivision (5), may credit against any time a defendant is required to serve in a state jail felony facility additional time for each day the defendant actually served in the facility while diligently participating in an educational, vocational, or substance abuse treatment program. A time credit under this subdivision may not exceed one-fifth of the amount of time the defendant is originally required to serve in the facility. A defendant may not be awarded a credit under this subdivision for any period during which the defendant is subject to disciplinary action.

SECTION 2. The change in law made by this Act applies only to a person confined in a state jail felony facility for an offense committed on or after the effective date of this Act. A person confined in a state jail felony facility for an offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 3. This Act takes effect September 1, 2011.

Amendment No. 2

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

Amend the proposed floor substitute (82R27599) to **CSHB 2649** as follows:

- (1) On page 1, line 13, strike "substance abuse".
- (2) On page 1, line 13, strike "and".
- (3) On page 1, line 15, strike "substance abuse".
- (4) On page 1, line 17, before the period, insert "; and
(C) active involvement in a work program".
- (5) On page 1, line 19, strike "or substance abuse".
- (6) On page 1, line 19, after "treatment", insert ", or work".

(7) On page 1, line 25, strike "or substance abuse".

(8) On page 1, line 25, after "treatment", insert ", or work".

(9) On page 1, line 25, after the period, insert:

The contents of a report submitted under this subdivision are not subject to challenge by a defendant.

(10) On page 2, lines 2 and 3, strike "or substance abuse".

(11) On page 2, line 2, after "treatment", insert ", or work".

(12) On page 2, line 7, after the period, insert "A time credit under this subdivision is a privilege and not a right."

Amendment No. 2 was adopted.

Amendment No. 1, as amended, was adopted.

CSHB 2649, as amended, was passed to engrossment.

CSHB 2975 ON SECOND READING
(by Hunter, Naishtat, Parker, Brown, et al.)

CSHB 2975, A bill to be entitled An Act relating to continuing education for physicians and nurses regarding the treatment of tick-borne diseases.

CSHB 2975 was passed to engrossment.

POSTPONED BUSINESS

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

HB 1951 ON THIRD READING
(by L. Taylor)

HB 1951, A bill to be entitled An Act relating to the continuation and operation of the Texas Department of Insurance and the operation of certain insurance programs; imposing administrative penalties.

HB 1951 was read third time earlier today and was postponed until this time.

Amendment No. 1

Representative Eiland offered the following amendment to **HB 1951**:

Amend **HB 1951** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering existing ARTICLES of the bill accordingly:

ARTICLE ____ . APPRAISALS UNDER PROPERTY INSURANCE
POLICIES

SECTION ____ .001. Subchapter B, Chapter 542, Insurance Code, is amended by adding Section 542.063 to read as follows:

Sec. 542.063. APPRAISALS. (a) A request for appraisal with respect to a claim under a property insurance policy shall not stay court proceedings during the appraisal process.

(b) A decision resulting from the appraisal process under a property insurance policy is binding only as to the amount of loss. An appraisal may not be used to determine liability issues such as coverage, causation, or conditions or limits imposed by the policy. The appraisal decision does not affect any other remedy available at law.

SECTION _____.002. The heading to Subchapter B, Chapter 542, Insurance Code, is amended to read as follows:

SUBCHAPTER B. PROMPT PAYMENT OF CLAIMS; APPRAISALS

SECTION _____.003. Section 542.063, Insurance Code, as added by this article, applies only to a dispute that arises on or after the effective date of this Act. A dispute that arises before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Eiland offered the following amendment to **HB 1951**:

Amend **HB 1951** on third reading as follows:

(1) In Section 1458.001(2)(A), Insurance Code, as added on second reading by Amendment No. 34 by Eiland, between "services" and the semicolon, insert "to covered individuals".

(2) In Section 1458.102(a)(1), Insurance Code, as added on second reading by Amendment No. 34 by Eiland, strike ", other than a payor who is not an insurer or a health maintenance organization,".

(3) After Section 1458.102(e), Insurance Code, as added on second reading by Amendment No. 34 by Eiland, insert:

(f) The notice described by Subsection (a)(1) is not required to include information regarding payors who are insurers or health maintenance organizations.

(4) In Section 1458.151(a), Insurance Code, as added on second reading by Amendment No. 34 by Eiland, strike "(a)".

(5) Strike Section 1458.151(b), Insurance Code, as added on second reading by Amendment No. 34 by Eiland.

Amendment No. 2 was adopted.

Amendment No. 3

Representative Eiland offered the following amendment to **HB 1951**:

Amend **HB 1951** on third reading by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS accordingly:

ARTICLE _____. EMPLOYER CONTRIBUTIONS TO INDIVIDUAL HEALTH INSURANCE POLICIES

SECTION _____.01. Subtitle A, Title 8, Insurance Code, is amended by adding chapter 1221 to read as follows:

CHAPTER 1221. EMPLOYER CONTRIBUTIONS TO INDIVIDUAL
HEALTH INSURANCE POLICIES

Sec. 1221.001. RULES; EMPLOYER CONTRIBUTIONS. The commissioner by rule, unless it would violate state or federal law, may develop procedures to allow an employer to make financial contributions to or premium payments for an employee or retiree's individual consumer directed health insurance policy in a manner that eliminates or minimizes the state or federal tax consequences, or provides positive state or federal tax consequences, to the employer.

Amendment No. 3 was adopted.

Amendment No. 4

Representative Y. Davis offered the following amendment to **HB 1951**:

Amend **HB 1951** on third reading by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS accordingly:

ARTICLE ____. REQUIRED OFFER TO EXCLUDE NAMED DRIVERS
FROM PERSONAL AUTOMOBILE INSURANCE POLICIES

SECTION ____.001. Subchapter B, Chapter 1952, Insurance Code, is amended by adding Section 1952.059 to read as follows:

Sec. 1952.060. REQUIRED OFFER: EXCLUSION OF NAMED DRIVERS. (a) In addition to applying to the insurers subject to this chapter under Section 1952.001, this section applies to a county mutual insurance company.

(b) An insurer that delivers or issues for delivery in this state a personal automobile insurance policy, including a policy provided through the Texas Automobile Insurance Plan Association under Chapter 2151, that covers liability arising out of the ownership, maintenance, or use of a motor vehicle and that would otherwise cover all residents in the named insured's household must offer the insured a provision that would exclude from coverage under the policy any resident of the named insured's household who is specifically named as being excluded.

(c) An exclusion under this section must be in writing and must:

(1) include the name of the person excluded from coverage;

(2) be signed by the named insured; and

(3) be attached to the policy and stated on the liability insurance card or any other form of proof of liability insurance verification.

Amendment No. 4 was adopted.

Amendment No. 5

Representative Bohac offered the following amendment to **HB 1951**:

Amend **HB 1951** (house committee report version) by adding the following appropriately numbered SECTIONS and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____. Sections 6002.158(e), Insurance Code, is amended to read as follows:

(e) The curriculum for a residential fire alarm technician course must consist of at least seven [eight] hours of instruction on installing, servicing, and maintaining single-family and two-family residential fire alarm systems as defined by National Fire Protection Standard No. 72 and an examination on National Fire Protection Standard No. 72 for which at least one hour is allocated for completion. The examination must consist of at least 25 questions, and an applicant must accurately answer at least 80 percent of the questions to pass the examination.

SECTION _____. The changes in law made by this Act to Section 6002.158, Insurance Code, apply only to an application for approval or renewal of approval of a training school submitted to the state fire marshal on or after the effective date of this Act. An application submitted before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

Amendment No. 5 was adopted.

Amendment No. 6

Representative Gallego offered the following amendment to **HB 1951**:

Amend **HB 1951** on third reading, in Section 2210.105(f), Insurance Code, as added on second reading by Amendment No. 1 by Taylor, as follows:

(1) Strike "second" and substitute "fifth".

(2) Following the period at the end of Section 2210.105(f), Insurance Code, insert "A recording of a meeting may be maintained for a period longer than the period required by this subsection."

Amendment No. 6 was adopted.

Amendment No. 7

Representative Gallego offered the following amendment to **HB 1951**:

Amend **HB 1951** (house committee printing) on third reading by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE _____. NOTICE OF VARIABLES

SECTION _____.001. Section 2251.009, Insurance Code, is added to read as follows:

Sec. 2251.009. NOTICE OF VARIABLES USED TO DETERMINE PREMIUM. (a) This section applies to an insurer writing residential property or personal automobile insurance.

(b) An insurer shall provide each policyholder with a list of:

(1) At the minimum:

(A) the ten variables with the greatest impact in determining the policyholder's premium; or

(B) if less than ten variables apply to the policy, all of the variables used in determining the policyholder's premium; and

(C) any additional variables that the commissioner by rule may require, if those variables are used to determine the policyholder's premium, or

(2) all variables used in determining the policyholder's premium.

(c) The list described in Subsection (b) shall be listed in order of greatest impact and also include a plain-language description of each variable.

(d) The variables shall include any variables that affect the premium charged the policyholder, including factors, relativities, tiers, increased limits factors, classification relativities, deductible relativities, discounts, surcharges, and fees.

(e) An insurer shall provide the list required by subsection (b) to the policyholder:

(1) when the policy is issued; and

(2) with the notice of:

(A) renewal;

(B) an offer of replacement coverage if the policy is nonrenewed;

or

(C) as required by the commissioner by rule.

(f) The commissioner shall adopt rules as necessary to implement this subchapter.

SECTION ____ .002. Section 32.102(a)(2), Insurance Code, is amended by adding paragraph (H) to read as follows:

(H) a list and plain-language description of each variable described in Section 2251.009 that may be used to determine the policyholder's premium.

(Keffer in the chair)

Representative L. Taylor moved to table Amendment No. 7.

The motion to table prevailed by (Record 977): 94 Yeas, 47 Nays, 3 Present, not voting.

Yeas — Aliseda; Allen; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; 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; Peña; Perry; Phillips; Price; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

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

Absent, Excused — Castro; Gutierrez; Marquez.

Absent, Excused, Committee Meeting — Pitts.

Absent — Hancock; Paxton.

STATEMENT OF VOTE

When Record No. 977 was taken, I was in the house but away from my desk. I would have voted yes.

Paxton

Amendment No. 8

Representative W. Smith offered the following amendment to **HB 1951**:

Amend **HB 1951** on third reading, in Section 2210.2551, Insurance Code, as added on second reading by Amendment No. 1 by Taylor, by adding the following new Subsection (c) to Section 2210.2551, Insurance Code:

(c) Subsection (b) applies only to a determination concerning the appointment of a qualified inspector under this chapter. The exclusive jurisdiction of the department under this section does not apply to the practice of engineering as defined by Section 1001.003, Occupations Code, or to a license issued, qualification required, determination made, order issued, judgment rendered, or other action of a board operating under Chapter 1001, Occupations Code. In the event of conflict, the authority of that board prevails with regard to the practice of engineering.

Amendment No. 8 was adopted.

Amendment No. 9

On behalf of Representative Hughes, Representative Orr offered the following amendment to **HB 1951**:

Amend **HB 1951** on third reading, by striking Section 2703.0515(c), Insurance Code, as added on second reading by the Orr amendment to Amendment No. 6 by Darby, and substituting:

(c) An additional premium or other amount may not be charged for an endorsement to a loan policy of title insurance if the endorsement:

(1) insures against loss from damage to improvements or permanent buildings located on land that results from the future exercise of any right existing on the date of the loan policy to use the surface of the land for the extraction or development of coal, lignite, oil, gas, or another mineral;

(2) expressly does not insure against loss resulting from subsidence;
and

(3) was promulgated by the commissioner in calendar year 2009.

Amendment No. 9 was adopted.

Amendment No. 10

Representative Veasey offered the following amendment to **HB 1951**:

Amend **HB 1951** on third reading by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . INSURANCE COVERAGE FOR CHILD PASSENGER SAFETY SEAT SYSTEMS

SECTION __.01. Subchapter B, Chapter 1952, Insurance Code, is amended by adding Section 1952.059 to read as follows:

Sec. 1952.059. COVERAGE OF CHILD PASSENGER SAFETY SEAT SYSTEM. (a) In this section, "child passenger safety seat system" has the meaning assigned by Section 545.412, Transportation Code.

(b) This section applies to a moderate or severe traffic collision in which:

(1) a child passenger safety seat system suffers cracks or warping as a result of the collision;

(2) the vehicle door nearest the child safety seat was damaged;

(3) a vehicle occupant suffered an injury; or

(4) an airbag deployed.

(c) This section applies to a collision described by Subsection (b) regardless of whether the vehicle in which the seat was installed was driven from the scene of the collision.

(d) In addition to an insurer described by Section 1952.001, this section applies to a county mutual insurance company.

(e) An automobile insurance policy that provides liability coverage shall cover the cost of replacing a child passenger safety seat system damaged in a collision if:

(1) a driver covered by the policy is at fault for the collision; and

(2) the damaged child passenger safety seat system was installed in a vehicle other than the vehicle operated by the driver covered by the policy.

(f) An automobile insurance policy that provides collision coverage shall cover the cost of replacing a child passenger safety seat system installed in a covered vehicle that is damaged in a collision unless that cost is first recovered from a driver who is at fault in the collision or insurance covering that driver. This subsection does not affect a right of subrogation of an insurer who covers the cost of replacing a child passenger safety seat system as required by this section.

AMENDMENT NO. 10 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE JACKSON: Just so I fully understand—I haven't looked at the amendment, I just remember it from yesterday—let's do this A-B scenario again. I'm car A, you're car B, I run into you. I've got liability insurance. If I have a car seat in my car that's damaged—torn up—my liability insurance doesn't cover the car seat in my car?

REPRESENTATIVE VEASEY: No.

JACKSON: It would cover a car seat in the other person's car if I'm at fault.

VEASEY: Absolutely, correct.

JACKSON: But, only if I'm at fault.

VEASEY: Absolutely.

JACKSON: And if it's in the policy limits.

VEASEY: Yes.

REMARKS ORDERED PRINTED

Representative Jackson moved to print remarks between Representative Veasey and Representative Jackson.

The motion prevailed.

Representative L. Taylor moved to table Amendment No. 10.

The motion to table prevailed by (Record 978): 93 Yeas, 45 Nays, 3 Present, not voting.

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

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

Absent, Excused — Castro; Gutierrez; Marquez.

Absent, Excused, Committee Meeting — Pitts.

Absent — Alonzo; Bohac; Davis, J.; Murphy; Torres.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 978. I intended to vote no.

Hilderbran

When Record No. 978 was taken, I was in the house but away from my desk. I would have voted yes.

Torres

Amendment No. 11

Representative Deshotel offered the following amendment to **HB 1951**:

Amendment No. ____ by Deshotel to **HB 1951** (house committee printing) by adding the following appropriately numbered Article to the bill and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE ____.

SECTION 1. Subchapter A, Chapter 2502, Insurance Code, is amended by adding Section 2502.006 to read as follows:

Sec. 2502.006. CERTAIN EXTRA HAZARDOUS COVERAGES PROHIBITED. (a) A title insurance company may not insure against loss or damage sustained by reason of any claim that under federal bankruptcy, state insolvency, or similar creditor's rights laws the transaction vesting title in the insured as shown in the policy or creating the lien of the insured mortgage is:

(1) a preference or preferential transfer under 11 U.S.C. Section 547;

(2) a fraudulent transfer under 11 U.S.C. Section 548;

(3) a transfer that is fraudulent as to present and future creditors under Section 24.005, Business & Commerce Code, or a similar law of another state; or

(4) a transfer that is fraudulent as to present creditors under Section 24.006, Business & Commerce Code, or a similar law of another state.

(b) The commissioner may by rule designate coverages that violate this section. It is not a defense against a claim that a title insurance company has violated this section that the commissioner has not adopted a rule under this subsection.

(c) Title insurance issued in or on a form prescribed by the commissioner shall be considered to comply with this section.

(d) Nothing in this section prohibits title insurance with respect to liens, encumbrances, or other defects to title to land that:

(1) appear in the public records before the date on which the contract of title insurance is made;

(2) occur or result from transactions before the transaction vesting title in the insured or creating the lien of the insured mortgage; or

(3) result from failure to timely perfect or record any instrument before the date on which the contract of title insurance is made.

(e) A title insurance company may not engage in the business of title insurance in this state if the title insurance company provides insurance of the type prohibited by Subsection (a) anywhere in the United States, except to the extent that the laws of another state require the title insurance company to provide that type of insurance.

SECTION 2. Section 2502.006, Insurance Code, as added by this Act, applies only to an insurance policy that is delivered, issued for delivery, or renewed on or after January 1, 2012. A policy delivered, issued for delivery, or renewed before January 1, 2012, 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. 11 was adopted.

Amendment No. 12

Representative Coleman offered the following amendment to **HB 1951**:

Amend **HB 1951** on third reading (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . CERTAIN HEALTH COVERAGES

SECTION ____ .01. Section 1355.001(1), Insurance Code, is amended to read as follows:

(1) "Serious mental illness" means the following psychiatric illnesses as defined by the American Psychiatric Association in the Diagnostic and Statistical Manual (DSM):

- (A) bipolar disorders (hypomanic, manic, depressive, and mixed);
- (B) depression in childhood and adolescence;
- (C) major depressive disorders (single episode or recurrent);
- (D) obsessive-compulsive disorders;
- (E) paranoid and other psychotic disorders;
- (F) schizo-affective disorders (bipolar or depressive); [~~and~~]
- (G) schizophrenia; and
- (H) anorexia nervosa, bulimia nervosa, and eating disorders not

otherwise specified.

Representative L. Taylor moved to table Amendment No. 12.

The motion to table prevailed by (Record 979): 88 Yeas, 51 Nays, 3 Present, not voting.

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

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

Absent, Excused — Castro; Gutierrez; Marquez.

Absent, Excused, Committee Meeting — Pitts.

Absent — Bohac; Deshotel; Miller, D.; Torres.

STATEMENT OF VOTE

When Record No. 979 was taken, I was in the house but away from my desk. I would have voted yes.

Torres

Amendment No. 13

Representative Coleman offered the following amendment to **HB 1951**:

Amend **HB 1951** on third reading (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE ____ . RESCISSION OF HEALTH BENEFIT PLAN

SECTION ____ .001. Chapter 1202, Insurance Code, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. RESCISSION OF HEALTH BENEFIT PLAN

Sec. 1202.101. DEFINITION. In this subchapter, "rescission" means the termination of an insurance agreement, contract, evidence of coverage, insurance policy, or other similar coverage document in which the health benefit plan issuer, as applicable, refunds premium payments or demands the recoupment of any benefit already paid under the plan.

Sec. 1202.102. APPLICABILITY. (a) This subchapter applies only to a health benefit plan, including a small or large employer health benefit plan written under Chapter 1501, that provides benefits for medical or surgical expenses incurred as a result of a health condition, accident, or sickness, including an individual, group, blanket, or franchise insurance policy or insurance agreement, a group hospital service contract, or an individual or group evidence of coverage or similar coverage document that is offered by:

- (1) an insurance company;
- (2) a group hospital service corporation operating under Chapter 842;
- (3) a fraternal benefit society operating under Chapter 885;
- (4) a stipulated premium company operating under Chapter 884;
- (5) a reciprocal exchange operating under Chapter 942;
- (6) a Lloyd's plan operating under Chapter 941;
- (7) a health maintenance organization operating under Chapter 843;
- (8) a multiple employer welfare arrangement that holds a certificate of

authority under Chapter 846; or

(9) an approved nonprofit health corporation that holds a certificate of authority under Chapter 844.

(b) This subchapter does not apply to:

(1) a health benefit plan that provides coverage:

(A) only for a specified disease or for another limited benefit other than an accident policy;

(B) only for accidental death or dismemberment;

(C) for wages or payments in lieu of wages for a period during which an employee is absent from work because of sickness or injury;

(D) as a supplement to a liability insurance policy;

(E) for credit insurance;

(F) only for dental or vision care;

(G) only for hospital expenses; or

(H) only for indemnity for hospital confinement;

(2) a Medicare supplemental policy as defined by Section 1882(g)(1), Social Security Act (42 U.S.C. Section 1395ss), as amended;

(3) a workers' compensation insurance policy;

(4) medical payment insurance coverage provided under a motor vehicle insurance policy;

(5) a long-term care insurance policy, including a nursing home fixed indemnity policy, unless the commissioner determines that the policy provides benefit coverage so comprehensive that the policy is a health benefit plan described by Subsection (a);

(6) a Medicaid managed care plan offered under Chapter 533, Government Code;

(7) any policy or contract of insurance with a state agency, department, or board providing health services to eligible individuals under Chapter 32, Human Resources Code; or

(8) a child health plan offered under Chapter 62, Health and Safety Code, or a health benefits plan offered under Chapter 63, Health and Safety Code.

Sec. 1202.103. RESCISSION PROHIBITED; EXCEPTION. (a) Notwithstanding any other law, except as provided by Subsection (b), a health benefit plan issuer may not rescind coverage under a health benefit plan with respect to an enrollee in the plan.

(b) A health benefit plan issuer may rescind coverage under a health benefit plan with respect to an enrollee if the enrollee engages in conduct that constitutes fraud or makes an intentional misrepresentation of a material fact.

Sec. 1202.104. NOTICE OF INTENT TO RESCIND. (a) A health benefit plan issuer may not rescind a health benefit plan without first notifying the affected enrollee in writing at least 30 days in advance of the issuer's intent to rescind the health benefit plan.

(b) The notice required under Subsection (a) must include, as applicable:

(1) the principal reasons for the decision to rescind the health benefit plan;

(2) the date on which the rescission is effective and the prior date to which the rescission retroactively reaches;

(3) an itemized list of any pending or paid claims the health benefit plan issuer intends to recoup following the rescission;

(4) an explanation of how the enrollee may obtain any documentation used by the health benefit plan issuer to justify the rescission;

(5) a statement that the enrollee is entitled to appeal a rescission decision to an independent review organization and that the health benefit plan issuer bears the burden of proof on appeal;

(6) an explanation of any time limit with which the enrollee must comply to appeal the rescission decision to an independent review organization, and a description of the consequences of failure to appeal within that time limit; and

(7) a statement that there is no cost to the individual to appeal the rescission decision to an independent review organization.

Sec. 1202.105. INDEPENDENT REVIEW PROCESS; PAYMENT OF CLAIMS. (a) An enrollee may appeal a health benefit plan issuer's rescission decision to an independent review organization in the manner prescribed by the commissioner by rule.

(b) A health benefit plan issuer shall comply with all requests for information made by the independent review organization and with the independent review organization's determination regarding the appropriateness of the issuer's decision to rescind.

(c) A health benefit plan issuer shall pay all otherwise valid medical claims under an individual's plan until the later of:

(1) the date on which an independent review organization determines that the decision to rescind is appropriate; or

(2) the time to appeal to an independent review organization has expired without an affected individual initiating an appeal.

(d) The commissioner shall adopt rules necessary to implement and enforce this section, including rules establishing certification standards for independent review organizations for purposes of this chapter.

Sec. 1202.106. BURDEN OF PROOF. In an appeal to an independent review organization under Section 1202.105 or an enforcement action or cause of action based on a violation of this subchapter by a health benefit plan issuer, the health benefit plan issuer must prove that the issuer did not violate this subchapter.

SECTION ____ .002. The change in law made by this article applies only to a health benefit plan that is delivered, issued for delivery, or renewed on or after January 1, 2012. A health benefit plan that is delivered, issued for delivery, or renewed before January 1, 2012, 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. 13 was adopted.

HB 1951, as amended, was passed by (Record 980): 101 Yeas, 40 Nays, 4 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; Dukes; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gonzalez; Gooden; Hamilton; Hancock; Hardcastle; Harless;

Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lucio; Lyne; Madden; Margo; McClendon; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Peña; Perry; Phillips; Price; Quintanilla; 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; Coleman; Davis, Y.; Deshotel; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Guillen; Hernandez Luna; Hochberg; Johnson; Lewis; Lozano; Mallory Caraway; Martinez; Martinez Fischer; Muñoz; Naishtat; Oliveira; Paxton; Pickett; Raymond; Reynolds; Rodriguez; Strama; Taylor, V.; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

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

Absent, Excused — Castro; Gutierrez; Marquez.

Absent, Excused, Committee Meeting — Pitts.

Absent — Howard, C.

STATEMENTS OF VOTE

When Record No. 980 was taken, I was in the house but away from my desk. I would have voted yes.

C. Howard

I was shown voting no on Record No. 980. I intended to vote yes.

Lewis

FIVE-DAY POSTING RULE SUSPENDED

Representative Cook moved to suspend the five-day posting rule to allow the Committee on State Affairs to consider **SB 773**, **SB 781**, **SB 898**, **SB 937**, **SB 981**, **SB 1002**, **SB 1133**, **SB 1393**, and **SB 1910** at 8 a.m. tomorrow in JHR 140.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

State Affairs, 8 a.m. tomorrow, JHR 140, for a public hearing, to consider **SB 773**, **SB 781**, **SB 898**, **SB 937**, **SB 981**, **SB 1002**, **SB 1133**, **SB 1393**, and **SB 1910**.

FIVE-DAY POSTING RULE SUSPENDED

Representative Eissler moved to suspend the five-day posting rule to allow the Committee on Public Education to consider **SB 49, SB 127, SB 224, SB 226, SB 738, SB 1113, and SB 1543** at 8 a.m. tomorrow, in E2.028.

The motion prevailed.

Representative Eissler moved to suspend the five-day posting rule to allow the Committee on Public Education to consider **SB 4** at 8 a.m. Friday, May 13 in E2.036.

The motion prevailed.

(Morrison in the chair)

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Public Education, 8 a.m. tomorrow, E2.028, for a public hearing, to consider **SB 49, SB 127, SB 224, SB 226, SB 738, SB 1113, and SB 1543**.

Public Education, 8 a.m. Friday, May 13, E2.036, for a public hearing, to consider **SB 4**.

**GENERAL STATE CALENDAR
(consideration continued)**

**HB 1580 ON SECOND READING
(by Brown)**

HB 1580, A bill to be entitled An Act relating to the training and certification of state agency employees or contractors performing service work on pressure vessels.

HB 1580 was passed to engrossment. (Garza recorded voting no.)

**CSHB 1871 ON SECOND READING
(by Giddings)**

CSHB 1871, A bill to be entitled An Act relating to the amount and payment of attorney's fees in certain workers' compensation cases.

CSHB 1871 was passed to engrossment. (Fletcher, Garza, and Riddle recorded voting no.)

**CSHB 36 ON SECOND READING
(by Menendez)**

CSHB 36, A bill to be entitled An Act relating to the punishment for and certain civil consequences of committing the offense of prostitution.

CSHB 36 was passed to engrossment.

**CSHB 242 ON SECOND READING
(by Craddick and Torres)**

CSHB 242, A bill to be entitled An Act relating to the authority of certain retired peace officers to carry certain firearms.

CSHB 242 was passed to engrossment.

HB 1689 ON SECOND READING
(by Brown)

HB 1689, A bill to be entitled An Act relating to the monitoring and enhancement of health and human services information technology.

(D. Miller in the chair)

HB 1689 was passed to engrossment.

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. 3.)

POSTPONED BUSINESS

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

CSHJR 135 ON SECOND READING
(by Phillips, Callegari, Hancock, Fletcher, Aliseda, et al.)

CSHJR 135, A joint resolution proposing a constitutional amendment relating to an individual's or a religious organization's freedom of religion.

CSHJR 135 was read second time earlier today and was postponed until this time.

Amendment No. 1

Representative Phillips offered the following amendment to **CSHJR 135**:

Amend **CSHJR 135** on page 1, lines 14-15, by striking "directly, indirectly, or incidentally, substantially burden" and substitute "substantially burden, whether the burden is direct, indirect, or incidental."

Amendment No. 2

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

Amend Amendment No. 1 by Phillips to **CSHJR 135** (house committee printing) by striking the text of the amendment and substituting the following:

Amend **CSHJR 135** by striking page 1, lines 14-17, and substituting the following:

(b) The government may not directly, indirectly, or incidentally impose a substantial burden on an individual's or an organization's conduct that is substantially motivated by a sincerely held religious belief, unless the government is:

Representative Phillips moved to table Amendment No. 2.

The motion to table prevailed by (Record 981): 75 Yeas, 61 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, R.; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Chisum; Christian; Cook; Craddick; Creighton; Davis, S.; Driver; Elkins; Fletcher; Flynn; Frullo; Garza; Gonzales, L.; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Landtroop; Larson; Laubenberg; Lavender; Lewis; Miller, S.; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Ritter; Scott; Sheets; Sheffield; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, V.; Torres; Truitt; White; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Aycock; Burnam; Carter; Coleman; Darby; Davis, J.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Geren; Giddings; Gonzales, V.; Gonzalez; Gooden; Hernandez Luna; Hochberg; Hopson; Howard, D.; Johnson; King, T.; Kuempel; Legler; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Miles; Morrison; Muñoz; Naishtat; Oliveira; Price; Quintanilla; Raymond; Reynolds; Riddle; Rodriguez; Schwertner; Shelton; Strama; Turner; Veasey; Villarreal; Vo; Walle; Weber; Workman.

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

Absent, Excused — Castro; Gutierrez; Marquez.

Absent, Excused, Committee Meeting — Pitts.

Absent — Anderson, C.; Crownover; Eissler; Guillen; Menendez; Pickett; Taylor, L.; Thompson.

Representative Phillips moved to postpone consideration of **CSHJR 135** until 10 a.m. tomorrow.

The motion prevailed.

HB 1576 ON SECOND READING

(by Garza)

HB 1576, A bill to be entitled An Act relating to the monitoring of compliance with low-income and moderate-income housing ad valorem tax exemptions.

HB 1576 was read second time earlier today, an amendment was offered and disposed of, and **HB 1576** was postponed until this time.

HB 1576 was passed to engrossment.

GENERAL STATE CALENDAR

(consideration continued)

CSHB 1244 ON SECOND READING

(by Castro)

CSHB 1244, A bill to be entitled An Act relating to developmental education courses and the assessment of student readiness under the Texas Success Initiative for public institutions of higher education.

Representative Patrick moved to postpone consideration of **CSHB 1244** until 4 a.m. tomorrow.

The motion prevailed.

HB 1886 ON SECOND READING
(by Morrison, et al.)

HB 1886, A bill to be entitled An Act relating to unclaimed property.

HB 1886 was passed to engrossment.

COMMITTEES GRANTED PERMISSION TO MEET

Representative Coleman requested permission for the Committee on County Affairs to meet while the house is in session, at 10 a.m. tomorrow, in 3W.15, to consider pending business.

Permission to meet was granted.

Representative Dutton requested permission for the Committee on Urban Affairs to meet while the house is in session, at 10:30 p.m. today, in 3W.9, to consider the previously posted agenda.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Urban Affairs, 10:30 p.m. today, 3W.9, for a formal meeting, to consider **SB 173, SB 233, SB 234, SB 577, SB 759, SB 768, SB 992, SB 1030, SB 1184, SB 1255, and SB 1882.**

County Affairs, 10 a.m. tomorrow, 3W.15, for a formal meeting, to consider pending business.

PROVIDING FOR ADJOURNMENT

Representative Branch moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 9:30 a.m. tomorrow in memory of Shirley Bird Perry of Stockdale.

The motion prevailed.

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

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. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

ADJOURNMENT

In accordance with a previous motion, the house, at 10:22 p.m., adjourned until 9:30 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

HCR 151 (By Lavender), In memory of Bowie County Transport Deputy Sherri Jones.

To Rules and Resolutions.

HCR 152 (By Torres), Designating the first full week of May as Texas Teacher Appreciation Week for a 10-year period, 2012 to 2021.

To Public Education.

HCR 153 (By Dukes), Honoring the Austin Area Urban League.

To Rules and Resolutions.

HCR 154 (By Craddick), Congratulating Stephen Hartmann of Midland on his retirement as executive director of University Lands for The University of Texas System.

To Rules and Resolutions.

HCR 156 (By Raymond), Directing the Texas Historical Commission to work with the City of Austin to honor the memory of President John F. Kennedy with an official Texas Historical Marker at or near the site of the Austin Municipal Auditorium.

To Culture, Recreation, and Tourism.

HCR 158 (By Hartnett), Urging the federal government to grant a conditional green card to certain noncitizens to allow them to enlist in the United States armed forces and urging the federal government to award citizenship to these immigrants upon the completion of four years of honorable military service.

To State Affairs.

HR 1763 (By Callegari), Honoring the University of Houston System at Cinco Ranch on its 30th anniversary.

To Rules and Resolutions.

HR 1765 (By Callegari), Congratulating Joe Hegar on his retirement as Katy city attorney.

To Rules and Resolutions.

HR 1766 (By Callegari), Congratulating LaCenterra at Cinco Ranch/Vista Equities Group on its selection as Business of the Year for 2009 by the Katy Area Chamber of Commerce.

To Rules and Resolutions.

HR 1767 (By Callegari), Congratulating the Honorable William "Bill" Yeoman on being named the 2009 Citizen of the Year by the Katy Area Chamber of Commerce.

To Rules and Resolutions.

HR 1769 (By Madden), Congratulating Dr. Lannette Linthicum on her receipt of the 2011 E. R. Cass Correctional Achievement Award from the American Correctional Association.

To Rules and Resolutions.

HR 1771 (By McClendon), In memory of the Reverend Dr. Laymon H. Frank Mills.

To Rules and Resolutions.

HR 1772 (By Farrar), Congratulating Nicholas David Reed on being sworn in as an attorney on May 7, 2011, at the State Capitol.

To Rules and Resolutions.

HR 1773 (By Vo), Commemorating the 2011 Taiwanese American Heritage Week celebratory concert in Houston.

To Rules and Resolutions.

HR 1774 (By W. Smith), Recognizing May 15-21, 2011, as National Public Works Week in Texas.

To Rules and Resolutions.

HR 1775 (By Gonzalez), Honoring Donald Leon Williams for his service as chair of the Black El Paso Democrats.

To Rules and Resolutions.

HR 1779 (By Perry), Congratulating the students from Seminole High School who have participated in the 2011 UIL One-Act Play competitions.

To Rules and Resolutions.

HR 1780 (By Perry), Congratulating the Seminole High School academic team for their achievements in 2011 UIL competition.

To Rules and Resolutions.

HR 1781 (By Perry), Congratulating the student competitors from Plains High School on their triumph in the regional round of the UIL One-Act Play Contest and extending them best wishes for success at the state meet.

To Rules and Resolutions.

HR 1782 (By Isaac), Honoring the Salt Lick in Driftwood on its participation in the "Bar-B-Quesday" hall lunch during the 82nd Legislative Session.

To Rules and Resolutions.

HR 1783 (By Isaac), Honoring Chisholm Trail Bar-B-Que in Lockhart on its participation in the "Bar-B-Quesday" hall lunch during the 82nd Legislative Session.

To Rules and Resolutions.

HR 1784 (By Isaac), Honoring Black's Barbecue in Lockhart on its participation in the "Bar-B-Quesday" hall lunch during the 82nd Legislative Session.

To Rules and Resolutions.

HR 1785 (By Isaac), Honoring Ronnie's BBQ in Johnson City on its participation in the "Bar-B-Quesday" hall lunch during the 82nd Legislative Session.

To Rules and Resolutions.

HR 1786 (By Gutierrez), Congratulating Wesley George Dempster on his graduation from The Citadel.

To Rules and Resolutions.

HR 1787 (By Gutierrez), Congratulating Lorene Wallace on being nominated for the Presidential Award for Excellence in Mathematics and Science Teaching.

To Rules and Resolutions.

HR 1788 (By Gutierrez), Recognizing May 1-7, 2011, as Public Service Recognition Week in Texas.

To Rules and Resolutions.

HR 1789 (By Schwertner), Commemorating the dedication of a Texas Historical Marker at the First National Bank of Cameron.

To Rules and Resolutions.

HR 1790 (By Flynn), Congratulating Carl and Ruth Evans of Fruitvale on their 50th wedding anniversary.

To Rules and Resolutions.

HR 1791 (By Flynn), Congratulating Brady and Loretta Bass of Cash on their 52nd wedding anniversary.

To Rules and Resolutions.

HR 1792 (By Flynn), Congratulating Doug and Jo Ann Morris of Campbell on their 25th wedding anniversary.

To Rules and Resolutions.

HR 1793 (By Pitts), Congratulating the Texas Department of Licensing and Regulation on being named one of the top workplaces in the Austin area by the Austin American-Statesman.

To Rules and Resolutions.

HR 1794 (By Zedler), Congratulating Arlington Municipal Airport on being named the 2011 Reliever Airport of the Year by the Texas Department of Transportation Aviation Division.

To Rules and Resolutions.

HR 1795 (By Villarreal), Congratulating the educators and administrators who have earned 2011 H-E-B Excellence in Education Awards.

To Rules and Resolutions.

HR 1796 (By Parker), Commemorating the Flower Mound High School Circle of Friends 2011 Grande Ball.

To Rules and Resolutions.

HR 1797 (By Parker), Congratulating the Destination ImagiNation team from Clayton Downing Middle School in Flower Mound on its first-place finish at the 2011 Texas Destination ImagiNation Affiliate Tournament.

To Rules and Resolutions.

HR 1798 (By Parker), Congratulating the North Texas Municipal Water District on its receipt of the 2011 Texas Environmental Excellence Award for water conservation.

To Rules and Resolutions.

HR 1799 (By Parker), Honoring members of the Zumwalt, Kent, and Burket families for their service during the Texas Revolution and the period of the Texas Republic.

To Rules and Resolutions.

HR 1800 (By Parker), In memory of U.S. Army First Lieutenant Robert F. Welch III of Denton.

To Rules and Resolutions.

HR 1801 (By V. Gonzales), In memory of Immigration and Customs Enforcement Special Agent Jaime Jorge Zapata.

To Rules and Resolutions.

HR 1802 (By V. Gonzales), Recognizing May 16-20, 2011, as Diabetic Peripheral Neuropathy Awareness Week.

To Rules and Resolutions.

HR 1803 (By Lozano), Congratulating Mike and Judy Muzyczyn of the Kleberg County Airport on their selection as the 2011 General Aviation Management Team of the Year by the Texas Department of Transportation, Aviation Division.

To Rules and Resolutions.

HR 1804 (By Riddle), Congratulating Lawrence J. "Doc" Cohen on being inducted into the International Franchise Association Hall of Fame.

To Rules and Resolutions.

HR 1805 (By Hunter), In memory of Michael James Ellis of Corpus Christi.

To Rules and Resolutions.

HR 1806 (By Madden), In memory of Joseph Allen Hill of Collin County.

To Rules and Resolutions.

HR 1807 (By Madden), In memory of former Plano mayor Robert Lee Harrington, Jr.

To Rules and Resolutions.

HR 1808 (By Madden), Congratulating Judge Curt B. Henderson on his retirement as senior state district judge for the 219th Judicial District Court.

To Rules and Resolutions.

HR 1810 (By Carter), Congratulating Analisa Anastasi of Dallas on her receipt of the Girl Scout Gold Award.

To Rules and Resolutions.

HR 1811 (By Carter), Congratulating Emily Andrews of Dallas on her receipt of the Girl Scout Gold Award.

To Rules and Resolutions.

HR 1812 (By Carter), Congratulating Lauren Elizabeth Baskett of Dallas on her receipt of the Girl Scout Gold Award.

To Rules and Resolutions.

HR 1813 (By Carter), Congratulating Victoria Elena Christiansen of Dallas on her receipt of the Girl Scout Gold Award.

To Rules and Resolutions.

HR 1814 (By Y. Davis), Honoring James Baugh on the occasion of his retirement as city manager of DeSoto.

To Rules and Resolutions.

HR 1815 (By Gooden), Honoring Kinlie Johnson for her service to the Athens community.

To Rules and Resolutions.

HR 1816 (By Cain), Congratulating Bobby and Brenda Vaughan of Powderly on their 50th wedding anniversary.

To Rules and Resolutions.

HR 1817 (By Morrison), Congratulating Larry Wheeler of Victoria on his retirement as a Walgreens store manager and pharmacist.

To Rules and Resolutions.

HR 1818 (By Murphy), Commemorating the 40th anniversary of Houston Community College.

To Rules and Resolutions.

HR 1820 (By Hunter), Congratulating Martha McLeod of the Fulton 4-5 Learning Center in Rockport on her receipt of the Presidential Award for Excellence in Science Teaching for the State of Texas.

To Rules and Resolutions.

HR 1821 (By Madden), In memory of Rhonda H. Picon of Plano.

To Rules and Resolutions.

HR 1822 (By Guillen), Honoring John Eric Pena on his 51st birthday.

To Rules and Resolutions.

HR 1823 (By Carter), Congratulating Katherine Ruth Seitz of Dallas on her receipt of the Girl Scout Gold Award.

To Rules and Resolutions.

HR 1824 (By Carter), Congratulating Rabbi Yerachmiel D. Fried on his selection as an Outstanding Community Leader by the Texas Legislative Black Caucus.

To Rules and Resolutions.

HR 1825 (By Carter), Congratulating Lois Finkelman on being appointed as head of the Dallas Gas Drilling Task Force.

To Rules and Resolutions.

HR 1826 (By Carter), Congratulating Amelia Catherine Mugavero of Dallas on her receipt of the Girl Scout Gold Award.

To Rules and Resolutions.

HR 1827 (By Carter), Congratulating Victoria Knight of Dallas on her receipt of the Girl Scout Gold Award.

To Rules and Resolutions.

HR 1828 (By Carter), Congratulating Carly H. Kaplan of Dallas on her receipt of the Girl Scout Gold Award.

To Rules and Resolutions.

HR 1829 (By Carter), Congratulating Allison Claire Marie Golden of Dallas on her receipt of the Girl Scout Gold Award.

To Rules and Resolutions.

HR 1830 (By Carter), Congratulating Dana LeeAnn Flinn of Dallas on her receipt of the Girl Scout Gold Award.

To Rules and Resolutions.

HR 1831 (By Carter), Congratulating Jillian Fisher of Dallas on her receipt of the Girl Scout Gold Award.

To Rules and Resolutions.

HR 1832 (By Carter), Congratulating Katherine Dodgen of Dallas on her receipt of the Girl Scout Gold Award.

To Rules and Resolutions.

HR 1833 (By Carter), Congratulating Julia Anne Dankberg of Dallas on her receipt of the Girl Scout Gold Award.

To Rules and Resolutions.

HR 1834 (By Carter), Recognizing May 2011 as Tuberos Sclerosis Complex Awareness Month in Texas.

To Rules and Resolutions.

HR 1835 (By Menendez), Honoring Michael Gerber for his service as executive director of the Texas Department of Housing and Community Affairs.

To Rules and Resolutions.

HR 1836 (By Craddick), Congratulating J. B. and Lorene Woodruff of Midland on their 60th wedding anniversary.

To Rules and Resolutions.

HR 1838 (By Harper-Brown), Congratulating the Bowie Middle School seventh-grade boys' track team on winning the 2011 Irving ISD city championship.

To Rules and Resolutions.

HR 1839 (By Muñoz), Honoring R. P. "Bob" Sanchez for his distinguished career and his service to his community, state, and nation.

To Rules and Resolutions.

HR 1840 (By Muñoz), Honoring Dr. Cayetano E. Barrera III of McAllen for his distinguished medical career and service to his community.

To Rules and Resolutions.

HR 1841 (By S. King), In memory of former state representative David Graves Stubbeman.

To Rules and Resolutions.

HR 1842 (By Veasey), Congratulating Dorothy Louise Stewart on her retirement from the Fort Worth Independent School District.

To Rules and Resolutions.

HR 1843 (By Solomons), Honoring Harmony School of Innovation in Carrollton.

To Rules and Resolutions.

HR 1844 (By Hopson), Congratulating Cord Fletcher of Henderson High School on winning the UIL state wrestling championship in the 215-pound weight class.

To Rules and Resolutions.

HR 1845 (By Madden), Congratulating John Roach on his retirement as district attorney of Collin County.

To Rules and Resolutions.

HR 1846 (By Woolley), Congratulating Benjamin McPhaul on his graduation from The University of Texas at Austin.

To Rules and Resolutions.

HR 1847 (By Woolley), Congratulating Carson Elizabeth Brown of Houston on her graduation from Episcopal High School and her admission to the University of Mississippi.

To Rules and Resolutions.

HR 1848 (By Margo), Congratulating Ellen Negrete of Polk Elementary School in El Paso on being named the Region 19 Nurse of the Year by the Texas School Nurses Organization.

To Rules and Resolutions.

HR 1849 (By Margo), In memory of Frank Gillespie McKnight.

To Rules and Resolutions.

HR 1850 (By Perry), Congratulating Dean B. Stanzione II on his graduation from the Institute for Court Management's Court Executive Development Program.

To Rules and Resolutions.

HR 1955 (By Chisum), Urging the United States Fish and Wildlife Service to withdraw its proposal to list the dunes sagebrush lizard under the Endangered Species Act of 1973.

To Culture, Recreation, and Tourism.

HR 1956 (By Dutton), Honoring the Galveston/Houston Archdiocesan Council of Catholic Women.

To Rules and Resolutions.

HR 1957 (By Dutton), Congratulating Cleo Johnson Ashley of Houston on her 100th birthday.

To Rules and Resolutions.

SB 40 to Higher Education.

SB 146 to State Affairs.

SB 197 to Transportation.

SB 200 to Higher Education.

SB 303 to County Affairs.

SB 371 to Pensions, Investments, and Financial Services.

SB 467 to Natural Resources.

SB 471 to Public Education.

SB 649 to Urban Affairs.

SB 669 to State Affairs.

SB 765 to Natural Resources.

SB 975 to Higher Education.

SB 995 to Licensing and Administrative Procedures.

SB 1073 to Natural Resources.

SB 1074 to Natural Resources.

SB 1114 to Public Education.

SB 1330 to Transportation.

SB 1360 to Public Health.

SB 1449 to Human Services.

SB 1493 to Defense and Veterans' Affairs.

SB 1610 to Transportation.

SB 1611 to Transportation.

SB 1616 to Criminal Jurisprudence.

SB 1671 to Pensions, Investments, and Financial Services.

SB 1735 to Insurance.

SB 1809 to State Affairs.

SB 1829 to State Affairs.

SB 1857 to Public Health.

SB 1866 to State Affairs.

SB 1880 to Natural Resources.

SB 1881 to Natural Resources.

SB 1906 to County Affairs.

SB 1907 to State Affairs.

SB 1922 to Land and Resource Management.

SCR 32 to Select State Sovereignty.

SCR 53 to Rules and Resolutions.

List No. 2

SB 5 to Higher Education.

List No. 3

SB 1213 to Insurance.

SB 1265 to Public Health.

SB 1285 to Pensions, Investments, and Financial Services.

SB 1581 to Appropriations.

SB 1588 to Appropriations.

SIGNED BY THE SPEAKER

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

Senate List No. 26

SB 887

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

Wednesday, May 11, 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 564** Craddick SPONSOR: Seliger
Relating to maintenance of portable fire extinguishers in government-owned vehicles in certain local governmental jurisdictions.
- HB 716** Miller, Sid SPONSOR: Fraser
Relating to the taking of certain feral hogs and coyotes using a helicopter.
(Committee Substitute)
- HB 994** Castro SPONSOR: Zaffirini
Relating to proceedings that may be referred to and the powers of a criminal law magistrate in Bexar County.
- HB 1112** Phillips SPONSOR: Nichols
Relating to the authority and powers of regional mobility authorities.
(Committee Substitute/Amended)
- HB 1251** Deshotel SPONSOR: Williams
Relating to the election of the members of the Board of Port Commissioners of the Port of Port Arthur Navigation District of Jefferson County.
- HCR 157** Hughes SPONSOR: Eltife
Congratulating Bill and Marlena Terry of White Oak on the occasion of their 50th wedding anniversary.
- SB 197** West
Relating to the compulsory inspection of motor vehicles; providing penalties.
- SB 975** Hinojosa
Relating to the operation of dropout recovery programs by certain public junior colleges in partnership with school districts.
- SB 995** Fraser
Relating to the sale of souvenir bottles of distilled spirits by the holder of a distiller's and rectifier's permit.
- SB 1074** Jackson
Relating to water districts' authority to set rates and a presumption of validity.
- SB 1360** Harris
Relating to continuing education for physicians and nurses regarding the treatment of tick-borne diseases.
- SB 1493** Uresti
Relating to the directors of a defense base management authority and to a study on the effectiveness of the authority.
- SB 1610** Lucio
Relating to seat belt requirements for certain vehicles.
- SB 1611** Wentworth
Relating to the funding of projects in the boundaries of certain intermunicipal commuter rail districts.

SB 1829

Wentworth

Relating to the application of the public information law to chambers of commerce and nonprofit corporations that provide economic services to a governmental body.

THE SENATE HAS CONCURRED IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 748 (31 Yeas, 0 Nays)

SB 1107 (29 Yeas, 2 Nays)

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER

Austin, Texas

Wednesday, May 11, 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:

SB 1265 Uresti

Relating to the accreditation of paramedic training programs.

SB 1588 Ogden

Relating to the creation and re-creation of funds and accounts, the dedication and rededication of revenue, and the exemption of unappropriated money from use for general governmental purposes.

Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

May 10

Agriculture and Livestock - **SB 1480**
Business and Industry - **SB 238, SB 472, SB 1320**
Corrections - **HB 2650, HB 3538**
Culture, Recreation, and Tourism - **SB 810, SB 958**
Defense and Veterans' Affairs - **SB 356**
Economic and Small Business Development - **SB 304**
Environmental Regulation - **HB 2639**
Human Services - **SB 221**
Judiciary and Civil Jurisprudence - **SB 533**
Natural Resources - **SB 1290, SB 1625**
Public Health - **SB 190, SB 510, SB 613, SB 761, SB 795, SB 796, SB 1661**
State Affairs - **SB 375, SB 652, SB 1504**
Technology - **SB 442, SB 988**
Urban Affairs - **HB 1055, HB 3735**
Ways and Means - **SB 449, SB 803, SB 804, SJR 16**

ENGROSSED

May 10 - HB 274

ENROLLED

May 10 - HB 571, HB 610, HB 1806, HB 1832, HB 2785, HCR 116, HCR 139

SENT TO THE GOVERNOR

May 10 - HB 74

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SEVENTY-FIFTH DAY — THURSDAY, MAY 12, 2011

The house met at 9:30 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 982).

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; 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.

Absent, Excused — Marquez.

The invocation was offered by Mark Pugh, preaching minister, Kings Crossing Church of Christ, Corpus Christi, as follows:

Gracious God, creator of the universe, King of kings and Lord of lords, we humble ourselves in your mighty presence this morning as we seek your will and plead for your guidance. The blessings you have given us are plentiful. The opportunities before us are numerous, as are the challenges we face. We pray that you will give us strength and fortitude commensurate with the tasks before us this day.

I pray today for the men and women who represent our great state here in Austin. Whether from big cities or small towns, from whatever point of the political spectrum, may we put aside the differences that we have at times allowed to divide us, and may we all work together for the overall good of our citizenry. We are blessed here in Texas in that much of the nation looks to us for

leadership. May we never shirk back. May we be a state that moves boldly into the future. We are blessed with our abundant natural resources and an amazing technological base. We see this in space exploration, in agriculture, in medical science, in our natural resources, and in computer science. We also see the need to care for our people. Most of us are richly blessed, far beyond what we deserve. At the same time, the most vulnerable among us, our children and our senior citizens, are sometimes neglected. Give us a passion for caring about the less fortunate.

Father God, we pray for some immediate concerns. Much of our state is enduring extreme drought conditions. We pray for rain. We also pray for peace in war-torn areas of our world so our brave men and women can come home and be reunited with their families. In the meantime, we pray that you will keep them from harm's way. Finally, Father, please bless all of our efforts this day. May they be to your glory. In the name of our Savior. Amen.

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

LEAVE OF ABSENCE GRANTED

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

Marquez on motion of Raymond.

CAPITOL PHYSICIAN

The speaker recognized Representative Shelton who presented Dr. Richard Young of Fort Worth as the "Doctor for the Day."

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

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. 27).

HCR 154 - ADOPTED (by Craddick)

Representative Craddick moved to suspend all necessary rules to take up and consider at this time **HCR 154**.

The motion prevailed.

The following resolution was laid before the house:

HCR 154, Congratulating Stephen Hartmann of Midland on his retirement as executive director of University Lands for The University of Texas System.

HCR 154 was read and was adopted.

On motion of Representative Lewis, the names of all the members of the house were added to **HCR 154** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative Craddick who introduced Stephen Hartmann and his wife, Georgia.

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).

(Murphy in the chair)

HR 1852 - ADOPTED (by Naishtat)

Representative Naishtat moved to suspend all necessary rules to take up and consider at this time **HR 1852**.

The motion prevailed.

The following resolution was laid before the house:

HR 1852, Congratulating artist Diana Sprinkle of Austin on her 34th birthday.

HR 1852 was adopted.

REGULAR ORDER OF BUSINESS SUSPENDED

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

HR 1561 - ADOPTED (by Darby)

Representative Darby moved to suspend all necessary rules to take up and consider at this time **HR 1561**.

The motion prevailed.

The following resolution was laid before the house:

HR 1561, In memory of Dr. Theron Karman Weathercy of San Angelo.

HR 1561 was unanimously adopted by a rising vote.

On motion of Representative Sheffield, the names of all the members of the house were added to **HR 1561** as signers thereof.

(McClendon in the chair)

CONGRATULATORY AND MEMORIAL CALENDAR

The following congratulatory resolutions were laid before the house:

SCR 45 (Aliseda - House Sponsor), Recognizing Otto P. Scharth on the occasion of his 88th birthday.

SCR 46 (Aliseda - House Sponsor), Commemorating the 70th anniversary of The University of Texas MD Anderson Cancer Center.

SCR 52 (Aliseda - House Sponsor), Recognizing Donn and Arlene Adelman for their efforts on behalf of Crime Stoppers.

HCR 135 (by Legler), Honoring Bill Bailey, retiring constable for Precinct 8 of Harris County.

HCR 142 (by J. Davis), Congratulating Clear Lake High School junior Cameron Blizzard on overcoming cancer.

HCR 143 (by S. Davis), Honoring Debra L. Friedkin for her support of the ongoing anthropological research at the Debra L. Friedkin site by Texas A&M University's Center for the Study of the First Americans.

HR 18 (by Alonzo), Honoring the life and music of Stevie Ray Vaughan.

HR 465 (by Price), Recognizing May 5, 2011, as National Day of Prayer in Texas.

HR 466 (by Price, Torres, and Kuempel), Recognizing May 3, 2011, as National Teacher Day in Texas.

HR 957 (by Strama), Recognizing May 2011 as Fibromyalgia Awareness Month.

HR 1156 (by Harless, et al.), Congratulating Dr. David Anthony on his retirement as superintendent of Cypress-Fairbanks Independent School District.

HR 1418 (by Frullo), Congratulating Laroy and Connie Hawkins of Lubbock on their 60th wedding anniversary.

HR 1440 (by Workman), Congratulating John P. Reinhart of Cub Scout Pack No. 34 in Austin on receiving the Arrow of Light Award.

HR 1441 (by Anchia), Congratulating Amy Lillian Ward-Meier and Edward Franklin Meier on the birth of their son, Nolan Edward Meier.

HR 1445 (by Harper-Brown), Congratulating Edgar and Elizabeth Brown of Dallas on their 70th wedding anniversary.

HR 1447 (by Schwertner), Congratulating the Artie Henry Middle School band on earning the 2010 Sudler Cup.

HR 1448 (by Craddick), Congratulating nominees for the 2011 Excellence in Teaching and Unsung Hero Awards, sponsored by the Midland Chamber of Commerce Education Committee.

HR 1449 (by Craddick), Congratulating Roy and Marylyn Byrd of Lamesa on their 50th wedding anniversary.

HR 1452 (by Menendez), Honoring Stewart Title in San Antonio on the 100th anniversary of its founding.

HR 1453 (by Bonnen), Commending Army Specialist Brad Thomas of Jones Creek on his military service and congratulating him on becoming the first baseball player from Brazosport High School to have his jersey retired.

HR 1454 (by Perry), Congratulating Delbert and Carolyn McDougal of Lubbock on their 50th wedding anniversary.

HR 1456 (by Hardcastle), Commemorating the 128th Doans May Day Picnic on May 7, 2011.

HR 1460 (by Branch), Commemorating the 100th anniversary of the Sons of Hermann Hall in Dallas.

HR 1463 (by Pitts), Congratulating the Waxahachie High School girls' golf team on winning the district championship.

HR 1465 (by Hamilton), Recognizing National Plumbers Day on April 25, 2011.

HR 1507 (by Marquez), Recognizing El Paso Tejano rap group Lower Valley Tres for its song "I Love My City."

HR 1585 (by Harper-Brown), Honoring Suzie Oelschlegel, head coach of the girls' basketball team at MacArthur High School in Irving.

HR 1586 (by Truitt), Congratulating Bernice Hatcher of Grapevine on her 100th birthday.

HR 1588 (by Schwertner), Congratulating the girls' cross country team from C. H. Yoe High School in Cameron on its second-place finish in Class 2A at the 2010 UIL state meet.

HR 1589 (by Johnson), Commending Carl Johnson for serving as a Democratic Party precinct chair in Dallas County.

HR 1590 (by Johnson), Commending Sandra Ray for serving as a Democratic Party precinct chair in Dallas County.

HR 1591 (by Johnson), Commending Morris Luster for serving as a Democratic Party precinct chair in Dallas County.

HR 1592 (by Johnson), Commending Neil Emmons for serving as a Democratic Party precinct chair in Dallas County.

HR 1593 (by Johnson), Commending Marilynn S. Mayse for serving as a Democratic Party precinct chair in Dallas County.

HR 1594 (by Johnson), Commending Deborah C. Culberson for serving as a Democratic Party precinct chair in Dallas County.

HR 1595 (by Johnson), Commending Patrick McCrainey for serving as a Democratic Party precinct chair in Dallas County.

HR 1596 (by Johnson), Commending Casie Pierce for serving as a Democratic Party precinct chair in Dallas County.

HR 1597 (by Johnson), Commending Tommy Briggs for serving as a Democratic Party precinct chair in Dallas County.

HR 1598 (by Johnson), Commending Damion White for serving as a Democratic Party precinct chair in Dallas County.

HR 1599 (by D. Howard), Honoring Dr. James E. Boggs of Austin on his 90th birthday.

HR 1601 (by Flynn), Congratulating Hubert and Phyllis Lytle of Greenville on their 50th wedding anniversary.

HR 1602 (by Hilderbran), Recognizing J. Michael Duncan for his service as Knight Commander of Kappa Alpha Order.

HR 1603 (by Hilderbran), Commemorating the opening of Trent's Retreat.

HR 1606 (by Morrison), Honoring Bette-jo Simpson Buhler of Victoria on her 90th birthday.

HR 1607 (by Anchia), Commemorating the 75th anniversary of the construction of the Texas Centennial Exposition's "Home for the Future" in Dallas.

HR 1613 (by Menendez), Congratulating the San Antonio Water System on winning a Texas Environmental Excellence Award.

HR 1618 (by Murphy), Honoring Steve Dorman of Houston for serving as Republican Party precinct chair of Precinct 130 in Harris County.

HR 1619 (by Murphy), Honoring Bob Blackmer of Houston for serving as Republican Party precinct chair of Precinct 338 in Harris County.

HR 1620 (by Murphy), Honoring Larry Pound of Houston for serving as Republican Party precinct chair of Precinct 356 in Harris County.

HR 1621 (by Murphy), Honoring Warren Stevens of Houston for serving as Republican Party precinct chair of Precinct 429 in Harris County.

HR 1622 (by Murphy), Honoring Roman Klein of Houston for serving as Republican Party precinct chair of Precinct 437 in Harris County.

HR 1623 (by Murphy), Honoring Craig Hagedorn of Houston for serving as Republican Party precinct chair of Precinct 438 in Harris County.

HR 1624 (by Murphy), Honoring Mary Maxwell of Houston for serving as Republican Party precinct chair of Precinct 483 in Harris County.

HR 1625 (by Murphy), Honoring Stephen Sherman of Houston for serving as Republican Party precinct chair of Precinct 487 in Harris County.

HR 1626 (by Murphy), Honoring Stuart Mayer of Houston for serving as Republican Party precinct chair of Precinct 492 in Harris County.

HR 1627 (by Murphy), Honoring Martha Brownfield of Houston for serving as Republican Party precinct chair of Precinct 493 in Harris County.

HR 1628 (by Murphy), Honoring Ralph Fite of Houston for serving as Republican Party precinct chair of Precinct 499 in Harris County.

HR 1629 (by Murphy), Honoring Shelley Hillman of Houston for serving as Republican Party precinct chair of Precinct 504 in Harris County.

HR 1630 (by Murphy), Honoring Samuel Abraham Mai of Houston for serving as Republican Party precinct chair of Precinct 508 in Harris County.

HR 1631 (by Murphy), Honoring Helen Bledsoe of Houston for serving as Republican Party precinct chair of Precinct 626 in Harris County.

HR 1632 (by Murphy), Honoring Jim McSpadden of Houston for serving as Republican Party precinct chair of Precinct 727 in Harris County.

HR 1633 (by Murphy), Honoring Jill Fury of Houston for serving as Republican Party precinct chair of Precinct 765 in Harris County.

HR 1634 (by Torres), Honoring Angel Escobar on his retirement as city manager of Corpus Christi.

HR 1636 (by Burkett), Congratulating Mary Marlow Woodard on her receipt of the Distinguished Library Service Award from the Texas Association of School Librarians and on being named chair-elect of the association.

HR 1637 (by Kolkhorst), Congratulating the Brenham Christian Academy football team on winning the 2010 TAPPS Six-man Division II state championship.

HR 1638 (by Margo), Congratulating Ida M. Steadman on her retirement as principal cellist of the El Paso Symphony Orchestra.

HR 1639 (by Margo), Congratulating the El Paso Symphony Orchestra on its 80th anniversary season.

HR 1640 (by D. Miller), Welcoming Larry D. Williams, vice president and director of State Auto Insurance Companies, to Texas.

HR 1642 (by Veasey), Congratulating James N. Austin, Jr., of Fort Worth on the occasion of his 60th birthday.

HR 1643 (by Deshotel), Honoring the Texas Small Farmers and Ranchers Community Based Organization.

HR 1644 (by Callegari), Congratulating Emory Camille Callegari on her graduation from St. Michael's Catholic Academy.

HR 1645 (by Callegari), Honoring the Galveston Company of the Houston Medical Response Group of the Texas State Guard on its activation as the Galveston Medical Response Group.

HR 1648 (by Cain), Congratulating Nigel Christopher of Mount Pleasant on his selection as the 2011 Titus County Republican of the Year.

HR 1650 (by Cain), Congratulating Tony Mize of Mount Pleasant on receiving the Chairman's Award for Special Service from the Titus County Republican Party.

HR 1651 (by C. Anderson), Honoring senior pastor Barry Camp and his wife, Martha, for 20 years of outstanding service to Highland Baptist Church in Waco.

HR 1652 (by Flynn), Congratulating Charles and Rachel Recer of Emory on their 50th wedding anniversary.

HR 1653 (by Flynn), Congratulating James Louis and Mary Jean Pickney of Wills Point on their 67th wedding anniversary.

HR 1658 (by S. Davis), Honoring Dr. Larry R. Kaiser for his service as president of The University of Texas Health Science Center at Houston.

HR 1664 (by Harper-Brown), Congratulating the City of Irving for its notable 2011 record of achievements.

HR 1666 (by Harper-Brown), Congratulating Amanda Lambert of Irving on receiving a 2011 Yes I Can! Award from the Council for Exceptional Children.

HR 1667 (by Harper-Brown), Congratulating Irving Cares on receiving a four-star rating from Charity Navigator.

HR 1668 (by Branch), Recognizing Jonathan Neerman for his service as chair of the Dallas County Republican Party.

HR 1676 (by V. Gonzales), Congratulating the students from Memorial High School in McAllen who were named to the 2010-2011 Texas High School Coaches Association 5A Academic All-State Football Team.

HR 1677 (by V. Gonzales), Commemorating the 2011 Hispanic Heritage Fiesta in Mercedes.

HR 1678 (by V. Gonzales), Congratulating South Texas College president Dr. Shirley A. Reed on her receipt of the 2011 Alfredo G. de los Santos, Jr., Distinguished Leadership in Higher Education Award from the American Association of Hispanics in Higher Education.

HR 1679 (by Muñoz), Recognizing May 2011 as Older Americans Month and honoring the Silver Ribbon Community Partners.

HR 1680 (by Muñoz), Congratulating Lazaro "Larry" Gallardo, Jr., of Hidalgo County on being named the 2010 Constable of the Year by the National Constables Association.

HR 1686 (by Frullo), Congratulating George and Lucille Kveton of Lubbock on their 60th wedding anniversary.

HR 1687 (by Frullo), Congratulating the Reverend Emmitt Clampitt and Barbara Clampitt of Lubbock on their 60th wedding anniversary.

HR 1688 (by Frullo), Congratulating Douglas and Angela Boren of Lubbock on their 60th wedding anniversary.

HR 1690 (by Frullo), Congratulating radio station KFYO of Lubbock on its 85th anniversary.

HR 1691 (by Frullo), Congratulating Alvin and Glenda Burton of Lubbock on their 50th wedding anniversary.

HR 1692 (by Menendez), Honoring Dolores Mendez for her contributions to the San Antonio community.

HR 1693 (by Schwertner), Honoring Mary Lopez Dale on running the 115th Boston Marathon on April 18, 2011.

HR 1695 (by Reynolds), Honoring Cynthia Bennett, president and founder of the Sienna and East Fort Bend Democrats Club.

HR 1696 (by Reynolds), Congratulating Velma Brown on her election to the board of the Sienna and East Fort Bend Democrats Club.

HR 1697 (by Reynolds), Congratulating Stephanie Græen on her election as secretary of the board of the Sienna and East Fort Bend Democrats Club.

HR 1698 (by Reynolds), Congratulating Shania Wright on her election as treasurer of the board of the Sienna and East Fort Bend Democrats Club.

HR 1699 (by Reynolds), Commemorating the 2011 Missouri City Juneteenth Celebration.

HR 1700 (by Dutton), Congratulating the 2011 eighth-grade graduates of Northwest Preparatory Academy Charter School in Houston.

HR 1703 (by C. Anderson), Congratulating Ryan Fite on his receipt of an Educators Credit Union scholarship.

HR 1704 (by C. Anderson), Congratulating Robert Jackson on his receipt of an Educators Credit Union scholarship.

HR 1705 (by C. Anderson), Congratulating Alan Tuberville on his receipt of an Educators Credit Union scholarship.

HR 1706 (by C. Anderson), Congratulating Nash Tuberville on his receipt of an Educators Credit Union scholarship.

HR 1707 (by C. Anderson), Congratulating Hannah Powers on her receipt of an Educators Credit Union scholarship.

HR 1708 (by C. Anderson), Congratulating Kate Harrison on her receipt of an Educators Credit Union scholarship.

HR 1709 (by C. Anderson), Congratulating Delmond and Diane Rosenkranz of Robinson on their 50th wedding anniversary.

HR 1711 (by C. Anderson), Congratulating Kollin Kahler of Waco on making the president's list at Lamar University.

HR 1714 (by C. Anderson), Congratulating the students of Lorena Middle School for raising more than \$2,000 in the Pennies for Patients campaign benefiting the Leukemia & Lymphoma Society.

HR 1715 (by C. Anderson), Congratulating the all-district athletic and academic honorees from the West High School boys' basketball team.

HR 1718 (by C. Anderson), Congratulating the Waco ISD purchasing department on its receipt of a Texas Association of School Business Officials Award of Merit for Purchasing and Operations.

HR 1719 (by C. Anderson), Congratulating Gene Manske on being named a 2010 Outstanding Farmer.

HR 1724 (by C. Anderson), Congratulating Clarence and Charlotte Carpenter of Waco on their 60th wedding anniversary.

HR 1728 (by Johnson), Commending Deloris Hill-Peace for serving as a Democratic Party precinct chair in Dallas County.

HR 1729 (by Ritter), Commemorating the 125th anniversary of the Lumbermen's Association.

HR 1731 (by Torres), Congratulating the members of the Corpus Christi ISD All-Stars for their success in the Special Olympics Area 20 Basketball Competition.

HR 1732 (by Margo), Congratulating The University of Texas at El Paso women's golf team on winning the 2011 Conference USA title.

HR 1733 (by Margo), Congratulating The University of Texas at El Paso cheerleading team on winning the 2011 National Cheerleaders Association Co-Ed Division Championship.

HR 1734 (by Perry), Congratulating the Plains High School academic competitors for their exemplary performance at the regional meet.

HR 1735 (by Y. Davis), Honoring the members of the Dallas Black Chamber of Commerce Board of Directors for their exemplary public spirit.

HR 1737 (by Smithee), Honoring the Canyon High School girls' basketball team on winning the UIL 4A state championship.

HR 1738 (by Smithee), Honoring Joe Lombard, coach of the Canyon High School girls' basketball team, on his exceptional career.

HR 1739 (by Perry), Recognizing the Texas Dispute Resolution System on its 25th anniversary.

HR 1742 was withdrawn.

HR 1743 (by Strama), Congratulating Travis County Precinct 2 Constable Adan Ballesteros on being named the 2011 Constable of the Year and Travis County Precinct 2 Sergeant Dwight Bertram on being named the 2011 Deputy of the Year by the Central Texas Justices of the Peace and Constables Association.

HR 1745 (by Branch), Recognizing the 38th Annual Swiss Avenue Historic District Association's Mother's Day Home Tour in Dallas.

HR 1746 (by Pitts), Congratulating the Waxahachie High School boys' golf teams on their success at the 2011 district and regional tournaments.

HR 1748 (by Sheffield), Honoring Donald Clifton Heath of Temple on his 80th birthday.

HR 1749 (by Sheffield), Congratulating members of Extreme Cheer & Tumble on winning their division at the 2011 National Cheerleaders Association All-Star National Championship.

HR 1750 (by Johnson), Congratulating Betty Hooey on being elected to represent Dallas County in the Texas Silver-Haired Legislature for the 2011-2013 term.

HR 1751 (by Hunter), Congratulating Frank McMillan of Corpus Christi on his receipt of a 2011 Children's Book of the Year Award from the NAESP Foundation.

HR 1752 (by Hunter), Congratulating Dr. Mary Ann Rankin on her selection as president and CEO of the National Math and Science Initiative.

HR 1755 (by Burkett), Congratulating Randall Zajic on his retirement from the Mesquite Fire Department.

HR 1757 (by Morrison), Commemorating the 2011 Warrior's Weekend, taking place in Port O'Connor, May 20-22, to honor members of the military who have been wounded in the line of duty.

The resolutions were adopted.

The following memorial resolutions were laid before the house:

HR 1425 (by Hughes), In memory of Richard Wayne Napier of Mineola.

HR 1444 (by Harper-Brown), In memory of Giorgio Joseph Primo of Irving.

HR 1450 (by Hilderbran), In memory of Ross Snodgrass of Kerrville.

HR 1451 (by Hilderbran), In memory of George Milton Keller of Mason.

HR 1455 (by Raymond), In memory of Reynaldo Chapa, Jr., of Benavides.

HR 1459 was withdrawn.

HR 1461 (by Branch), In memory of Roy Richard Rubottom, Jr.

HR 1464 (by Pitts), In memory of James Rutledge Mason of Waxahachie.

HR 1587 (by Schwertner), In memory of Marilyn Stiles Shoemaker.

HR 1604 (by Lavender), In memory of June Hodges of Omaha, Texas.

HR 1608 (by Anchia), In memory of Evelyn Rhodes Witte Sterling of Dallas.

HR 1609 (by Anchia), In memory of William Sanders Barnhill, Jr., of Dallas.

HR 1610 (by Anchia), In memory of Isaac Field RoeJuck, Jr., of Dallas.

HR 1611 (by Anchia), In memory of Irwin Ira Steinberg of Irving.

HR 1612 (by Anchia), In memory of Ruth Christine Howes of Dallas.

HR 1614 (by Peña), In memory of Benigno "Benny" Layton of Elsa.

HR 1615 (by Peña), In memory of Donny Cardenas of Edinburg.

HR 1646 (by Harper-Brown), In memory of Mildred B. Brandon of Irving.

HR 1655 (by Woolley), In memory of William Arnold McMinn, Jr., of Houston.

- HR 1657** (by Hopson), In memory of Lafonda Ann Davis of Austin.
- HR 1665** (by Harper-Brown), In memory of James Edward Rose of Irving.
- HR 1672** (by Gallego), In memory of Johnny Emil Malik of Alpine.
- HR 1673** (by Gallego), In memory of John Frank "Trey" Woodward III.
- HR 1674** (by Gallego), In memory of Thelma R. Hoyle of Alpine.
- HR 1683** (by Hunter), In memory of Ricardo G. "Richard" Alvarado of Alice.
- HR 1685** (by Woolley), Commemorating the dedication of the Herbert Gee Municipal Courts Building in Houston and paying tribute to the life of Judge Gee.
- HR 1689** (by Frullo), In memory of Bobby Gene Brown of Lubbock.
- HR 1710** (by C. Anderson), In memory of Julia Hikel of Elm Mott.
- HR 1712** (by C. Anderson), In memory of Cyril W. Cernosek of West.
- HR 1713** (by C. Anderson), In memory of Joy Allen Oliver of Lorena.
- HR 1716** (by C. Anderson), In memory of Vernon W. Sloane.
- HR 1717** (by C. Anderson), In memory of Betty Jean Slater of Riesel.
- HR 1720** (by C. Anderson), In memory of Victor D. "Bud" Wiley, Jr., of Waco.
- HR 1721** (by C. Anderson), In memory of Milton Roy Overgoner of Belton.
- HR 1722** (by C. Anderson), In memory of Mary Ruth Galloway of Waco.
- HR 1723** (by C. Anderson), In memory of Mary Helen Torres of Waco.
- HR 1725** (by C. Anderson), In memory of Donna L. Carey of Robinson.
- HR 1726** (by C. Anderson), In memory of Clara Samuelson of Waco.
- HR 1727** (by C. Anderson), In memory of Olivia Tucker Cloud of Waco.
- HR 1736** (by Smithee), In memory of Francis Edward "Frank" Barrett of Hereford.
- HR 1744** (by Strama), In memory of Drennen Peter O'Melia.
- HR 1747** (by Sheffield), In memory of U.S. Army Staff Sergeant Mecolus C. McDaniel.

The resolutions were unanimously adopted by a rising vote.

HR 1963 - ADOPTED
(by Simpson)

Representative Simpson moved to suspend all necessary rules to take up and consider at this time **HR 1963**.

The motion prevailed.

The following resolution was laid before the house:

HR 1963, Honoring the staff and residents of the Highland Pines Nursing and Rehabilitation Center in Longview on the occasion of National Nursing Home Week.

HR 1963 was adopted.

CSSB 141 - VOTE RECONSIDERED

Representative Orr moved to reconsider the vote by which **CSSB 141**, as amended, failed to pass to third reading on May 11.

The motion to reconsider prevailed by (Record 983): 112 Yeas, 32 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burnam; Cain; Carter; Castro; Coleman; Cook; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Farias; Farrar; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hardcastle; Harless; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, D.; Hughes; Hunter; Isaac; Jackson; Johnson; King, S.; King, T.; Kolkhorst; Kuempel; Larson; Lavender; Legler; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon(C); Menendez; Miles; Miller, D.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Patrick; Peña; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, W.; Smithee; Solomons; Strama; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Workman; Zerwas.

Nays — Anderson, R.; Bohac; Button; Callegari; Chisum; Christian; Craddick; Creighton; Crownover; Darby; Fletcher; Flynn; Frullo; Hancock; Harper-Brown; Howard, C.; Huberty; King, P.; Kleinschmidt; Landtroop; Laubenberg; Lewis; Miller, S.; Parker; Paxton; Perry; Phillips; Smith, T.; Taylor, L.; Taylor, V.; White; Zedler.

Present, not voting — Mr. Speaker.

Absent, Excused — Marquez.

Absent — Burkett; Elkins; Keffer; Riddle.

STATEMENT OF VOTE

I was shown voting no on Record No. 983. I intended to vote yes.

Darby

CSSB 141 ON SECOND READING (Anchia - House Sponsor)

The chair laid before the house, on its second reading and passage to third reading,

CSSB 141, A bill to be entitled An Act relating to debt management services and the regulation of debt management services providers.

CSSB 141 was read second time on May 11 and failed to pass to third reading, as amended.

CSSB 141, as amended, was passed to third reading by (Record 984): 111 Yeas, 35 Nays, 3 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Castro; Coleman; Cook; Crownover; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Farias; Farrar; Frullo; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, D.; Hughes; Hunter; Jackson; Johnson; Keffer; King, T.; Kolkhorst; Kuempel; Landtroop; Larson; Lavender; Legler; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; Menendez; Miles; Miller, D.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Patrick; Peña; Perry; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Schwertner; Scott; Sheffield; Shelton; Smith, T.; Solomons; Strama; Taylor, L.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; Workman; Zerwas.

Nays — Anderson, R.; Bohac; Callegari; Chisum; Christian; Craddick; Creighton; Darby; Elkins; Fletcher; Flynn; Garza; Gooden; Harper-Brown; Howard, C.; Huberty; Isaac; King, P.; King, S.; Kleinschmidt; Laubenberg; Lewis; Miller, S.; Parker; Paxton; Phillips; Riddle; Sheets; Simpson; Smith, W.; Smithee; Taylor, V.; White; Woolley; Zedler.

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

Absent, Excused — Marquez.

STATEMENT OF VOTE

I was shown voting no on Record No. 984. I intended to vote yes.

Darby

HB 359 - NOTICE GIVEN

Pursuant to the provisions of Rule 7, Section 37(c) of the House Rules, at 11:14 a.m., Representative Aliseda announced his intention to make the motion to reconsider the vote by which **HB 359**, as amended, failed to pass to engrossment.

(Ritter in the chair)

MAJOR STATE CALENDAR SENATE BILLS THIRD READING

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

SB 647 ON THIRD READING**(L. Taylor - House Sponsor)**

SB 647, A bill to be entitled An Act relating to the continuation and operation of the office of public insurance counsel.

SB 647 was passed by (Record 985): 142 Yeas, 5 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; 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; 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; 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; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Burnam; Davis, S.; Eiland; Reynolds; Simpson.

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

Absent, Excused — Marquez.

STATEMENT OF VOTE

I was shown voting yes on Record No. 985. I intended to vote no.

White

GENERAL STATE CALENDAR**SENATE BILLS****THIRD READING**

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

SB 602 ON THIRD READING**(Marquez - House Sponsor)**

SB 602, A bill to be entitled An Act relating to allowing a governmental body to redact certain personal information under the public information law without the necessity of requesting a decision from the attorney general and the calculation of certain deadlines under the public information law.

SB 602 was passed by (Record 986): 142 Yeas, 0 Nays, 3 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; 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; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; 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; Rodriguez; Schwertner; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Marquez.

Absent — Anderson, R.; Berman; Keffer; Scott.

STATEMENTS OF VOTE

When Record No. 986 was taken, I was in the house but away from my desk. I would have voted no.

Berman

I was shown voting yes on Record No. 986. I intended to vote no.

Flynn

SB 316 ON THIRD READING (Gallego - House Sponsor)

SB 316, A bill to be entitled An Act relating to criminal asset forfeiture, the disposition of proceeds and property from criminal asset forfeiture, and accountability for that disposition; providing civil penalties.

Amendment No. 1

Representative Hilderbran offered the following amendment to **SB 316**:

Amend **SB 316** on third reading as follows:

(1) Strike proposed Subsection (b-3), Article 59.06, Code of Criminal Procedure, as added by the second reading Amendment No. 2 by Hilderbran, and the reference to Subsection (b-3) in the recital for Article 59.06, Code of Criminal Procedure, in SECTION 2 of the bill.

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

SECTION _____. Section 24.377, Government Code, is amended by adding Subsection (c) to read as follows:

(c) In addition to the requirements under Article 59.06, Code of Criminal Procedure, the district attorney for the 198th Judicial District may use proceeds from the sale of forfeited property, after the deduction of amounts described by Article 59.06(a), Code of Criminal Procedure, for the official purposes of the office of the district attorney only on the approval of:

(1) the commissioners court of each county in the judicial district; or

(2) a regional review committee composed of a county judge, a county attorney, and a county commissioner, each appointed by the member of the house of representatives of this state who represents the largest number counties in the judicial district.

Amendment No. 2

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

Amend the third reading amendment to **SB 316** by Hilderbran in proposed Section 24.377(c), Government Code, by striking the language on page 1, lines 19-23, and substituting the following:

(2) a regional review committee composed of three members who are a county judge, a county attorney, a county commissioner, or a county sheriff, each appointed by the member of the house of representatives of this state who represents the largest number of counties in the judicial district.

Amendment No. 2 was adopted.

Amendment No. 1, as amended, was adopted.

SB 316 - STATEMENT OF LEGISLATIVE INTENT

During the 81st Regular Legislative Session, Section 24.377, Government Code was amended to require that the district attorney for the 198th Judicial District may use asset forfeiture funds only on the approval of 1) the commissioners court of each county in the judicial district or 2) a regional review committee composed of three members. The appointed three-person committee composed of Menard County Judge Jerry Bearden, McCulloch County Attorney Mark Marshall, and Kerr County Sheriff Rusty Hierholzer. On August 20, 2011, that committee met in a published open meeting and formally approved an asset forfeiture budget submitted by the 198th District Attorney's Office for the 2011-2012 county fiscal year (October 1, 2011 through August 30, 2012).

As the author of Section 4 of **SB 316**, I believe that the approval of the 198th District Attorney's Office asset forfeiture budget by this committee satisfies requirements of the Texas Government Code. Because the 198th District Attorney's Office has already complied with the special budgetary requirement imposed on that office and that the appointed regional review committee has approved the current asset forfeiture budget, I believe the "lame duck" provision of **SB 316** has been satisfied and no further actions is needed by the

commissioners court within the 198th Judicial District. That section of **SB 316** was added to prevent a non-candidate or unsuccessful candidate from liquidating asset forfeiture funds in order to prevent them from being available to his successor in office. It should also be noted that proceeds from the sale of forfeited property is to also include all cash seized and forfeited by the district attorney's office. The regional review committee's oversight of the 198th District Attorney's Office will necessarily prevent such an occurrence in this instance.

Hilderbran

Representative Gallego moved to postpone consideration of **SB 316** until 1 p.m. today.

The motion prevailed.

SB 1087 ON THIRD READING
(Hilderbran - House Sponsor)

SB 1087, A bill to be entitled An Act relating to state-issued certificates of franchise authority to provide cable service and video service.

SB 1087 was passed by (Record 987): 145 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; 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; 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; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Button.

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

Absent, Excused — Marquez.

Absent — Torres.

STATEMENTS OF VOTE

I was shown voting no on Record No. 987. I intended to vote yes.

Button

I was shown voting yes on Record No. 987. I intended to vote no.

Patrick

When Record No. 987 was taken, I was temporarily out of the house chamber. I would have voted yes.

Torres

**SB 279 ON THIRD READING
(Laubenberg and Rodriguez - House Sponsors)**

SB 279, A bill to be entitled An Act relating to inclusion of pets and other companion animals in protective orders; providing a penalty.

SB 279 was passed by (Record 988): 133 Yeas, 11 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burnam; Button; Cain; 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, S.; King, T.; Kleinschmidt; Kolkhorst; Landtroop; Larson; Laubenberg; Lavender; Lozano; Lucio; Lyne; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Rodriguez; Schwertner; Sheets; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Zedler; Zerwas.

Nays — Burkett; Callegari; King, P.; Kuempel; Legler; Lewis; Miller, S.; Phillips; Scott; Sheffield; Truitt.

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

Absent, Excused — Marquez.

Absent — Carter; Madden; Workman.

STATEMENT OF VOTE

I was shown voting yes on Record No. 988. I intended to vote no.

Garza

**MAJOR STATE CALENDAR
HOUSE BILLS
THIRD READING**

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

HB 3328 ON THIRD READING

(by Keffer, Crownover, Burnam, Parker, Strama, et al.)

HB 3328, A bill to be entitled An Act relating to the disclosure of the composition of hydraulic fracturing fluids used in hydraulic fracturing treatments.

HB 3328 was passed by (Record 989): 133 Yeas, 12 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; 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; Guillen; Gutierrez; Hardcastle; Harless; Harper-Brown; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Price; Quintanilla; Raymond; Reynolds; Riddle; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; White; Woolley; Workman; Zedler.

Nays — Beck; Bonnen; Craddick; Gooden; Hamilton; Hancock; Hughes; Lavender; Legler; Miller, S.; Weber; Zerwas.

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

Absent, Excused — Marquez.

Absent — Hartnett; Pitts.

STATEMENTS OF VOTE

I was shown voting no on Record No. 989. I intended to vote yes.

Beck

I was shown voting yes on Record No. 989. I intended to vote no.

Callegari

I was shown voting yes on Record No. 989. I intended to vote no.

Paxton

I was shown voting no on Record No. 989. I intended to vote yes.

Zerwas

HB 2592 ON THIRD READING

(by **Truitt, Rodriguez, Harless, Farias, McClendon, et al.**)

HB 2592, A bill to be entitled An Act relating to notice and disclosure requirements for certain credit services organizations regarding charges and consumer borrowing.

HB 2592 was passed by (Record 990): 123 Yeas, 23 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Callegari; Carter; Castro; Chisum; Coleman; Cook; Creighton; Crownover; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; 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; Hunter; Isaac; Jackson; Johnson; Keffer; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Legler; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Patrick; Peña; Pickett; Price; Quintanilla; Raymond; Reynolds; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Workman; Zerwas.

Nays — Anderson, R.; Bonnen; Cain; Christian; Craddick; Darby; Fletcher; Flynn; Frullo; Hughes; King, P.; Laubenberg; Lavender; Lewis; Parker; Paxton; Perry; Phillips; Riddle; Simpson; Taylor, V.; White; Zedler.

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

Absent, Excused — Marquez.

Absent — Pitts.

STATEMENTS OF VOTE

I was shown voting no on Record No. 990. I intended to vote yes.

P. King

I was shown voting yes on Record No. 990. I intended to vote no.

Landtroop

GENERAL STATE CALENDAR HOUSE BILLS THIRD READING

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

HB 2589 ON THIRD READING
(by Peña)

HB 2589, A bill to be entitled An Act relating to the delivery of a voter registration application to the registrar by a volunteer deputy registrar; providing a criminal penalty.

Amendment No. 1

Representative Peña offered the following amendment to **HB 2589**:

Amend **HB 2589** on third reading by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION _____. (a) Section 84.0041(b), Election Code, is amended to read as follows:

(b) An offense under this section is a state jail felony [~~unless the person is the applicant, is related to the applicant within the second degree by affinity or the third degree by consanguinity, as determined under Subchapter B, Chapter 573, Government Code, or is registered to vote at the same address as the applicant, in which event the offense is a Class A misdemeanor~~].

(b) The change in law made by this section applies only to an offense committed on or after the effective date of this section. An offense committed before the effective date of this section is governed by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this subsection, an offense was committed before the effective date of this section if any element of the offense occurred before that date.

Representative Peña moved to postpone consideration of **HB 2589** until 11:50 a.m. today.

The motion prevailed.

HB 628 ON THIRD READING
(by Callegari)

HB 628, A bill to be entitled An Act relating to contracts by governmental entities and related professional services and to public works performance and payment bonds.

Amendment No. 1

Representative Callegari offered the following amendment to **HB 628**:

Amend **HB 628** on third reading, in amended Section 44.031(b)(8), Education Code, by striking "or building construction and maintenance," and substituting "building construction and maintenance, or instructional materials,".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Murphy offered the following amendment to **HB 628**:

Amend **HB 628** on third reading by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter B, Chapter 223, Transportation Code, is amended by adding Section 223.049 to read as follows:

Sec. 223.049. CONTRACT WITH LAND OWNER FOR IMPROVING ACCESS TO LAND. (a) The department may, without complying with the competitive bidding procedures of Subchapter A, contract with an owner of land, including a subdivision, adjacent to a highway that is part of the state highway system to construct an improvement on the highway right of way that is directly related to improving access to or from the owner's land.

(b) An owner that enters into a contract with the department under this section must:

(1) comply with applicable department design and construction standards;

(2) comply with all laws, rules, regulations, and ordinances, including environmental requirements, that would be applicable if the department were performing the work;

(3) execute a performance and payment bond in accordance with Chapter 2253, Government Code; and

(4) make available for inspection by the department all books and other records in the possession of the owner that are related to the project.

(c) State and federal funds may not be used for the design, development, financing, or construction of a highway improvement under a contract described by this section.

Amendment No. 2 was adopted.

HB 628 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE CREIGHTON: Representative Callegari, we talked about, earlier, allowing me to ask you some questions on legislative intent on this bill. Is that okay with you?

REPRESENTATIVE CALLEGARI: Yes, that's for sure.

CREIGHTON: Okay, you said yesterday that the bill consolidates alternative delivery methods such as design build and construction manager at risk into one chapter of the government code. Is that correct?

CALLEGARI: Yes, that's correct.

CREIGHTON: And in moving the language into Chapter 2267, you repeal several existing statutes. Is that correct?

CALLEGARI: Yes, that's correct.

CREIGHTON: In making those changes, the language of your bill does not make any substantive changes to the existing construction manager at risk delivery method, does it?

CALLEGARI: No, it does not.

CREIGHTON: So, it is your intent to maintain the status quo with regard to the construction manager at risk delivery method. That's correct as well?

CALLEGARI: That is correct.

REMARKS ORDERED PRINTED

Representative Creighton moved to print remarks between Representative Callegari and Representative Creighton.

The motion prevailed.

HB 628, as amended, was passed by (Record 991): 145 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; 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; 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; 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.

Nays — Burnam.

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

Absent, Excused — Marquez.

Absent — Anchia.

HB 1205 ON THIRD READING

(by Turner, Allen, Aliseda, Rodriguez, and Gallego)

HB 1205, A bill to be entitled An Act relating to the procedures for reducing or terminating community supervision and the establishment of certain time credits through which a defendant's period of community supervision is reduced.

HB 1205 was passed by (Record 992): 131 Yeas, 14 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Castro; Chisum; Christian; Coleman; Cook; Crownover;

Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hancock; Hardcastle; Harless; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Rodriguez; Schwertner; Scott; Sheets; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Zedler.

Nays — Bonnen; Carter; Craddick; Creighton; Darby; Fletcher; Hamilton; Lewis; Morrison; Phillips; Riddle; Sheffield; Workman; Zerwas.

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

Absent, Excused — Marquez.

Absent — Farrar; Harper-Brown.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 992. I intended to vote no.

Huberty

I was shown voting yes on Record No. 992. I intended to vote no.

P. King

I was shown voting yes on Record No. 992. I intended to vote no.

Paxton

I was shown voting yes on Record No. 992. I intended to vote no.

Price

I was shown voting yes on Record No. 992. I intended to vote no.

Schwertner

I was shown voting yes on Record No. 992. I intended to vote no.

White

HB 2748 ON THIRD READING (by Martinez Fischer)

HB 2748, A bill to be entitled An Act relating to grants to student clubs for dropout prevention.

The vote of the house was taken on the passage of **HB 2748** and the vote was announced yeas 68, nays 73.

A verification of the vote was requested and was granted.

The roll of those voting yea and nay was again called and the verified vote resulted, as follows (Record 993): 64 Yeas, 77 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Chisum; Coleman; Davis, Y.; Dukes; Dutton; Eiland; Eissler; Farias; Farrar; Gallego; Garza; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Harless; Hernandez Luna; Hilderbran; Hochberg; Howard, D.; Huberty; Isaac; Jackson; Johnson; King, T.; Kleinschmidt; Larson; Lozano; Lucio; Lyne; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Peña; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Scott; Shelton; Smith, T.; Strama; Thompson; Torres; Turner; Veasey; Villarreal; Vo; Walle.

Nays — 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; Elkins; Fletcher; Flynn; Frullo; Gooden; Hamilton; Hancock; Hardcastle; Harper-Brown; Hartnett; Howard, C.; Hughes; Hunter; King, P.; Kolkhorst; Kuempel; Landtroop; Laubenberg; Lavender; Legler; Lewis; Madden; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Perry; Phillips; Pitts; Price; Riddle; Schwertner; Sheets; Sheffield; Simpson; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Marquez.

Absent — Deshotel; Geren; Hopson; Keffer; King, S.; Oliveira.

The chair stated that **HB 2748** failed to pass by the above vote.

STATEMENTS OF VOTE

When Record No. 993 was taken, I was in the house but away from my desk. I would have voted no.

Geren

When Record No. 993 was taken, I was temporarily out of the house chamber meeting with constituents regarding education issues. I would have voted no.

S. King

HB 1528 ON THIRD READING

(by S. Miller)

HB 1528, A bill to be entitled An Act relating to consolidating precincts in a primary election.

LEAVE OF ABSENCE GRANTED

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

Oliveira on motion of Lozano.

HB 1528 - (consideration continued)

HB 1528 was passed by (Record 994): 130 Yeas, 15 Nays, 2 Present, not voting.

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

Nays — Alonzo; Alvarado; Burnam; Dukes; Dutton; Farrar; Gutierrez; Hernandez Luna; Johnson; McClendon; Miles; Muñoz; Reynolds; Thompson; Walle.

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

Absent, Excused — Marquez; Oliveira.

Absent — King, S.

STATEMENT OF VOTE

When Record No. 994 was taken, I was temporarily out of the house chamber meeting with constituents regarding education issues. I would have voted yes.

S. King

POSTPONED BUSINESS

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

HB 2589 ON THIRD READING**(by Peña)**

HB 2589, A bill to be entitled An Act relating to the delivery of a voter registration application to the registrar by a volunteer deputy registrar; providing a criminal penalty.

HB 2589 was read third time earlier today and was postponed until this time. Amendment No. 1 was pending at the time of postponement.

Amendment No. 1 was withdrawn.

HB 2589 was passed by (Record 995): 113 Yeas, 33 Nays, 2 Present, not voting.

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

Nays — Allen; Alonzo; Alvarado; Burnam; Callegari; Coleman; Davis, Y.; Dukes; Dutton; Farias; Farrar; Giddings; Guillen; Gutierrez; Hernandez Luna; Johnson; Lozano; Lucio; Mallory Caraway; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Quintanilla; Raymond; Reynolds; Rodriguez; Thompson; Turner; Veasey; Vo; Walle.

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

Absent, Excused — Marquez; Oliveira.

STATEMENTS OF VOTE

I was shown voting no on Record No. 995. I intended to vote yes.

Callegari

I was shown voting no on Record No. 995. I intended to vote yes.

Lucio

HB 359 - VOTE RECONSIDERED

Representative Aliseda moved to reconsider the vote by which **HB 359**, as amended, failed to pass to engrossment on May 11.

The motion to reconsider prevailed.

HB 359 ON SECOND READING
(by Allen, Nash, Shelton, Patrick, and Torres)

The chair laid before the house, on its second reading and passage to engrossment,

HB 359, A bill to be entitled An Act relating to the use of corporal punishment in public schools.

HB 359 was read second time on May 11 and failed to pass to engrossment, as amended.

Amendment No. 1 - Vote Reconsidered

Representative T. Smith moved to reconsider the vote by which Amendment No. 1 was adopted.

The motion to reconsider prevailed.

Amendment No. 1 was withdrawn.

Amendment No. 3

Representatives Giddings, Elkins, Berman, Shelton, and Darby offered the following amendment to **HB 359**:

Amend **HB 359** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 37.124, Education Code, is amended by adding Subsection (d) to read as follows:

(d) It is an exception to the application of Subsection (a) that, at the time the person engaged in conduct prohibited under that subsection, the person was a student in the sixth grade or a lower grade level.

SECTION _____. Section 37.126, Education Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) Except as provided by Section 37.125, a person commits an offense if the person intentionally disrupts, prevents, or interferes with the lawful transportation of children:

(1) to or from school on a vehicle owned or operated by a county or independent school district; or

(2) to or from [or] an activity sponsored by a school on a vehicle owned or operated by a county or independent school district.

(c) It is an exception to the application of Subsection (a)(1) that, at the time the person engaged in conduct prohibited under that subdivision, the person was a student in the sixth grade or a lower grade level.

SECTION _____. Section 42.01, Penal Code, is amended by adding Subsection (f) to read as follows:

(f) It is an exception to the application of Subsections (a)(1), (2), (3), (5), or (6) that, at the time the person engaged in conduct prohibited under the applicable subdivision, the person was a student in the sixth grade or a lower grade level, and the prohibited conduct occurred at a public school campus during regular school hours.

SECTION _____. The change in law made by Sections 37.124, Education Code, 37.126, Education Code, and 42.01, Penal Code, as amended by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

Amendment No. 3 was adopted.

Amendment No. 4

Representative Chisum offered the following amendment to **HB 359**:

Amend **HB 359** on third reading by adding the following:

(c) The provisions in this section do not apply to counties with a population of less than 50,000.

Amendment No. 4 was adopted.

Amendment No. 5

Representative Workman offered the following amendment to **HB 359**:

Amend **HB 359** by striking page 1, line 16, through page 3, line 16, and substituting the following:

(b) If the board of trustees of an independent school district adopts a policy under Section 37.001(a)(8) under which corporal punishment is permitted as a method of student discipline, a district educator may use corporal punishment to discipline a student unless the student's parent or guardian or other person having lawful control over the student has previously provided a written, signed statement prohibiting the use of corporal punishment as a method of student discipline.

(c) To prohibit the use of corporal punishment as a method of student discipline, each school year a student's parent or guardian or other person having lawful control over the student must provide a separate written, signed statement to the board of trustees of the school district in the manner established by the board.

(d) The student's parent or guardian or other person having lawful control over the student may revoke the statement provided to the board of trustees under Subsection (c) at any time during the school year by submitting a written, signed revocation to the board in the manner established by the board.

Amendment No. 5 was adopted.

HB 359, as amended, was passed to engrossment by (Record 996): 87 Yeas, 56 Nays, 3 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Berman; Bohac; Branch; Brown; Burkett; Burnam; Carter; Castro; Chisum; Coleman; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Frullo; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gooden;

Guillen; Gutierrez; Harless; Hartnett; Hernandez Luna; Hochberg; Howard, C.; Howard, D.; Huberty; Hughes; Johnson; Keffer; Kolkhorst; Lozano; Lucio; Madden; Mallory Caraway; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Muñoz; Murphy; Naishtat; Nash; Patrick; Peña; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Rodriguez; Sheets; Sheffield; Shelton; Simpson; Smith, W.; Strama; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Workman; Zerwas.

Nays — Anderson, C.; Anderson, R.; Aycock; Beck; Bonnen; Button; Cain; Callegari; Christian; Cook; Craddick; Creighton; Crownover; Darby; Driver; Fletcher; Flynn; Garza; Hamilton; Hancock; Hardcastle; Harper-Brown; Hilderbran; Hopson; Hunter; Isaac; Jackson; King, P.; King, S.; King, T.; Kleinschmidt; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Miller, S.; Morrison; Orr; Otto; Parker; Paxton; Perry; Phillips; Price; Riddle; Schwertner; Scott; Smithee; Solomons; Taylor, L.; White; Zedler.

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

Absent, Excused — Marquez; Oliveira.

Absent — Gonzalez; Smith, T.

GENERAL STATE CALENDAR (consideration continued)

HB 3341 ON THIRD READING

(by Anchia, Hartnett, Murphy, Harper-Brown, and Martinez Fischer)

HB 3341, A bill to be entitled An Act relating to the rebate, refund, or payment of tax proceeds to a qualified hotel project.

HB 3341 was passed by (Record 997): 142 Yeas, 1 Nays, 2 Present, not voting.

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

Nays — Simpson.

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

Absent, Excused — Marquez; Oliveira.

Absent — Howard, C.; Smith, W.; Thompson.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 997. I intended to vote no.

Cain

When Record No. 997 was taken, I was in the house but away from my desk. I would have voted yes.

Thompson

HB 351 ON THIRD READING

(by Veasey)

HB 351, A bill to be entitled An Act relating to the expunction of records and files relating to a person's arrest.

HB 351 was passed by (Record 998): 141 Yeas, 2 Nays, 2 Present, not voting.

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

Nays — Lewis; Perry.

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

Absent, Excused — Marquez; Oliveira.

Absent — Howard, C.; Murphy; Smith, W.

STATEMENT OF VOTE

When Record No. 998 was taken, my vote failed to register. I would have voted yes.

C. Howard

HB 2006 ON THIRD READING

(by **Bonnen**)

HB 2006, A bill to be entitled An Act relating to the release of a photograph of a police officer and access to records maintained by internal investigative divisions in certain municipalities.

HB 2006 was passed by (Record 999): 144 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; 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; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Rodriguez; Schwertner; Scott; Sheets; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Marquez; Oliveira.

Absent — Carter; Sheffield.

STATEMENTS OF VOTE

When Record No. 999 was taken, I was temporarily out of the house chamber. I would have voted yes.

Carter

When Record No. 999 was taken, I was in the house but away from my desk. I would have voted yes.

Sheffield

HB 2382 ON THIRD READING
(by Murphy and Torres)

HB 2382, A bill to be entitled An Act relating to notice required upon nonrenewal of property/casualty insurance policies.

HB 2382 was passed by (Record 1000): 145 Yeas, 0 Nays, 3 Present, not voting.

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

Absent, Excused — Marquez; Oliveira.

HB 738 ON THIRD READING
(by Otto)

HB 738, A bill to be entitled An Act relating to the authority of the Teacher Retirement System of Texas to invest in hedge funds.

HB 738 was passed by (Record 1001): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; 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; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; 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; Ritter(C).

Absent, Excused — Marquez; Oliveira.

Absent — Beck; Mallory Caraway.

STATEMENT OF VOTE

When Record No. 1001 was taken, my vote failed to register. I would have voted yes.

Beck

HB 14 ON THIRD READING (by Murphy, et al.)

HB 14, A bill to be entitled An Act relating to the eligibility for unemployment benefits of a person receiving certain forms of remuneration.

(Harper-Brown in the chair)

Amendment No. 1

Representative Farrar offered the following amendment to **HB 14**:

Amend **HB 14** on third reading SECTION 1, Section 207.049 page 2 on line 1, as follows:

1. Strike "an alleged" and replace with "a potential"
2. After the word "or" add "the Texas Commission on Human Rights ACT (TEX.LAB.CODE ANN. §§ 21.001 et. seq.); or"

Representative Murphy moved to table Amendment No. 1.

The motion to table prevailed by (Record 1002): 99 Yeas, 44 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; Craddock; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; 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.; 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; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Truitt; Weber; White; Workman; Zedler; Zerwas.

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

Present, not voting — Mr. Speaker; Harper-Brown(C).

Absent, Excused — Marquez; Oliveira.

Absent — Kleinschmidt; Torres; Woolley.

STATEMENT OF VOTE

When Record No. 1002 was taken, I was temporarily out of the house chamber. I would have voted yes.

Torres

HB 14 was passed by (Record 1003): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; 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; Martinez; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; 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; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Harper-Brown(C).

Absent, Excused — Marquez; Oliveira.

Absent — Martinez Fischer; Veasey.

STATEMENT OF VOTE

When Record No. 1003 was taken, I was in the house but away from my desk. I would have voted yes.

Martinez Fischer

HB 2460 ON THIRD READING**(by Truitt)**

HB 2460, A bill to be entitled An Act relating to confidentiality of information held by a public retirement system.

HB 2460 was passed by (Record 1004): 143 Yeas, 0 Nays, 3 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; 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; 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; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; 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; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Marquez; Oliveira.

Absent — Anderson, R.; Torres.

STATEMENT OF VOTE

When Record No. 1004 was taken, I was in the house but away from my desk. I would have voted yes.

Torres

HB 2233 ON THIRD READING**(by Huberty, Rodriguez, et al.)**

HB 2233, A bill to be entitled An Act relating to certain contracts entered into by school districts for another entity to provide food services at one or more district schools.

HB 2233 was passed by (Record 1005): 134 Yeas, 12 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver;

Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, V.; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Hernandez Luna; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Anchia; Castro; Gonzales, L.; Gonzalez; Hochberg; Howard, D.; Lucio; Phillips; Scott; Smithee; Strama; Thompson.

Present, not voting — Mr. Speaker; Harper-Brown(C).

Absent, Excused — Marquez; Oliveira.

STATEMENT OF VOTE

I was shown voting no on Record No. 1005. I intended to vote yes.

Castro

HB 2748 - NOTICE GIVEN

Pursuant to the provisions of Rule 7, Section 37(c) of the House Rules, at 1:11 p.m., Representative Chisum announced his intention to make the motion to reconsider the vote by which **HB 2748** failed to pass.

SB 1766 - RECOMMITTED

Representative Sheffield moved to recommit **SB 1766** to the Committee on Defense and Veterans' Affairs.

The motion prevailed.

GENERAL STATE CALENDAR (consideration continued)

HB 1776 ON THIRD READING

(by Lozano, Hancock, Muñoz, Sheffield, and Creighton)

HB 1776, A bill to be entitled An Act relating to contracts between dentists and health maintenance organizations or insurers.

HB 1776 was passed by (Record 1006): 141 Yeas, 2 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; 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; Harless; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, T.; Kleinschmidt; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; 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.

Nays — King, S.; Kolkhorst.

Present, not voting — Mr. Speaker; Harper-Brown(C).

Absent, Excused — Marquez; Oliveira.

Absent — Button; Hardcastle; Schwertner.

STATEMENT OF VOTE

When Record No. 1006 was taken, my vote failed to register. I would have voted yes.

Schwertner

HB 1728 ON THIRD READING (by Keffer)

HB 1728, A bill to be entitled An Act relating to energy savings performance contracts.

HB 1728 was passed by (Record 1007): 143 Yeas, 2 Nays, 3 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Archia; 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; Hartnett; Hernandez Luna; 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; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds;

Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Kolkhorst; Simpson.

Present, not voting — Mr. Speaker; Harper-Brown(C); Hilderbran.

Absent, Excused — Marquez; Oliveira.

HB 3326 ON THIRD READING
(by Woolley)

HB 3326, A bill to be entitled An Act relating to the classification of certain entities as primarily engaged in retail trade for purposes of the franchise tax.

HB 3326 was passed by (Record 1008): 144 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; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; 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; Harper-Brown(C).

Absent, Excused — Marquez; Oliveira.

Absent — Dukes; Lyne.

STATEMENT OF VOTE

When Record No. 1008 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

HB 748 ON THIRD READING**(by Menendez and Hartnett)**

HB 748, A bill to be entitled An Act relating to a criminal defendant's incompetency to stand trial, to certain related time credits, and to the maximum period allowed for restoration of the defendant to competency.

HB 748 was passed by (Record 1009): 143 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; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, 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; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Harper-Brown(C).

Absent, Excused — Marquez; Oliveira.

Absent — Darby; Scott; Torres.

STATEMENTS OF VOTE

When Record No. 1009 was taken, my vote failed to register. I would have voted yes.

Scott

When Record No. 1009 was taken, I was temporarily out of the house chamber. I would have voted yes.

Torres

HB 1994 ON THIRD READING**(by Weber, et al.)**

HB 1994, A bill to be entitled An Act relating to the creation of a first offender prostitution prevention program.

HB 1994 was passed by (Record 1010): 126 Yeas, 13 Nays, 2 Present, not voting.

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

Nays — Carter; Davis, J.; Dutton; Farrar; Gonzales, V.; Gooden; Hochberg; Howard, D.; Lozano; Muñoz; Phillips; Taylor, V.; Workman.

Present, not voting — Mr. Speaker; Harper-Brown(C).

Absent, Excused — Marquez; Oliveira.

Absent — Burkett; Callegari; Castro; Hilderbran; Martinez Fischer; Miller, S.; Turner.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1010. I intended to vote no.

Anchia

When Record No. 1010 was taken, I was in the house but away from my desk. I would have voted yes.

Callegari

When Record No. 1010 was taken, I was in the house but away from my desk. I would have voted no.

Castro

I was shown voting yes on Record No. 1010. I intended to vote no.

S. Davis

I was shown voting yes on Record No. 1010. I intended to vote no.

S. King

I was shown voting yes on Record No. 1010. I intended to vote no.

Kolkhorst

When Record No. 1010 was taken, I was in the house but away from my desk. I would have voted yes.

Martinez Fischer

When Record No. 1010 was taken, my vote failed to register. I would have voted yes.

S. Miller

I was shown voting yes on Record No. 1010. I intended to vote no.

Strama

HB 1872 ON THIRD READING
(by Giddings)

HB 1872, A bill to be entitled An Act relating to requirements regarding information to be provided to employees covered by workers' compensation health care networks.

HB 1872 was passed by (Record 1011): 101 Yeas, 37 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Castro; Chisum; Coleman; Cook; Crownover; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Gallego; Geren; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hancock; Hardcastle; Harless; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hunter; Jackson; Johnson; Keffer; King, P.; King, T.; Kleinschmidt; Kuempel; Lavender; Legler; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Morrison; Muñoz; Murphy; Naishtat; Orr; Otto; Patrick; Peña; Phillips; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Schwertner; Scott; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Thompson; Turner; Veasey; Villarreal; Vo; Walle; Weber; Woolley.

Nays — Anderson, R.; Aycock; Bonnen; Cain; Carter; Craddick; Creighton; Darby; Fletcher; Flynn; Frullo; Garza; Gooden; Hamilton; Hughes; Isaac; King, S.; Kolkhorst; Landtroop; Larson; Laubenberg; Lewis; Nash; Parker; Paxton; Perry; Price; Riddle; Sheets; Sheffield; Simpson; Taylor, V.; Truitt; White; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Harper-Brown(C).

Absent, Excused — Marquez; Oliveira.

Absent — Allen; Anderson, C.; Callegari; Christian; Gonzales, L.; Margo; Miller, S.; Torres.

STATEMENTS OF VOTE

When Record No. 1011 was taken, I was in the house but away from my desk. I would have voted no.

C. Anderson

When Record No. 1011 was taken, I was in the house but away from my desk. I would have voted yes.

Callegari

When Record No. 1011 was taken, my vote failed to register. I would have voted yes.

L. Gonzales

I was shown voting yes on Record No. 1011. I intended to vote no.

Huberty

I was shown voting yes on Record No. 1011. I intended to vote no.

P. King

When Record No. 1011 was taken, I was in the house but away from my desk. I would have voted yes.

Margo

When Record No. 1011 was taken, my vote failed to register. I would have voted yes.

S. Miller

When Record No. 1011 was taken, I was temporarily out of the house chamber. I would have voted yes.

Torres

I was shown voting yes on Record No. 1011. I intended to vote no.

Weber

**PROVIDING FOR A LOCAL, CONSENT,
AND RESOLUTIONS CALENDAR**

Representative Thompson moved to suspend all necessary rules to set a local, consent, and resolutions calendar for 10 a.m. tomorrow.

The motion prevailed.

HB 335 ON THIRD READING

(by Shelton, Kolkhorst, Schwertner, Zerwas, Creighton, et al.)

HB 335, A bill to be entitled An Act relating to implementation and requirements of certain health care reform laws.

HB 335 was passed by (Record 1012): 129 Yeas, 11 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; Carter; 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; Garza; Geren; Giddings; Gonzales, L.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Madden; Mallory Caraway; Margo; Martinez; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Truitt; Turner; Villarreal; Vo; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Castro; Coleman; Gonzales, V.; Howard, D.; Johnson; Martinez Fischer; Muñoz; Naishtat; Rodriguez; Veasey; Walle.

Present, not voting — Mr. Speaker; Harper-Brown(C).

Absent, Excused — Marquez; Oliveira.

Absent — Callegari; Kolkhorst; Lyne; Peña; Ritter; Torres.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1012. I intended to vote no.

Alvarado

I was shown voting yes on Record No. 1012. I intended to vote no.

Burnam

When Record No. 1012 was taken, my vote failed to register. I would have voted yes.

Callegari

When Record No. 1012 was taken, I was in the house but away from my desk. I would have voted yes.

Kolkhorst

When Record No. 1012 was taken, I was in the house but away from my desk. I would have voted yes.

Ritter

When Record No. 1012 was taken, I was temporarily out of the house chamber. I would have voted yes.

Torres

HB 1043 ON THIRD READING
(by Christian, Lucio, Zedler, and Rodriguez)

HB 1043, A bill to be entitled An Act relating to creating an offense for engaging in certain conduct relating to cockfighting.

HB 1043 was passed by (Record 1013): 121 Yeas, 23 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; 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.; Gonzalez; Gooden; Gutierrez; Hamilton; Hardcastle; Harless; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hunter; Jackson; Johnson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Larson; Laubenberg; Legler; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Murphy; Naishtat; Nash; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pickett; Pitts; Price; Quintanilla; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Thompson; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Workman; Zerwas.

Nays — Anderson, C.; Bonnen; Cain; Creighton; Gonzales, V.; Guillen; Hancock; Hughes; Isaac; King, T.; Kuempel; Landtroop; Lavender; Lewis; Martinez; Muñoz; Peña; Perry; Raymond; Scott; Taylor, V.; White; Zedler.

Present, not voting — Mr. Speaker; Harper-Brown(C).

Absent, Excused — Marquez; Oliveira.

Absent — Allen; Torres.

STATEMENTS OF VOTE

I was shown voting no on Record No. 1013. I intended to vote yes.

C. Anderson

When Record No. 1013 was taken, I was temporarily out of the house chamber. I would have voted yes.

Torres

I was shown voting no on Record No. 1013. I intended to vote yes.

Zedler

COMMITTEE GRANTED PERMISSION TO MEET

Representative Thompson requested permission for the Committee on Local and Consent Calendars to meet while the house is in session, at 1:45 p.m. today, in 3W.15, to set a calendar.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Local and Consent Calendars, 1:45 p.m. today, 3W.15, for a formal meeting, to set a calendar.

**HB 2728 ON THIRD READING
(by Thompson)**

HB 2728, A bill to be entitled An Act relating to the operation and regulation of charitable bingo.

HB 2728 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE C. HOWARD: My understanding is the intent of **HB 2728** is not to allow a new type of gaming device which has the look and feel of a slot machine. Is that correct?

REPRESENTATIVE THOMPSON: That's correct. If you remember, Representative Howard, in 1995 the legislature already approved the kind of technology we're talking about today. That was done back in 1995.

REMARKS ORDERED PRINTED

Representative C. Howard moved to print remarks between Representative Thompson and Representative C. Howard.

The motion prevailed.

HB 2728 was passed by (Record 1014): 94 Yeas, 46 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Aycock; Brown; Burnam; Button; Castro; Coleman; Cook; Craddick; Darby; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Hartnett; Hernandez Luna; Hochberg; Howard, D.; Hunter; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Lavender; Legler; Lozano; Lucio; Lyne; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Patrick; Peña; Pickett; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Scott; Sheffield; Smith, T.; Smith, W.; Solomons; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Nays — Anderson, R.; Beck; Berman; Bohac; Bonnen; Branch; Burkett; Cain; Callegari; Chisum; Christian; Creighton; Crownover; Davis, J.; Fletcher; Flynn; Frullo; Harless; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Jackson; Landtroop; Laubenberg; Lewis; Madden; Orr; Otto; Parker; Paxton; Perry; Phillips; Pitts; Price; Riddle; Schwertner; Sheets; Shelton; Simpson; Smithee; Taylor, L.; Taylor, V.; Truitt; White.

Present, not voting — Mr. Speaker; Harper-Brown(C).

Absent, Excused — Marquez; Oliveira.

Absent — Anderson, C.; Carter; Isaac; Torres; Workman; Zedler.

STATEMENTS OF VOTE

When Record No. 1014 was taken, my vote failed to register. I would have voted no.

Carter

I was shown voting yes on Record No. 1014. I intended to vote no.

Hancock

When Record No. 1014 was taken, I was in the house but away from my desk. I would have voted yes.

Isaac

I was shown voting yes on Record No. 1014. I intended to vote no.

Keffer

I was shown voting yes on Record No. 1014. I intended to vote no.

T. Smith

When Record No. 1014 was taken, I was temporarily out of the house chamber. I would have voted no.

Torres

When Record No. 1014 was taken, I was in the house but away from my desk. I would have voted no.

Workman

When Record No. 1014 was taken, I was in the house but away from my desk. I would have voted no.

Zedler

HB 2649 ON THIRD READING

(by Allen)

HB 2649, A bill to be entitled An Act relating to the award of diligent participation credit to defendants confined in a state jail felony facility.

HB 2649 was passed by (Record 1015): 138 Yeas, 7 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; Castro; Chisum; Christian; Coleman; Cook; Craddick; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty;

Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Landtroop; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; 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.

Nays — Creighton; Kuempel; Larson; Margo; Phillips; Price; Schwertner.

Present, not voting — Mr. Speaker; Harper-Brown(C).

Absent, Excused — Marquez; Oliveira.

Absent — Carter.

STATEMENT OF VOTE

I was shown voting yes on Record No. 1015. I intended to vote no.

L. Gonzales

HB 2975 ON THIRD READING

(by Hunter, Naishtat, Parker, Brown, et al.)

HB 2975, A bill to be entitled An Act relating to continuing education for physicians and nurses regarding the treatment of tick-borne diseases.

HB 2975 was passed by (Record 1016): 141 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; Davis, J.; Davis, S.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, V.; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; 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; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; 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; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Harper-Brown(C).

Absent, Excused — Marquez; Oliveira.

Absent — Darby; Davis, Y.; Gonzales, L.; Gonzalez; Torres.

STATEMENTS OF VOTE

When Record No. 1016 was taken, my vote failed to register. I would have voted yes.

L. Gonzales

When Record No. 1016 was taken, I was temporarily out of the house chamber. I would have voted yes.

Torres

HB 1580 ON THIRD READING (by Brown)

HB 1580, A bill to be entitled An Act relating to the training and certification of state agency employees or contractors performing service work on pressure vessels.

HB 1580 was passed by (Record 1017): 144 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; 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; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; 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.

Nays — Lavender.

Present, not voting — Mr. Speaker; Harper-Brown(C).

Absent, Excused — Marquez; Oliveira.

Absent — Riddle.

HB 1871 ON THIRD READING (by Giddings)

HB 1871, A bill to be entitled An Act relating to the amount and payment of attorney's fees in certain workers' compensation cases.

HB 1871 was passed by (Record 1018): 134 Yeas, 10 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farrar; Flynn; Frullo; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; 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; Legler; Lewis; Lozano; Lucio; Lyne; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naisatat; Nash; Orr; Otto; Parker; Patrick; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Schwertner; Scott; Sheets; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Zedler; Zerwas.

Nays — Anderson, C.; Davis, S.; Fletcher; Garza; Lavender; Madden; Paxton; Riddle; Sheffield; Workman.

Present, not voting — Mr. Speaker; Harper-Brown(C).

Absent, Excused — Marquez; Oliveira.

Absent — Farias; Torres.

STATEMENT OF VOTE

When Record No. 1018 was taken, I was temporarily out of the house chamber. I would have voted yes.

Torres

HB 36 ON THIRD READING (by Menendez)

HB 36, A bill to be entitled An Act relating to the punishment for and certain civil consequences of committing the offense of prostitution.

HB 36 was passed by (Record 1019): 145 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.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, 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; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; 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; Harper-Brown(C).

Absent, Excused — Marquez; Oliveira.

Absent — Davis, Y.

HB 242 ON THIRD READING
(by Craddick and Torres)

HB 242, A bill to be entitled An Act relating to the authority of certain retired peace officers to carry certain firearms.

HB 242 was passed by (Record 1020): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, 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; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; 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; Harper-Brown(C).

Absent, Excused — Marquez; Oliveira.

Absent — Alvarado; Burnam; Davis, Y.

HB 1689 ON THIRD READING**(by Brown)**

HB 1689, A bill to be entitled An Act relating to the monitoring and enhancement of health and human services information technology.

HB 1689 was passed by (Record 1021): 143 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; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; 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; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Harper-Brown(C).

Absent, Excused — Marquez; Oliveira.

Absent — Garza; Scott; Torres.

STATEMENTS OF VOTE

When Record No. 1021 was taken, I was in the house but away from my desk. I would have voted yes.

Garza

When Record No. 1021 was taken, I was temporarily out of the house chamber. I would have voted yes.

Torres

HB 1576 ON THIRD READING**(by Garza)**

HB 1576, A bill to be entitled An Act relating to the monitoring of compliance with low-income and moderate-income housing ad valorem tax exemptions.

HB 1576 was passed by (Record 1022): 144 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; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, 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; Martinez; Martinez Fischer; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; 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; Harper-Brown(C).

Absent, Excused — Marquez; Oliveira.

Absent — Dukes; McClendon.

STATEMENTS OF VOTE

When Record No. 1022 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

When Record No. 1022 was taken, I was in the house but away from my desk. I would have voted yes.

McClendon

HB 1886 ON THIRD READING

(by Morrison, et al.)

HB 1886, A bill to be entitled An Act relating to unclaimed property.

HB 1886 was passed by (Record 1023): 143 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; Eiland; Eissler; Elkins; Farias; Farrar; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, 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; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; 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; Harper-Brown(C).

Absent, Excused — Marquez; Oliveira.

Absent — Dukes; Dutton; Fletcher.

STATEMENT OF VOTE

When Record No. 1023 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

COMMITTEES GRANTED PERMISSION TO MEET

Representative Hilderbran requested permission for the Committee on Ways and Means to meet while the house is in session, at 2:30 p.m. today, in 3W.9, to consider pending business.

Permission to meet was granted.

Representative Deshotel requested permission for the Committee on Business and Industry to meet while the house is in session, at 2:46 p.m. today, in 3W.15, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Ways and Means, 2:30 p.m. today, 3W.9, for a formal meeting, to consider **SB 267, SB 326, SB 422, SB 520, SB 540, SB 762, SB 915, SB 916, SB 1070, SB 1120, SB 1130, SB 1185, SB 1404, and SB 1413.**

Business and Industry, 2:46 p.m. today, 3W.15, for a formal meeting, to consider pending business.

POSTPONED BUSINESS

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

HB 3055 ON SECOND READING
(by Peña, Garza, Aliseda, Torres, Margo, et al.)

HB 3055, A bill to be entitled An Act relating to the penalty for providing false information on an application for a ballot to be voted by mail.

HB 3055 was read second time on May 10, postponed until later that day, postponed until May 11, and was again postponed until 5 p.m. May 11.

Representative Aliseda moved to postpone consideration of **HB 3055** until 10 p.m. today.

The motion prevailed.

CSHB 804 ON SECOND READING
(by Lewis, Aliseda, Branch, Harless, Peña, et al.)

CSHB 804, A bill to be entitled An Act relating to the offense of illegal voting by a person who is not a United States citizen.

CSHB 804 was read second time on May 10, postponed until later that day, postponed until May 11, and was again postponed until 5 p.m. May 11.

CSHB 804 - POINT OF ORDER

Representative Alonzo raised a point of order against further consideration of **CSHB 804** under Rule 4, Section 32 of the House Rules on the grounds that the bill analysis is incorrect.

The chair overruled the point of order.

CSHB 804 - POINT OF ORDER

Representative Alonzo raised a point of order against further consideration of **CSHB 804** under Rule 8, Section 5(b) of the House Rules.

The point of order was withdrawn.

Representative Lewis moved to postpone consideration of **CSHB 804** until 2:10 p.m. today.

The motion prevailed.

CSHB 2380 ON SECOND READING
(by Shelton)

CSHB 2380, A bill to be entitled An Act relating to employment by school districts of certain persons under probationary contracts.

CSHB 2380 was read second time on May 11 and was postponed until 6 p.m. May 11.

Amendment No. 1

Representative Reynolds offered the following amendment to **CSHB 2380**:

Amend **CSHB 2380** by striking page 1, line 5, through page 2, line 7, and substituting the following:

SECTION 1. Section 21.102, Education Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) A person who voluntarily accepts an assignment in a new professional capacity that requires a different class of certificate under Subchapter B than the class of certificate held by the person in the professional capacity in which the person was previously employed may be employed under a probationary

contract. This subsection does not apply to a person who is returned by a school district to a professional capacity in which the person was employed by the district before the district employed the person in the new professional capacity as described by this subdivision. A person described by this subsection who is returned to a previous professional capacity is entitled to be employed in the original professional capacity under the same contractual status as the status held by the person during the previous employment by the district in that capacity.

Amendment No. 1 was adopted.

CSHB 2380, as amended, was passed to engrossment. (Garza and Simpson recorded voting no.)

CSHB 2594 ON SECOND READING

(by **Truitt, Rodriguez, Harless, Farias, McClendon, et al.**)

CSHB 2594, A bill to be entitled An Act relating to the licensing and regulation of certain credit services organizations and the regulation of certain extensions of consumer credit obtained by those organizations or with regard to which the organizations provide assistance; providing an administrative penalty.

CSHB 2594 was read second time on May 11 and was postponed until later that day. An amendment was offered, and **CSHB 2594** was again postponed until 6:10 p.m. May 11.

Representative Truitt moved to postpone consideration of **CSHB 2594** until 2:10 p.m. today.

The motion prevailed.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Ritter requested permission for the Committee on Natural Resources to meet while the house is in session, at 3 p.m. today, in 1W.14, to consider **SB 609, SB 1895, SCR 2**, and pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Natural Resources, 3 p.m. today, 1W.14, for a formal meeting, to consider **SB 609, SB 1895, SCR 2**, and pending business.

CSHB 189 ON SECOND READING

(by **T. Smith, Martinez Fischer, Harless, et al.**)

CSHB 189, A bill to be entitled An Act relating to the criminal and civil consequences for certain intoxication offenses and to certain fees associated with the enforcement and administration of certain of those consequences.

CSHB 189 was read second time on May 11, amendments were offered and disposed of, and **CSHB 189** was postponed until 7 p.m. May 11. Amendment No. 5 was pending at the time of postponement.

Representative T. Smith moved to postpone consideration of **CSHB 189** until 4 p.m. today.

The motion prevailed.

SB 5 ON SECOND READING
(Branch - House Sponsor)

SB 5, A bill to be entitled An Act relating to the administration and business affairs of public institutions of higher education.

SB 5 was considered in lieu of **CSHB 3517**.

SB 5 was read second time.

Representative Branch moved to postpone consideration of **SB 5** until 10 a.m. tomorrow.

The motion prevailed.

CSHB 3517 - LAID ON THE TABLE SUBJECT TO CALL

Representative Branch moved to lay **CSHB 3517** on the table subject to call.

The motion prevailed.

HB 3131 ON SECOND READING
(by Geren)

HB 3131, A bill to be entitled An Act relating to providing that certain travel vouchers submitted by peace officers assigned to a protective detail are confidential.

HB 3131 was read second time on May 11 and was postponed until 8 p.m. May 11.

HB 3131 - POINT OF ORDER

Representative Walle raised a point of order against further consideration of **HB 3131**.

The chair sustained the point of order.

HB 3131 was returned to the Committee on Homeland Security and Public Safety.

CSHB 32 ON SECOND READING
(by Creighton, Zerwas, Schwertner, Hancock, Shelton, et al.)

CSHB 32, A bill to be entitled An Act relating to required individual health insurance coverage.

CSHB 32 was read second time on May 11 and was postponed until 8:15 p.m. May 11.

CSHB 32 - POINT OF ORDER

Representative Coleman raised a point of order against further consideration of **CSHB 32**.

The point of order was withdrawn.

Representative Creighton moved to postpone consideration of **CSHB 32** until 2:30 p.m. today.

The motion prevailed.

HB 3282 ON SECOND READING

(by Guillen)

HB 3282, A bill to be entitled An Act relating to the operation and regulation of 24-number bingo games.

HB 3282 was read second time on May 11 and was postponed until 8:45 p.m. May 11.

HB 3282 - POINT OF ORDER

Representative C. Howard raised a point of order against further consideration of **HB 3282** under Rule 4, Section 32 of the House Rules on the grounds that the bill analysis is incorrect.

The chair overruled the point of order.

HB 3282 failed to pass to engrossment by (Record 1024): 67 Yeas, 75 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Craddick; Darby; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Farias; Farrar; Gallego; Geren; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hamilton; Hardcastle; Hernandez Luna; Hochberg; Howard, D.; Hunter; Johnson; King, T.; Kleinschmidt; Kuempel; Larson; Lozano; Lyne; Mallory Caraway; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Muñoz; Naishtat; Nash; Parker; Peña; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Rodriguez; Sheffield; Strama; Thompson; Torres; Veasey; Villarreal; Vo; Walle; Woolley; Zerwas.

Nays — Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Creighton; Crownover; Davis, J.; Elkins; Fletcher; Flynn; Frullo; Garza; Gonzales, L.; Gooden; Hancock; Harless; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Isaac; Jackson; Keffer; King, P.; King, S.; Kolkhorst; Landtroop; Laubenberg; Lavender; Legler; Lewis; Madden; Margo; Miller, S.; Morrison; Murphy; Orr; Otto; Patrick; Paxton; Perry; Phillips; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Truitt; Weber; White; Workman; Zedler.

Present, not voting — Mr. Speaker; Harper-Brown(C).

Absent, Excused — Marquez; Oliveira.

Absent — Cook; Giddings; Lucio; Turner.

STATEMENTS OF VOTE

When Record No. 1024 was taken, I was temporarily out of the house chamber. I would have voted no.

Cook

I was shown voting yes on Record No. 1024. I intended to vote no.

Craddick

I was shown voting no on Record No. 1024. I intended to vote yes.

S. King

I was shown voting yes on Record No. 1024. I intended to vote no.

Parker

I was shown voting yes on Record No. 1024. I intended to vote no.

Peña

I was shown voting no on Record No. 1024. I intended to vote yes.

Scott

CSHB 1244 ON SECOND READING

(by Castro)

CSHB 1244, A bill to be entitled An Act relating to developmental education courses and the assessment of student readiness under the Texas Success Initiative for public institutions of higher education.

CSHB 1244 was read second time on May 11 and was postponed until 4 a.m. today.

Amendment No. 1

Representative Castro offered the following amendment to **CSHB 1244**:

Amend **CSHB 1244** (house committee printing) as follows:

(1) On page 2 of the bill, line 25, insert "in consultation with institutions of higher education," between the words "shall" and "adopt".

Amendment No. 1 was adopted.

CSHB 1244, as amended, was passed to engrossment.

CSHB 3790 ON SECOND READING

(by Pitts)

CSHB 3790, A bill to be entitled An Act relating to certain state fiscal matters; providing penalties.

CSHB 3790 was read second time on May 3, postponed until May 4, postponed until May 5, postponed until May 9, postponed until May 10, postponed until May 11, and was again postponed until 7 a.m. today.

Representative Pitts moved to postpone consideration of **CSHB 3790** until 10 a.m. Monday, July 11.

The motion prevailed.

CSHB 3640 ON SECOND READING

(by Pitts)

CSHB 3640, A bill to be entitled An Act relating to the remittance and allocation of certain taxes and fees.

CSHB 3640 was read second time on May 3, postponed until May 4, postponed until May 5, postponed until May 9, postponed until May 10, postponed until May 11, and was again postponed until 7 a.m. today.

Representative Pitts moved to postpone consideration of **CSHB 3640** until 10 a.m. Monday, July 11.

The motion prevailed.

CSHB 3665 ON SECOND READING

(by Otto)

CSHB 3665, A bill to be entitled An Act relating to state fiscal matters related to general government.

CSHB 3665 was read second time on May 3, postponed until May 4, postponed until May 5, postponed until May 9, postponed until May 10, postponed until May 11, and was again postponed until 7 a.m. today.

Representative Otto moved to postpone consideration of **CSHB 3665** until 10 a.m. Monday, July 11.

The motion prevailed.

CSHB 3639 ON SECOND READING

(by Pitts and Aycock)

CSHB 3639, A bill to be entitled An Act relating to state fiscal matters related to public and higher education.

CSHB 3639 was read second time on May 3, postponed until May 4, postponed until May 5, postponed until May 9, postponed until May 10, postponed until May 11, and was again postponed until 7 a.m. today.

Representative Pitts moved to postpone consideration of **CSHB 3639** until 10 a.m. Monday, July 11.

The motion prevailed.

HB 3648 ON SECOND READING

(by Otto)

HB 3648, A bill to be entitled An Act relating to state fiscal matters related to the judiciary.

HB 3648 was read second time on May 3, postponed until May 4, postponed until May 5, postponed until May 9, postponed until May 10, postponed until May 11, and was again postponed until 7 a.m. today.

Representative Otto moved to postpone consideration of **HB 3648** until 10 a.m. Monday, July 11.

The motion prevailed.

CSHB 3418 ON SECOND READING
(by Darby)

CSHB 3418, A bill to be entitled An Act relating to certain state fiscal matters related to natural resources or the environment.

CSHB 3418 was read second time on May 3, postponed until May 4, postponed until May 5, postponed until May 9, postponed until May 10, postponed until May 11, and was again postponed until 7 a.m. today.

Representative Darby moved to postpone consideration of **CSHB 3418** until 10 a.m. Monday, July 11.

The motion prevailed.

HB 1250 ON SECOND READING
(by Frullo)

HB 1250, A bill to be entitled An Act relating to the use of facsimile signatures for certain documents involving certain municipalities.

HB 1250 was read second time on April 26, postponed until May 3, postponed until May 6, postponed until May 9, postponed until May 11, and was again postponed until 9 a.m. today.

HB 1250 was passed to engrossment.

CSHJR 135 ON SECOND READING
(by Phillips, Callegari, Hancock, Fletcher, Aliseda, et al.)

CSHJR 135, A joint resolution proposing a constitutional amendment relating to an individual's or a religious organization's freedom of religion.

CSHJR 135 was read second time on May 11, postponed until later that day, and was again postponed until 10 a.m. today. Amendment No. 1 was pending at the time of postponement.

Amendment No. 1 was withdrawn.

Amendment No. 3

Representative Phillips offered the following amendment to **CSHJR 135**:

Amend **CSHJR 135** (house committee printing) as follows:

(1) Strike lines 14-17 and substitute the following:

(b) The government may not directly, indirectly, or incidentally impose a substantial burden on an individual's or organization's free exercise of religion that is based on a sincerely held religious belief, unless the government is:

(2) On page 1, between lines 21 and 22, insert the following:

(c) Subsection (b) of this section incorporates, and shall be interpreted consistently with the protections granted by, and the exceptions made by, Chapter 110, Civil Practice and Remedies Code, as that law existed on January 1, 2011, except that it is contemplated that the legislature may amend that law to further:

(1) specify and limit the compensatory and other relief that may be awarded as a result of a violation of Subsection (b) of this section; and

(2) regulate the time and manner in which a claim for a violation of Subsection (b) of this section may be brought.

(2) On page 1, line 22, strike "(c)" and substitute "(d)".

Amendment No. 3 was adopted.

CSHJR 135 - POINT OF ORDER

Representative Martinez Fischer raised a point of order against further consideration of **CSHJR 135** under Rule 4, Section 32(c)(2) of the House Rules on the grounds that the bill analysis is incorrect.

The point of order was withdrawn.

Representative Phillips moved to postpone consideration of **CSHJR 135** until 3:15 p.m. today.

The motion prevailed.

(Speaker in the chair)

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, postponed until May 2, postponed until May 9, postponed until May 11, and was again postponed until 1 p.m. today.

HB 1089 - LAID ON THE TABLE SUBJECT TO CALL

Representative Martinez Fischer moved to lay **HB 1089** on the table subject to call.

The motion prevailed.

MAJOR STATE CALENDAR HOUSE BILLS SECOND READING

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

CSHB 2593 ON SECOND READING (by Truitt, Rodriguez, Harless, Farias, McClendon, et al.)

CSHB 2593, A bill to be entitled An Act relating to certain restrictions on deferred presentment transactions and motor vehicle certificate of title loans that a credit services organization obtains for a consumer or assists a consumer in obtaining.

CSHB 2593 - POINT OF ORDER

Representative Laubenberg raised a point of order against further consideration of **CSHB 2593** under Rule 4, Section 32(c)(2) of the House Rules on the grounds that the bill analysis is incorrect.

**HR 1883 - ADOPTED
(by Thompson)**

Representative Thompson moved to suspend all necessary rules to take up and consider at this time **HR 1883**.

The motion prevailed.

The following resolution was laid before the house:

HR 1883, Recognizing May 12, 2011, as International Nurses Day and welcoming the Texas National Nurses Organizing Committee to the State Capitol.

HR 1883 was adopted.

On motion of Representative Dutton, the names of all the members of the house were added to **HR 1883** as signers thereof.

(L. Taylor in the chair)

LEAVE OF ABSENCE GRANTED

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

Workman on motion of Kuempel.

CSHB 2593 - (consideration continued)

(Bonnen in the chair)

Representative Truitt moved to postpone consideration of **CSHB 2593** until 5 p.m. today.

The motion prevailed.

CSHB 9 ON SECOND READING

(by Branch, Pitts, L. Taylor, Patrick, Villarreal, et al.)

CSHB 9, A bill to be entitled An Act relating to student success-based funding for public institutions of higher education.

Amendment No. 1

Representative Branch offered the following amendment to **CSHB 9**:

Amend **CSHB 9** (house committee printing) in SECTION 3 of the bill as follows:

(1) Strike page 4, lines 2-13, and substitute the following:

(d) This subsection applies only to a general academic teaching institution other than a public state college. In devising its base funding formulas and making its recommendations to the legislature relating to institutional appropriations of base funds under Section 61.059 for institutions to which this

subsection applies, the board, in the manner and to the extent the board considers appropriate and in consultation with those institutions, shall incorporate the consideration of undergraduate student success measures achieved during the preceding state fiscal biennium by each of the institutions. The success measures considered by the board under this subsection must include:

(2) Strike page 4, line 27, through page 5, line 2, and substitute the following:

(e) This subsection applies only to public junior colleges, public state colleges, and public technical institutes. In devising its funding formulas and making its recommendations to the legislature relating to institutional appropriations of incentive funds for institutions to which this subsection applies, the board, in the manner and to the extent the board considers appropriate and in consultation with those institutions, shall incorporate the consideration of the undergraduate student success measures achieved during the preceding state fiscal biennium by each of the institutions. The success measures considered by the board under this subsection must include:

(3) Reletter proposed Subsections (g) and (h) of added Section 61.0593, Education Code (page 5, line 25, and page 6, line 5), appropriately.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Branch offered the following amendment to **CSHB 9**:

Amend **CSHB 9** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill appropriately:

SECTION _____. Subchapter C, Chapter 61, Education Code, is amended by adding Section 61.0905 to read as follows:

Sec. 61.0905. REPORTS TO JOINT OVERSIGHT COMMITTEE. (a) Not later than each September 15, the board shall submit to the Joint Oversight Committee on Higher Education Governance, Excellence, and Transparency a written report reviewing, comparing, and highlighting national and global best practices on:

(1) improving student outcomes, including student retention, graduations, and graduation rates; and

(2) higher education governance, administration, and transparency.

(b) This section expires August 31, 2013.

Amendment No. 2 was adopted.

(Speaker in the chair)

CSHB 9, as amended, was passed to engrossment. (Giddings and Rodriguez recorded voting no.)

CSHB 400 ON SECOND READING

(by Eissler, Aycock, Crownover, C. Anderson, Garza, et al.)

CSHB 400, A bill to be entitled An Act relating to flexibility for public schools to administer primary and secondary education efficiently.

Representative Eissler moved to postpone consideration of **CSHB 400** until 6 p.m. today.

The motion prevailed.

**CONSTITUTIONAL AMENDMENTS CALENDAR
HOUSE JOINT RESOLUTIONS
SECOND READING**

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

HJR 48 ON SECOND READING

(by C. Anderson, Farias, McClendon, Carter, S. Miller, et al.)

HJR 48, A joint resolution proposing a constitutional amendment authorizing the legislature to exempt from ad valorem taxation the residence homestead of the surviving spouse of a 100 percent or totally disabled veteran in an amount equal to the amount of the residence homestead exemption to which the disabled veteran was entitled on the same property.

HJR 48 was adopted by (Record 1025): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; 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; 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; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; 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; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Marquez; Oliveira; Workman.

Absent — Geren.

STATEMENT OF VOTE

When Record No. 1025 was taken, I was in the house but away from my desk. I would have voted yes.

Geren

**GENERAL STATE CALENDAR
HOUSE BILLS
SECOND READING**

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

**CSHB 882 ON SECOND READING
(by Alvarado, Harless, et al.)**

CSHB 882, A bill to be entitled An Act relating to the creation of an offense prohibiting certain transactions involving malt liquor containing certain stimulants.

CSHB 882 was passed to engrossment. (Creighton, Garza, Perry, Sheffield, and Weber recorded voting no.)

**CSHB 31 ON SECOND READING
(by Guillen)**

CSHB 31, A bill to be entitled An Act relating to the period of license suspension after moving violations for a holder of a provisional driver's license.

Amendment No. 1

Representatives Riddle and Guillen offered the following amendment to **CSHB 31**:

Amend **CSHB 31** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____ . Section 521.025, Transportation Code, is amended to read as follows:

Sec. 521.025. LICENSE REQUIRED; LICENSE TO BE CARRIED AND EXHIBITED ON DEMAND; CRIMINAL PENALTY. (a) A person, other than a person expressly exempted under this chapter, may not operate a motor vehicle on a highway in this state unless the person holds a driver's license issued under this chapter.

(a-1) A person required to hold a license under Subsection (a) [~~Section 521.021~~] shall:

(1) have in the person's possession while operating a motor vehicle the class of driver's license appropriate for the type of vehicle operated; and

(2) display the license on the demand of a magistrate, court officer, or peace officer.

(b) A peace officer may stop and detain a person operating a motor vehicle to determine if the person has a driver's license as required by this section.

(c) A person who violates Subsection (a) or (a-1) [~~this section~~] commits an offense. An offense under this section [~~subsection~~] is a misdemeanor punishable by a fine not to exceed \$200, except that:

(1) for a second conviction within one year after the date of the first conviction, the offense is a misdemeanor punishable by a fine of not less than \$25 or more than \$200; [~~and~~]

(2) for a third or subsequent conviction within one year after the date of the second conviction the offense is a misdemeanor punishable by:

(A) a fine of not less than \$25 or more than \$500;

(B) confinement in the county jail for not less than 72 hours or more than six months; or

(C) both the fine and confinement; and

(3) for an offense under Subsection (a), the offense is a Class B misdemeanor if it is shown on the trial of the offense that the person at the time of the offense was committing another offense under Subtitle C, Title 7, that caused property damage, bodily injury, or death.

(d) It is a defense to prosecution under Subsection (a-1) [this section] if the person charged produces in court a driver's license:

(1) issued to that person;

(2) appropriate for the type of vehicle operated; and

(3) valid at the time of the arrest for the offense.

(e) The judge of each court shall report promptly to the department each conviction obtained in the court under this section.

(f) The court may assess a defendant an administrative fee not to exceed \$10 if a charge under Subsection (a-1) [this section] is dismissed because of the defense listed under Subsection (d).

SECTION _____. The heading to Subchapter J, Chapter 601, Transportation Code, is amended to read as follows:

SUBCHAPTER J. IMPOUNDMENT OF CERTAIN MOTOR VEHICLES INVOLVED IN ACCIDENT [VEHICLE NOT REGISTERED IN THIS STATE]

SECTION _____. Section 601.291, Transportation Code, is amended to read as follows:

Sec. 601.291. APPLICABILITY OF SUBCHAPTER. (a) This subchapter applies only to the owner or operator of a motor vehicle that[~~:-~~

~~[(1) is not registered in this state; and~~

~~[(2)]~~ is involved in a motor vehicle accident in this state that results in bodily injury, death, or damage to the property of one person to an apparent extent of at least \$500 and:

(1) is not registered in this state; or

(2) is operated by a person who fails to hold a license required under Chapter 521.

(b) The initial determination of compliance with Chapter 521 is made by the law enforcement officer described by Section 601.292. The final determination of compliance is made by the magistrate under Section 601.293(b).

SECTION _____. Section 601.293(b), Transportation Code, is amended to read as follows:

(b) If the vehicle is not registered in this state or if the magistrate determines the operator is not in compliance with the license requirements under Chapter 521, the [The] magistrate shall conduct an inquiry on the issues of negligence and liability for bodily injury, death, or property damage sustained in the accident.

SECTION _____. Section 601.296, Transportation Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) If the motor vehicle is to be operated in this state at the time of release, the submission under Subsection (a) must also include evidence of financial responsibility under Section 601.053 that shows that at the time of release the vehicle will be in compliance with Section 601.051 or is exempt from the requirement of Section 601.051.

SECTION _____. Section 708.104(a), Transportation Code, is amended to read as follows:

(a) Each year the department shall assess a surcharge on the license of a person who during the preceding 36-month period has been convicted of an offense under Section 521.025(a) [~~521.021~~].

SECTION _____. Section 521.021, Transportation Code, is repealed.

SECTION _____. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For the purposes of this section, an offense was committed before the effective date of this Act if any element of the offense was committed before that date.

Amendment No. 1 - Point of Order

Representative Burnam raised a point of order against further consideration of Amendment No. 1 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

The point of order was withdrawn.

Representative Guillen moved to postpone consideration of **CSHB 31** until 4:30 p.m. today.

The motion prevailed.

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).

HB 51 ON SECOND READING

(by Lucio, Cook, et al.)

HB 51, A bill to be entitled An Act relating to energy efficiency standards for certain buildings and to high-performance design, construction, and renovation standards for certain government buildings and facilities.

Amendment No. 1

Representative Lucio offered the following amendment to **HB 51**:

Amend **HB 51** (house committee report) by striking all below the enacting clause and substituting the following:

SECTION 1. Subchapter B, Chapter 55, Education Code, is amended by adding Section 55.115 to read as follows:

Sec. 55.115. HIGH-PERFORMANCE, SUSTAINABLE DESIGN, CONSTRUCTION, AND RENOVATION STANDARDS FOR CERTAIN FACILITIES. (a) This section applies to the construction of an institution of higher education building, structure, or other facility, or the renovation of a building, structure, or other facility the cost of which is more than \$2 million, or, if less than \$2 million, more than 50 percent of the value of the building, structure, or other facility, if any part of the construction or renovation is financed by revenue bonds issued under this subchapter.

(b) A building, structure, or other facility to which this section applies must be designed and constructed or renovated so that the building, structure, or other facility complies with high-performance building standards, approved by the board of regents of the institution, that provide minimum requirements for energy use, natural resources use, and indoor air quality. In approving high-performance building standards, a board of regents shall consider the high-performance building evaluation system approved by the State Energy Conservation Office under Section 447.004, Government Code, and may solicit and consider recommendations from the advisory committee appointed under that section.

SECTION 2. Section 447.004, Government Code, is amended by amending Subsection (b) and adding Subsections (b-1), (b-2), and (b-3) to read as follows:

(b) The standards established under Subsection (a) must:

(1) include performance and procedural standards for the maximum energy and water conservation allowed by the latest and most cost-effective technology that is consistent with the requirements of public health, safety, and economic resources;

(2) be stated in terms of energy and water consumption levels that:

(A) achieve compliance with energy conservation standards published by the state energy conservation office; and

(B) achieve:

(i) a 15 percent reduction in water use when compared to water use based on plumbing fixtures selected in accordance with the Energy Policy Act of 1992 (Pub. L. No. 102-486); or

(ii) compliance with water conservation standards published by the office;

(3) consider the various types of building uses; and

(4) allow for design flexibility, including allowing for certification under any high-performance design evaluation system approved by the office.

(b-1) A building to which this section applies must be designed and constructed or renovated so that the building achieves certification under any high-performance design evaluation system approved by the state energy conservation office that:

(1) is developed and revised:

(A) through a nationally or internationally recognized consensus-based energy standard or green building system, such as:

(i) the standard or system maintained by the United States Green Building Council; or

(ii) Green Globes, maintained by the Green Building Initiative;

or

(B) by a municipally owned utility in this state;

(2) provides minimum requirements for energy use, natural resources use, and indoor air quality;

(3) requires substantiating documentation for certification;

(4) requires on-site, third-party, post-construction review and verification for certification, or a third-party, post-construction, rigorous review of documentation and verification for certification; and

(5) encourages the use of materials or products manufactured or produced in this state.

(b-2) The state energy conservation office shall appoint an advisory committee to advise the office in selecting one or more high-performance building design evaluation systems to approve for use under Subsection (b-1). At least once every two years, the advisory committee shall review available high-performance building standards and make recommendations to the office.

The advisory committee consists of:

(1) one individual appointed by the comptroller who represents the state energy conservation office and who serves as the presiding officer of the committee;

(2) seven individuals with experience and expertise in high-performance buildings or related products, including experience and expertise in energy efficiency, water efficiency, or low-impact site development, with one individual selected from each of the following lists of nominees:

(A) a list submitted by the president of the Texas Society of Architects;

(B) a list submitted by the presidents of the Texas Council of Engineering Companies and Texas Society of Professional Engineers;

(C) a list submitted by the president of the Associated Builders and Contractors of Texas and the presiding officer of the executive committee of the Associated General Contractors, Texas Building Branch;

(D) a list submitted by the president of the Texas chapter of the American Society of Landscape Architects;

(E) a list submitted by the president of the Texas Chemical Council;

(F) a list submitted by the Texas State Building and Construction Trades Council; and

(G) a list submitted by the president of the Texas chapter of the Urban Land Institute;

(3) the director of facilities construction and space management appointed under Section 2152.104;

(4) one individual representing the Energy Systems Laboratory of the Texas Engineering Experiment Station of The Texas A&M University System;

(5) one individual representing a state agency that has a substantial ongoing construction program; and

(6) one individual representing the interests of historically underutilized businesses.

(b-3) A contract between a state agency and a private design professional relating to services in connection with the construction or renovation of a building to which this section applies must provide that, for billing purposes, any service provided by the private design professional that is necessary to satisfy the certification requirements of Subsection (b-1) is considered an additional service rather than a basic service.

SECTION 3. Section 388.003, Health and Safety Code, is amended by amending Subsections (c) and (e) and adding Subsection (c-1) to read as follows:

(c) A municipality shall establish procedures:

(1) for the administration and enforcement of the codes; ~~and~~

(2) to ensure that code-certified inspectors shall perform inspections and enforce the code in the inspectors' jurisdictions; and

(3) to track and report to the State Energy Conservation Office on implementation of the codes.

(c-1) A report under Subsection (c)(3) must include a description of the measures taken to enforce the most recently adopted version of the International Energy Conservation Code and an assessment of the rate of compliance.

(e) Local amendments may not result in less stringent energy efficiency requirements in nonattainment areas and in affected counties than the energy efficiency chapter of the International Residential Code or International Energy Conservation Code. Local amendments must comply with the National Appliance Energy Conservation Act of 1987 (42 U.S.C. Sections 6291-6309), as amended. The laboratory, at the request of a municipality or county, shall determine the relative impact of proposed local amendments to an energy code, including whether proposed amendments are substantially equal to or less stringent than the unamended code. For the purpose of establishing uniform requirements throughout a region, and on request of a council of governments, a county, or a municipality, the laboratory may recommend a climatically appropriate modification or a climate zone designation for a county or group of counties that is different from the climate zone designation in the unamended code. The laboratory shall:

(1) report its findings to the council, county, or municipality, including an estimate of:

(A) any energy savings potential above the unamended [base] code; and

(B) any resulting reduction in the emission of air pollutants [from local amendments]; ~~and~~

(2) annually submit a report to the commission:

(A) identifying the municipalities and counties whose codes are more stringent than the unamended code, and whose codes are equally stringent or less stringent than the unamended code; and

(B) quantifying energy savings and emissions reductions from this program for consideration in the state implementation plan for pollution reduction; and

(3) report the results under Subdivision (2)(B) to the commission and the Electric Reliability Council of Texas, and to the United States Environmental Protection Agency for inclusion in the state implementation plan for pollution reduction.

SECTION 4. Section 388.007, Health and Safety Code, is amended by amending Subsection (c) and adding Subsection (d) to read as follows:

(c) The laboratory may provide local jurisdictions with technical assistance concerning implementation and enforcement of the International Energy Conservation Code and the energy efficiency chapter of the International Residential Code, including local amendments to those codes.

(d) The laboratory may conduct outreach to the real estate industry, including real estate agents, home builders, remodelers, appraisers, and financial institutions, on the value of energy code compliance and verified, above-code, high-performance construction.

SECTION 5. Section 55.115, Education Code, as added by this Act, and Section 447.004, Government Code, as amended by this Act, apply only to an institution of higher education building, structure, or other facility or a state building for which the contract for design services is entered into on or after September 1, 2013.

SECTION 6. This Act takes effect September 1, 2011.

Amendment No. 1 was adopted.

HB 51, as amended, was passed to engrossment. (Brown, Flynn, C. Howard, Hunter, P. King, Legler, Laubenberg, Murphy, Phillips, W. Smith, White, and Workman recorded voting no.)

HB 121 ON SECOND READING (by Castro)

HB 121, A bill to be entitled An Act relating to standing for certain individuals to file a suit affecting the parent-child relationship.

Amendment No. 1

Representative Parker offered the following amendment to **HB 121**:

Amend **HB 121** as follows:

(1) On page 1, line 12, strike "person" and substitute "person:
(1)".

(2) On page 1, line 15, strike "90th" and substitute "30th [90th]".

(3) On page 1, line 19, between "relationship" and the period insert "; and

(2) demonstrates that the person's failure to become involved in the suit filed by the Department of Family and Protective Services was not due to the person's indifference or lack of diligence".

Amendment No. 1 was adopted by (Record 1026): 88 Yeas, 56 Nays, 1 Present, not voting.

Yeas — Aliseda; Alvarado; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Button; Cain; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.;

Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harper-Brown; Hartnett; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; Kleinschmidt; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lucio; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Schwertner; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Weber; White; Woolley; Zerwas.

Nays — Allen; Alonzo; Anchia; Bonnen; Burnam; Callegari; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Geren; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Harless; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, D.; Johnson; King, T.; Lozano; Mallory Caraway; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Pickett; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Scott; Strama; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Marquez; Oliveira; Workman.

Absent — King, S.; Kolkhorst.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1026. I intended to vote no.

Alvarado

I was shown voting no on Record No. 1026. I intended to vote yes.

Geren

When Record No. 1026 was taken, I was in the house but away from my desk. I would have voted yes.

Kolkhorst

I was shown voting yes on Record No. 1026. I intended to vote no.

Lucio

COMMITTEES GRANTED PERMISSION TO MEET

Representative Guillen requested permission for the Committee on Culture, Recreation, and Tourism to meet while the house is in session, at 4:15 p.m. today, in 3W.9, to consider **HCR 144**, **SCR 11**, **SCR 16**, **SCR 18**, and **SCR 39**.

Permission to meet was granted.

Representative Smithee requested permission for the Committee on Insurance to meet while the house is in session, at 5 p.m. today, in 1W.14, to consider **SB 554**, **SB 735**, **SB 859**, **SB 1213**, **SB 1656**, and **SB 1806**.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Culture, Recreation, and Tourism, 4:15 p.m. today, 3W.9, for a formal meeting, to consider **HCR 144**, **SCR 11**, **SCR 16**, **SCR 18**, and **SCR 39**.

Insurance, 5 p.m. today, 1W.14, for a formal meeting, to consider **SB 554**, **SB 735**, **SB 859**, **SB 1213**, **SB 1656**, and **SB 1806**.

HB 121 - (consideration continued)

Representative Castro moved to postpone consideration of **HB 121** until 11:59 p.m. today.

The motion prevailed.

(Workman now present)

HB 230 ON SECOND READING

(by Phillips)

HB 230, A bill to be entitled An Act relating to the authority of a county to regulate the location of halfway houses in the unincorporated areas of the county; providing a penalty.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence temporarily for today to attend a meeting of the Committee on Culture, Recreation, and Tourism:

Kuempel on motion of Raymond.

Larson on motion of Raymond.

Price on motion of Raymond.

HB 230 - (consideration continued)**Amendment No. 1**

Representative Phillips offered the following amendment to **HB 230**:

Amend **HB 230** (house committee printing) on page 1, line 14, between "state" and the underlined semicolon, by inserting "or an agency of the federal government".

Amendment No. 1 was adopted.

HB 230 - POINT OF ORDER

Representative Burnam raised a point of order against further consideration of **HB 230** under Rule 4, Section 18(a) of the House Rules on the grounds that the committee minutes are incomplete.

The point of order was withdrawn.

Representative Phillips moved to postpone consideration of **HB 230** until 5 p.m. today.

The motion prevailed.

CSHB 278 ON SECOND READING**(by Alonzo)**

CSHB 278, A bill to be entitled An Act relating to pretrial hearings in criminal cases.

Amendment No. 1

On behalf of Representative Gallego, Representative Alonzo offered the following amendment to **CSHB 278**:

Amend **CSHB 278** (house committee printing) as follows:

(1) On page 1, line 6, strike "any" and substitute "a".

(2) On page 1, line 7, between "case" and "not" strike "if," and substitute "other than a case involving only an offense punishable as a Class C misdemeanor, if".

(3) On page 1, line 9, between "must" and "hold" insert an underlined colon and on the next line "(1)".

(4) On page 1, line 10, between "commences" and the underlined period, insert:

; and

(2) to the extent feasible, rule at the hearing on all pre-trial motions filed in the case

(Geren in the chair)

Amendment No. 1 was adopted.

CSHB 278, as amended, was passed to engrossment. (Kuempel, Perry, Phillips, V. Taylor, and White recorded voting no.)

CSHB 550 ON SECOND READING**(by Dutton)**

CSHB 550, A bill to be entitled An Act relating to an exemption to the requirement for a fishing license for residents of a certain age.

Amendment No. 1

Representative Dutton offered the following amendment to **CSHB 550**:

Amend **CSHB 550** (house committee printing) on page 1, lines 9-10, by striking "and whose birth date is before January 1, 1931 [~~September 1, 1930~~]" and substituting "at least 75 years of age [~~and whose birth date is before September 1, 1930~~]".

Amendment No. 1 was adopted.

CSHB 550, as amended, was passed to engrossment.

SB 331 ON SECOND READING**(Madden, Gallego, Bonnen, Coleman, Rodriguez, et al. - House Sponsors)**

SB 331, A bill to be entitled An Act relating to designating certain synthetic cannabinoids as controlled substances under the Texas Controlled Substances Act; providing penalties and establishing certain criminal consequences or procedures.

SB 331 was considered in lieu of **HB 597**.

SB 331 was passed to third reading.

HB 597 - LAID ON THE TABLE SUBJECT TO CALL

Representative Madden moved to lay **HB 597** on the table subject to call.

The motion prevailed.

HB 631 ON SECOND READING**(by Chisum)**

HB 631, A bill to be entitled An Act relating to processing certain early voting ballots before election day.

HB 631 - LAID ON THE TABLE SUBJECT TO CALL

Representative Chisum moved to lay **HB 631** on the table subject to call.

The motion prevailed.

CSHB 680 ON SECOND READING**(by Schwertner and Torres)**

CSHB 680, A bill to be entitled An Act relating to complaints filed with the Texas Medical Board.

CSHB 680 was passed to engrossment.

HB 940 ON SECOND READING**(by Dukes and Zedler)**

HB 940, A bill to be entitled An Act relating to persons subject to prosecution for improper relationship between educator and student.

Amendment No. 1

Representative Dukes offered the following amendment to **HB 940**:

Amend **HB 940** (house committee printing) by striking SECTION 1 of the bill (page 1, line 5, through page 2, line 1) and substituting the following:

SECTION 1. Sections 21.12(a) and (b-1), Penal Code, are amended to read as follows:

(a) An employee of a public or private primary or secondary school commits an offense if the employee:

(1) engages in[+]

[+] sexual contact, sexual intercourse, or deviate sexual intercourse with a person who is enrolled in a public or private primary or secondary school at which the employee works; [✗]

(2) holds a certificate or permit issued as provided by Subchapter B, Chapter 21, Education Code, or is a person who is required to be licensed by a state agency as provided by Section 21.003(b), Education Code, and engages in sexual contact, sexual intercourse, or deviate sexual intercourse with a person the employee knows is:

(A) enrolled in a public primary or secondary school in the same school district as the school at which the employee works; or

(B) a student participant in an educational activity that is sponsored by a school district or a public or private primary or secondary school, if:

(i) students enrolled in a public or private primary or secondary school are the primary participants in the activity; and

(ii) the employee provides education services to those participants; or

(3) engages in conduct described by Section 33.021, with a person described by Subdivision (1), or a person the employee knows is a person described by Subdivision (2)(A) or (B), regardless of the age of that person.

(b-1) It is an affirmative defense to prosecution under this section that:

(1) the actor was the spouse of the enrolled person at the time of the offense; or

(2) the actor was not more than three years older than the enrolled person and, at the time of the offense, the actor and the enrolled person were in a relationship that began before the actor's employment at a public or private primary or secondary school.

Amendment No. 1 was adopted.

HB 940, as amended, was passed to engrossment.

SB 356 ON SECOND READING
(Kleinschmidt - House Sponsor)

SB 356, A bill to be entitled An Act relating to awards for certain members of the state military forces inducted into federal service in support of Operations Iraqi Freedom, New Dawn, and Enduring Freedom.

SB 356 was considered in lieu of **HB 973**.

SB 356 was passed to third reading.

HB 973 - LAID ON THE TABLE SUBJECT TO CALL

Representative Kleinschmidt moved to lay **HB 973** on the table subject to call.

The motion prevailed.

CSHB 159 ON SECOND READING
(by Raymond)

CSHB 159, A bill to be entitled An Act relating to the resumption of employment by certain retirees within the Texas Municipal Retirement System.

CSHB 159 was passed to engrossment. (Brown, P. King, Kolkhorst, Laubenberg, Nash, Paxton, and Perry recorded voting no.)

(Kuempel, Larson, and Price now present)

CSHB 1122 ON SECOND READING

(by Weber, Gallego, Creighton, Martinez Fischer, Thompson, et al.)

CSHB 1122, A bill to be entitled An Act relating to the trafficking of persons.

Amendment No. 1

Representative Weber offered the following amendment to **CSHB 1122**:

Amend **CSHB 1122** (house committee printing) by inserting "that is obtained through an actor's use of force, fraud, or coercion and" between "conduct" and "which" on page 3, line 1, and strike "and that are obtained through the actor's use of force, fraud, or coercion" on page 3, line 7 through line 8.

Amend **CSHB 1122** (house committee printing) by inserting "regardless of whether the actor knows the age of the child at the time the actor commits the offense and regardless of whether the actor uses force, fraud, or coercion in the commission of the offense" between "Code" and ":" on page 3, line 11, and strike "regardless of whether the actor knows the age of the child at the time the actor commits the offense and regardless of whether the actor uses force, fraud, or coercion in the commission of the offense" on page 3, line 26 through page 4, line 2.

Amendment No. 1 was adopted.

CSHB 1122, as amended, was passed to engrossment.

HB 1129 ON SECOND READING

(by Kolkhorst)

HB 1129, A bill to be entitled An Act relating to a study by the attorney general of the effects on state law and authority of certain international and other agreements and bodies.

HB 1129 was passed to engrossment.

FIVE-DAY POSTING RULE SUSPENDED

Representative Eissler moved to suspend the five-day posting rule to allow the Committee on Public Education to consider **SB 1383** at 8 a.m. tomorrow in E2.036.

The motion prevailed.

HB 1476 ON SECOND READING

(by Riddle)

HB 1476, A bill to be entitled An Act relating to the grounds for revocation of an emergency medical services personnel certification.

HB 1476 was passed to engrossment. (Morrison recorded voting no.)

CSHB 1608 ON SECOND READING**(by Strama)**

CSHB 1608, A bill to be entitled An Act relating to participation in and contributions to the state employee charitable campaign by retired state employees.

CSHB 1608 was passed to engrossment.

HB 1677 ON SECOND READING**(by Rodriguez)**

HB 1677, A bill to be entitled An Act relating to the administration and funding of retirement systems for firefighters in certain municipalities.

HB 1677 was passed to engrossment. (Brown, P. King, Laubenberg, Legler, Morrison, Paxton, Perry, Phillips, and White recorded voting no.)

CSHB 1793 ON SECOND READING**(by Gutierrez)**

CSHB 1793, A bill to be entitled An Act relating to the practice of cosmetology.

CSHB 1793 was passed to engrossment. (White recorded voting no.)

CSHB 1856 ON SECOND READING**(by Woolley)**

CSHB 1856, A bill to be entitled An Act relating to the prosecution of and punishment for the offense of tampering with a witness.

CSHB 1856 was passed to engrossment.

CSHB 2120 ON SECOND READING**(by D. Miller, Button, McClendon, Chisum, et al.)**

CSHB 2120, A bill to be entitled An Act relating to the composition of the board of trustees of the Teacher Retirement System of Texas.

CSHB 2120 was passed to engrossment. (Laubenberg recorded voting no.)

CSHB 2435 ON SECOND READING**(by Deshotel, C. Howard, and J. Davis)**

CSHB 2435, A bill to be entitled An Act relating to rate adjustments by gas utilities.

Representative Deshotel moved to postpone consideration of **CSHB 2435** until 8 a.m. Tuesday, August 9.

The motion prevailed.

CSHB 2496 ON SECOND READING**(by Gonzalez, V. Gonzales, Lucio, Madden, Dukes, et al.)**

CSHB 2496, A bill to be entitled An Act relating to creating a teen dating violence court program and the deferral of adjudication and dismissal of certain dating violence cases.

CSHB 2496 was passed to engrossment. (Garza and Paxton recorded voting no.)

SB 1431 ON SECOND READING
(Smithee - House Sponsor)

SB 1431, A bill to be entitled An Act relating to the functions of insurance holding company systems.

SB 1431 was considered in lieu of **HB 2835**.

SB 1431 was passed to third reading.

HB 2835 - LAID ON THE TABLE SUBJECT TO CALL

Representative Smithee moved to lay **HB 2835** on the table subject to call.

The motion prevailed.

CSHB 3082 ON SECOND READING
(by Isaac)

CSHB 3082, A bill to be entitled An Act relating to the location of certain mobile voting stations.

Representative Isaac moved to postpone consideration of **CSHB 3082** until 5 p.m. today.

The motion prevailed.

HB 3268 ON SECOND READING
(by Lyne)

HB 3268, A bill to be entitled An Act relating to permits for air contaminant emissions of stationary natural gas engines used in combined heating and power systems.

HB 3268 was passed to engrossment.

HB 3431 ON SECOND READING
(by Oliveira)

HB 3431, A bill to be entitled An Act relating to the designation of a segment of U.S. Highway 77/83 and State Highway 4 as Jaime Zapata Memorial Boulevard.

Representative Lozano moved to postpone consideration of **HB 3431** until 2:24 p.m. Friday, July 1.

The motion prevailed.

CSHB 3477 ON SECOND READING
(by Carter and Torres)

CSHB 3477, A bill to be entitled An Act relating to the suspension of a person's driver's license or permit on conviction of a fifth offense relating to the operating of a motor vehicle while intoxicated.

The chair postponed consideration of **CSHB 3477** until 6:30 p.m. today.

CSHB 3542 ON SECOND READING**(by L. Gonzales, Huberty, McClendon, Strama, Veasey, et al.)**

CSHB 3542, A bill to be entitled An Act relating to a supplemental payment for retirees of the Teacher Retirement System of Texas and the unfunded actuarial liabilities allowed under that system.

CSHB 3542 was passed to engrossment.

CSHB 3064 ON SECOND READING**(by P. King and Torres)**

CSHB 3064, A bill to be entitled An Act relating to preventing the fraudulent issuance and use of disabled parking placards; providing a civil penalty.

CSHB 3064 was passed to engrossment.

HB 25 ON SECOND READING**(by Guillen, Flynn, Peña, V. Gonzales, and White)**

HB 25, A bill to be entitled An Act relating to the carrying of certain weapons in a watercraft.

HB 25 was passed to engrossment.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence temporarily for today to attend a meeting of the Committee on Insurance:

Eiland on motion of J. Davis.

Hancock on motion of J. Davis.

Nash on motion of J. Davis.

Sheets on motion of J. Davis.

Smithee on motion of J. Davis.

L. Taylor on motion of J. Davis.

Torres on motion of J. Davis.

Vo on motion of J. Davis.

Walle on motion of J. Davis.

CSHB 254 ON SECOND READING**(by Hilderbran and R. Anderson)**

CSHB 254, A bill to be entitled An Act relating to establishing the Texas Derbies.

Amendment No. 1

Representative Hilderbran offered the following amendment to **CSHB 254**:

Amend **CSHB 254** (house committee printing) as follows:

(1) On page 2, between lines 18 and 19, insert the following:

(f) The commission may sell the right to name a Texas Derby. The commission shall deposit the proceeds from the sale of the right to name a Texas Derby into the Texas Derby purse escrow fund established under Section 9A.003 of this article.

(2) On page 2, line 19, strike "(f)" and substitute "(g)".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Hilderbran offered the following amendment to **CSHB 254**:

Amend **CSHB 254** (house committee printing) as follows:

(1) On page 3, line 4, between the period and "The", insert "(a)".

(2) On page 3, between lines 5 and 6, insert the following:

(b) The commission shall by rule establish a schedule of entrance fees for participants in each Texas Derby. A portion determined by the commission of each entrance fee shall be deposited in the Texas Derby escrow purse fund.

(c) Notwithstanding Section 3.09 of this Act or any other law, the commission by rule shall determine a portion of the fees, charges, and other revenue collected under this Act to be deposited to the credit of the Texas Derby escrow purse fund as reasonably necessary to maintain competitive purses for each Texas Derby.

(d) The commission by rule may assess under this Act additional charges and fees, including gate fees, to supplement the funds otherwise deposited in the Texas Derby escrow purse fund under this section.

(e) Other than as provided by this section, no other state revenue may be deposited to the credit of the Texas Derby escrow purse fund.

(3) On page 3, strike lines 6 through 9, and substitute the following:

SECTION 2. As soon as practicable after the effective date of this Act, the Texas Racing Commission shall adopt the rules necessary to implement Section 9A.003, Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes), as added by this Act.

Amendment No. 2 was adopted.

CSHB 254, as amended, was passed to engrossment. (Berman, Flynn, Garza, Landtroop, Laubenberg, Perry, and Workman recorded voting no.)

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 6:30 p.m. today, in 3W.9, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Licensing and Administrative Procedures, 6:30 p.m. today, 3W.9, for a formal meeting, to consider pending business.

CSHB 2119 ON SECOND READING
(by Madden)

CSHB 2119, A bill to be entitled An Act relating to the requirement that the Texas Correctional Office on Offenders with Medical or Mental Impairments provide certain services and programs.

CSHB 2119 was passed to engrossment.

SB 1353 ON SECOND READING
(Solomons, Thompson, Phillips, Hartnett, L. Gonzales, et al. - House Sponsors)

SB 1353, A bill to be entitled An Act relating to certain claims against persons licensed as real estate brokers and salespersons.

SB 1353 was considered in lieu of **HB 2177**.

Amendment No. 1

Representative Solomons offered the following amendment to **SB 1353**:

Amend **SB 1353** by striking all below the enacting clause and substituting the following:

SECTION 1. Section 17.49, Business & Commerce Code, is amended by adding Subsection (i) to read as follows:

(i) Nothing in this subchapter shall apply to a claim against a person licensed as a broker or salesperson under Chapter 1101, Occupations Code, arising from an act or omission by the person while acting as a broker or salesperson. This exemption does not apply to:

(1) an express misrepresentation of a material fact that cannot be characterized as advice, judgment, or opinion;

(2) a failure to disclose information in violation of Section 17.46(b)(24); or

(3) an unconscionable action or course of action that cannot be characterized as advice, judgment, or opinion.

SECTION 2. Subsection (i), Section 17.49, Business & Commerce Code, as added by this Act, applies only to a claim arising from an act or omission that occurs on or after the effective date of this Act. A claim arising from an act or omission that occurred before the effective date of this Act is governed by the law in effect on the date the act or omission occurred, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect immediately if it 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 Act takes effect September 1, 2011.

Amendment No. 1 was adopted.

SB 1353, as amended, was passed to third reading.

HB 2177 - LAID ON THE TABLE SUBJECT TO CALL

Representative Solomons moved to lay **HB 2177** on the table subject to call.

The motion prevailed.

**CSHB 2357 ON SECOND READING
(by Pickett)**

CSHB 2357, A bill to be entitled An Act relating to motor vehicles; providing penalties.

Amendment No. 1

Representative Pickett offered the following amendment to **CSHB 2357**:

Amend **CSHB 2357** as follows:

(1) On page 73, line 22 to page 74, line 8, strike Subsection (b) and (c) and substitute the following:

(b) The department may collect a fee for processing a title or registration payment by electronic funds transfer, credit card, or debit card. The amount of the fee must not exceed the charges incurred by the state because of the use of the electronic funds transfer, credit card, or debit card.

(c) For online transactions the department may collect from a person making payment by electronic funds transfer, credit card, or debit card an amount equal to any fee charged in accordance Government Code, Section 2054.2591.

(2) On page 125, line 26 to page 126, line 12, strike Subsection (c) and (d) and substitute the following:

(c) The department may collect a fee for processing a payment by electronic funds transfer, credit card, or debit card. The amount of the fee must not exceed the charges incurred by the state because of the use of the electronic funds transfer, credit card, or debit card.

(d) For online transactions the department may collect from a person making a payment by electronic funds transfer, credit card, or debit card an amount equal to the amount of any fee charged in accordance Government Code, Section 2054.2591.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Pickett offered the following amendment to **CSHB 2357**:

Amend **CSHB 2357** (house committee report) as follows:

(1) On page 49, line 25 to page 50, line 11, strike Subsections (d), (e), and (f) and substitute the following:

(d) This subsection applies only to a motor vehicle in this state that is a self-insured motor vehicle and damaged to the extent it becomes a nonrepairable or salvage motor vehicle. The owner of a motor vehicle to which this subsection applies shall submit to the department before the 31st business day after the date of the damage, in a manner prescribed by the department, a statement that the motor vehicle was self-insured and damaged. When the owner submits a report,

the owner shall surrender the ownership document and apply for a nonrepairable vehicle title, nonrepairable record of title, salvage vehicle title, or salvage record of title.

(2) On page 192, line 7, insert the following new SECTIONS and renumber accordingly:

SECTION _____. Section 501.301, Transportation Code, is amended to read as follows:

Sec. 504.301. PROVISIONS GENERALLY APPLICABLE TO MILITARY SPECIALTY LICENSE PLATES. (a) Unless expressly provided by this subchapter or department rule:

(1) the department shall design specialty license plates for the military; and

(2) a person is not eligible to be issued a specialty license plate under this subchapter if the person was discharged from the armed forces under conditions less than honorable.

(b) Notwithstanding any other provision of this subchapter, the department may design the wording on the specialty license plates to accomodate legibility and reflectivity.

SECTION _____. Section 504.3011(a), Transportation Code, is amended to read as follows:

(a) License plates issued under Section 504.303 must at a minimum:

(1) bear a color depiction of the emblem of the appropriate branch of the United States armed forces; and

(2) include the words "Honorably Discharged" for license plates issued to former members of the United States armed forces.

(3) On page 196, line 5, insert a new SECTION and renumber accordingly.

SECTION _____. Section 504.501(b), Transportation Code, is amended to read as follows:

(b) A person eligible for the license plates may instead use license plates that were issued by this state in the same year as the model year of the vehicle and are approved by the department [~~if the plates are approved for the vehicle before January 1, 2011~~]. The department may require the attachment of a registration insignia to the license plate in a manner that does not affect the display of information originally on the license plate.

Amendment No. 2 was adopted.

Amendment No. 3

Representative Pickett offered the following amendment to **CSHB 2357**:

Amend **CSHB 2357** as follows:

(1) Strike SECTION 124 and renumber accordingly.

(2) Repeal Acts 2009, 81st Legislature, Chapter 1136, §19.

Amendment No. 3 was adopted. (Phillips and V. Taylor recorded voting no.)

Amendment No. 4

Representative Truitt offered the following amendment to **CSHB 2357**:

Amend **CSHB 2357** (house committee printing) as follows:

(1) On page 44, line 22, strike "(a) and" and substitute "(a), (b), and".

(2) On page 45, between lines 24 and 25, insert the following:

(b) Except as provided by Sections 501.10015 and 501.10025, on ~~[On]~~ receipt of a complete application, the properly assigned title or manufacturer's certificate of origin, and the application fee, the department shall, before the sixth business day after the date the department receives the application, issue the applicant the appropriate title for the motor vehicle.

(3) On page 48, strike lines 2-26 and substitute the following:

SELF-INSURED PERSONS. (a) Except as provided by Section 501.10015, an ~~[An]~~ insurance company that is licensed to conduct business in this state and that acquires, through payment of a claim, ownership or possession of a salvage motor vehicle or nonrepairable motor vehicle covered by a ~~[certificate of]~~ title issued by this state or a manufacturer's certificate of origin shall surrender a properly assigned title or manufacturer's certificate of origin to the department, in ~~[on]~~ a manner ~~[form]~~ prescribed by the department, ~~except that not earlier than the 46th day after the date of payment of the claim the insurance company may surrender a certificate of title, on a form prescribed by the department, and receive a salvage certificate of title or a nonrepairable certificate of title without obtaining a properly assigned certificate of title if the insurance company:~~

~~[(1) has obtained the release of all liens on the motor vehicle;~~

~~[(2) is unable to locate one or more owners of the motor vehicle; and~~

~~[(3) has provided notice to the last known address in the department's records to each owner that has not been located:~~

~~[(A) by registered or certified mail, return receipt requested; or~~

~~[(B) if a notice sent under Paragraph (A) is returned unclaimed, by publication in a newspaper of general circulation in the area where the unclaimed mail notice was sent].~~

(4) Strike page 49, line 25, through page 50, line 11, and substitute the following:

(d) This subsection applies only to a motor vehicle in this state that is a self-insured motor vehicle and that is damaged to the extent it becomes a nonrepairable or salvage motor vehicle. The owner of a motor vehicle to which this subsection applies shall submit to the department before the 31st business day after the date of the damage, in a manner prescribed by the department, a statement that the motor vehicle was self-insured and damaged. When the owner submits a report, the owner shall surrender the ownership document and apply for a nonrepairable vehicle title, nonrepairable record of title, salvage vehicle title, or salvage record of title.

(5) On page 54, line 25, between the period and "Section", insert "(a)".

(6) On page 56, between lines 12 and 13, insert the following:

(f) Subsection (c) does not apply to an applicant for a title under Sections 501.10015 and 501.10025.

(b) The change in law made by this section applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the

offense was committed, and the former law is continued in effect for that purpose. For purposes of this subsection, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

(7) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill as appropriate:

SECTION _____. Subchapter E, Chapter 501, Transportation Code, is amended by adding Sections 501.10015 and 501.10025 to read as follows:

Sec. 501.10015. INSURANCE COMPANY NOT REQUIRED TO SURRENDER CERTIFICATES OF TITLE IN CERTAIN SITUATIONS. (a) An insurance company that acquires, through payment of a claim, ownership or possession of a motor vehicle covered by a certificate of title that the company is unable to obtain may obtain from the department not earlier than the 30th day after the date of payment of the claim:

(1) a salvage vehicle title or salvage record of title for a salvage motor vehicle;

(2) a nonrepairable vehicle title or nonrepairable record of title for a nonrepairable motor vehicle; or

(3) a title for a motor vehicle other than a salvage motor vehicle or a nonrepairable motor vehicle.

(b) An application for a title under Subsection (a) must be submitted to the department on a form prescribed by the department and include:

(1) a statement that the insurance company has provided at least two written notices attempting to obtain the title for the motor vehicle; and

(2) evidence acceptable to the department that the insurance company has made payment of a claim involving the motor vehicle.

(c) An insurance company that acquires, through payment of a claim, ownership or possession of a motor vehicle covered by a title for which the company is unable to obtain proper assignment of the title may obtain from the department not earlier than the 30th day after the date of payment of the claim:

(1) a salvage vehicle title or salvage record of title for a salvage motor vehicle;

(2) a nonrepairable vehicle title or nonrepairable record of title for a nonrepairable motor vehicle; or

(3) a title for a motor vehicle other than a salvage motor vehicle or a nonrepairable motor vehicle.

(d) An application for a title under Subsection (c) must be submitted to the department on a form prescribed by the department and include:

(1) a statement that the insurance company has provided at least two written notices attempting to obtain a proper assignment of the title; and

(2) the title.

(e) A title issued under Subsection (a) or (c) must be issued in the name of the insurance company.

(f) An insurance company that acquires, through payment of a claim, ownership or possession of a salvage motor vehicle or nonrepairable motor vehicle covered by an out-of-state ownership document may obtain from the department a salvage vehicle title, salvage record of title, nonrepairable vehicle title, or nonrepairable record of title if:

(1) the motor vehicle was damaged, stolen, or recovered in this state;

(2) the motor vehicle owner from whom the company acquired ownership resides in this state; or

(3) otherwise allowed by department rule.

(g) A title may be issued under Subsection (f) if the insurance company:

(1) surrenders a properly assigned title on a form prescribed by the department; or

(2) complies with the application process for a title issued under Subsection (a) or (c).

(h) The department shall issue the appropriate title to a person authorized to apply for the title under this section if the department determines that the application is complete and complies with applicable law.

(i) The department by rule may provide that a person required by this section to provide notice may provide the notice electronically, including through the use of e-mail or an interactive website established by the department for that purpose.

(j) Sections 501.1001(c) and 501.095 apply to a motor vehicle acquired by an insurance company as described in Subsection (a), (c), or (f).

(k) The department may adopt rules to implement this section.

Sec. 501.10025. ISSUANCE OF TITLE TO SALVAGE POOL OPERATOR. (a) In this section, "salvage pool operator" has the meaning assigned by Section 2302.001, Occupations Code.

(b) This section applies only to a salvage pool operator who, on request of an insurance company, takes possession of a motor vehicle that is the subject of an insurance claim and the insurance company subsequently:

(1) denies coverage with respect to the motor vehicle; or

(2) does not otherwise take ownership of the motor vehicle.

(b-1) An insurance company described by Subsection (b) shall notify the salvage pool operator of the denial of the claim regarding the motor vehicle or other disposition of the motor vehicle. The insurance company must include in the notice the name and address of the owner of the motor vehicle and the lienholder, if any.

(c) Before the 31st day after receiving notice under Subsection (b-1), a salvage pool operator shall notify the owner of the motor vehicle and any lienholder that:

(1) the owner or lienholder must remove the motor vehicle from the salvage pool operator's possession at the location specified in the notice to the owner and any lienholder not later than the 30th day after the date the notice is mailed; and

(2) if the motor vehicle is not removed within the time specified in the notice, the salvage pool operator will sell the motor vehicle and retain from the proceeds any costs actually incurred by the operator in obtaining, handling, and disposing of the motor vehicle as described by Subsection (d).

(d) The salvage pool operator may include in the costs described by Subsection (c)(2) only costs actually incurred by the salvage pool operator that have not been reimbursed by a third party or are not subject to being reimbursed by a third party, such as costs of notices, title searches, and towing and other costs incurred with respect to the motor vehicle. The costs described by Subsection (c)(2):

(1) may not include charges for storage or impoundment of the motor vehicle; and

(2) may be deducted only from the proceeds of a sale of the motor vehicle.

(e) The notice required of a salvage pool operator under this section must be sent by registered or certified mail, return receipt requested.

(f) If a motor vehicle is not removed from a salvage pool operator's possession before the 31st day after the date notice is mailed to the motor vehicle's owner and any lienholder under Subsection (c), the salvage pool operator may obtain from the department:

(1) a salvage vehicle title or salvage record of title for a salvage motor vehicle; or

(2) a nonrepairable vehicle title or nonrepairable record of title for a nonrepairable motor vehicle.

(g) An application for a title under Subsection (f) must:

(1) be submitted to the department on a form prescribed by the department; and

(2) include evidence that the notice was mailed as required by Subsection (c) to the motor vehicle owner and any lienholder.

(h) A title issued under this section must be issued in the name of the salvage pool operator.

(i) The department shall issue the appropriate title to a person authorized to apply for the title under this section if the department determines that the application is complete and complies with applicable law.

(j) On receipt of a title under this section, the salvage pool operator shall sell the motor vehicle and retain from the proceeds of the sale the costs incurred by the salvage pool operator as permitted by Subsection (d) along with the cost of titling and selling the motor vehicle. The salvage pool operator shall pay any excess proceeds from the sale to the previous owner of the motor vehicle and the lienholder, if any. The excess proceeds must be mailed to the lienholder.

(k) If the previous owner of the motor vehicle and the lienholder, if any, cannot be identified or located, any excess proceeds from the sale of the motor vehicle under Subsection (j) shall escheat to the State of Texas. The proceeds shall be administered by the comptroller and shall be disposed of in the manner provided by Chapter 74, Property Code.

SECTION _____. Section 2302.201(a), Occupations Code, is amended to read as follows:

(a) Except as provided by Section 501.10025, Transportation Code, a [A] salvage vehicle dealer who acquires ownership of a salvage motor vehicle from an owner must receive from the owner a properly assigned title.

Amendment No. 4 was adopted.

(Hancock, Nash, Sheets, Torres, and Vo now present)

Amendment No. 5

Representative Larson offered the following amendment to **CSHB 2357**:

Amend **CSHB 2357** (house committee printing) by striking SECTION 76 of the bill (page 85, line 2, through page 86, line 16) and substituting the following:

SECTION 76. Section 502.185, Transportation Code, is transferred to Subchapter A, Chapter 502, Transportation Code, redesignated as Section 502.010, Transportation Code, and amended to read as follows:

Sec. 502.010 [~~502.185~~]. COUNTY SCOFFLAW [~~REFUSAL TO REGISTER VEHICLE IN CERTAIN COUNTIES~~]. (a) A county assessor-collector or the department may refuse to register a motor vehicle if the assessor-collector or the department receives information that the owner of the vehicle:

(1) owes the county money for a fine, fee, or tax that is past due; or

(2) failed to appear in connection with a complaint, citation, information, or indictment in a court in the county in which a criminal proceeding is pending against the owner.

(b) A county may contract with the department to provide information to the department necessary to make a determination under Subsection (a).

(c) A county that has a contract under Subsection (b) shall notify the department regarding a person for whom the county assessor-collector or the department has refused to register a motor vehicle on:

(1) the person's payment or other means of discharge of the past due fine, fee, or tax; or

(2) perfection of an appeal of the case contesting payment of the fine, fee, or tax.

(d) After notice is received under Subsection (c), the county assessor-collector or the department may not refuse to register the motor vehicle under Subsection (a).

(e) A contract under Subsection (b) must be entered into in accordance with Chapter 791, Government Code, and is subject to the ability of the parties to provide or pay for the services required under the contract.

(f) A county that has a contract under Subsection (b) may impose an additional fee to a person who:

(1) fails to pay [paying] a fine, fee, or tax to the county by the date on which the fine, fee, or tax is [after it is past] due; or

(2) fails to appear in connection with a complaint, citation, information, or indictment in a court in the county in which a criminal proceeding is pending against the owner.

(f-1) The additional fee may be used only to reimburse the department or the county for its expenses for providing services under the contract.

(g) In this section:

(1) a fine, fee, or tax is considered past due if it is unpaid 90 or more days after the date it is due; and

(2) registration of a motor vehicle includes renewal of the registration of the vehicle.

(h) This section does not apply to the registration of a motor vehicle under Section 501.0234, unless the vehicle is titled and registered in the name of a person who holds a general distinguishing number.

AMENDMENT NO. 5 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE SOLOMONS: I'm going to be okay, I think, with the amendment, but I want to make sure that—for example, if you fail to come to court it may take, I don't know, it may take two days, it may take two weeks, it may take a month. It depends on when you actually sign a warrant for someone's arrest for failing to appear in court. When they can't get their registration because of that, they're tardy. Are you contemplating the time frame between the actual signing of a warrant for failing to appear? Or just the idea that they failed to come to court and somehow it's noted? How is the county going to do that?

REPRESENTATIVE LARSON: Well, right now, the way I understand the process, the cities notify the county assessor, at least in Bexar County, the county assessor that's selling the vehicle registration, that if these folks fail to show up, they withhold it, and that's for any fine at the city. Now for the county it's going to be a lot simpler since they're in the same building. They'll withhold the vehicle registration until they clear out the matter.

SOLOMONS: So, the person would then go over to the applicable office there in the county building, county facility and they wouldn't—JP courts are not necessarily all in the same area, though?

LARSON: Right. No, tax assessors in most counties are the ones that are selling the vehicle registration.

SOLOMONS: Right, but the JP courts are elsewhere, or usually they'll have a tax assessor office where the JP is in that building, but not in all cases.

LARSON: We've got satellites in Bexar County where they both coexist.

SOLOMONS: Be that as it may, they'll go over there and see if they can resolve that issue. Now if they decide just because it's out there, if they post bond and they do whatever they need to do, can they get a note or something so they can get their registration?

LARSON: Well, I think that's a reasonable approach. The way that we look at this as a process right now, the city notifies the county. What we're doing is extending the same privileges that the city has right now.

SOLOMONS: I do not want to amend your amendment, so if we can just do some legislative intent. It's not your intent, then, if in fact someone goes over to the JP office and gets it cleaned up at least by posting bond, or pleading not guilty, or whatever they need to do so they can go back. Usually they'll pay the fines and all, but sometimes they'll say, "No, I had a reason I couldn't be in court." Whatever, they want to plead not guilty, they want to just post whatever bond there is. It's your intent that that person would then be able to go back and get something from that office that they're no longer in violation and don't owe any money at this point, because they posted bond anyway, and come back and they will get their registration?

LARSON: Our primary focus is folks that just for whatever reason made the decision not to—

SOLOMONS: I know that, but is that your intent, though? Is that your intent, that when they clean that up at the JP office, and at least post bond, or do whatever they need to do, that they can go ahead and get cleared and get their registration? Because then they will have appeared, posted bond, or done whatever they needed to do to get that. Not to withhold it, to force them to pay something they may not feel they need to pay?

LARSON: Yes, sir. That's exactly right.

REMARKS ORDERED PRINTED

Representative Solomons moved to print remarks between Representative Larson and Representative Solomons.

The motion prevailed.

(L. Taylor now present)

Amendment No. 5 was adopted. (Legler and Sheffield recorded voting no.)

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence temporarily for today to attend a meeting of the Conference Committee on **HB 1**:

Otto on motion of T. King.

Turner on motion of T. King.

CSHB 2357 - (consideration continued)

(Eiland, Smithee, and Walle now present)

Amendment No. 6

Representative Orr offered the following amendment to **CSHB 2357**:

Amend **CSHB 2357** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 728.002, Transportation Code, is amended by adding Subsection (d) to read as follows:

(d) This section does not prohibit the quoting of a price for a motor home, tow truck, or towable recreational vehicle at a show or exhibition described by Section 2301.358, Occupations Code.

Amendment No. 6 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. 3).

CSHB 2357 - (consideration continued)

Amendment No. 7

Representative Gallego offered the following amendment to **CSHB 2357**:

Amend **CSHB 2357** (house committee printing) as follows:

(1) On page 149, strike lines 10-15 and substitute the following:
TRANSPORTATION PROJECTS. (a) This section applies only to:

(1) a county:

(A) [~~+~~] that borders the United Mexican States;

(B) [~~2~~] that has a population of more than 300,000; and

(C) [~~3~~] in which the largest municipality has a population of less than 300,000; and

(2) a county that has a population of less than 50,000 that:

(A) borders the United Mexican States; and

(B) contains at least one federal military base.

(2) On page 150, strike lines 11 and 12 and substitute the following:
collected shall be sent:

(1) to the regional mobility authority of the county to fund long-term transportation projects in the county if the county is included in an authority; or

(2) to the county treasurer to be credited to the county public transportation fund if the county is not included in an authority.

Amendment No. 7 was adopted. (Berman, Flynn, Hunter, Peña, Phillips, Solomons, Weber, and Zedler recorded voting no.)

Amendment No. 8

Representative Phillips offered the following amendment to **CSHB 2357**:

Amend **CSHB 2357** (house committee report) as follows:

(1) On page 188, line 1, strike "September 1" and substitute "November 19 [~~September 1~~]".

(2) On page 188, line 13, strike "September 1" and substitute "November 19 [~~September 1~~]".

(3) On page 200, strike lines 1 and 2 and substitute the following:
SECTION 199. Section 504.614, Transportation Code, is amended by amending Subsection (a) and adding Subsection (b-1) to read as follows:

(4) On page 200, between lines 14 and 15, insert the following:

(b-1) A public entity that receives money under Subsection (b) may contract with the private vendor under Section 504.6011 to distribute the entity's portion of the money in a manner other than that described by Subsection (b).

(5) On page 204, line 2, strike "504.801(a) and (b)" and substitute "504.801(a), (b), (d), and (d-1)".

(6) On page 204, between lines 20 and 21, insert the following:

(d) The fee for issuance of license plates created under this subchapter before November 19 [~~September 1~~], 2009, is \$30 unless the department sets a higher fee. This subsection does not apply to a specialty license plate marketed and sold by a private vendor at the request of the specialty license plate sponsor.

(d-1) The fee for issuance of license plates created under this subchapter on or after November 19 [~~September 1~~], 2009, is the amount established under Section 504.851.

(7) Strike page 204, line 21, through page 205, line 8, and substitute the following:

SECTION 208. Section 504.851, Transportation Code, is amended by amending Subsections (a-2), (c), (e), (f), and (h) and adding Subsections (a-3) and (m) to read as follows:

(a-2) Specialty license plates authorized for marketing and sale under Subsection (a) may be personalized and must include:

(1) specialty license plates created under Subchapters G and I on or after November 19 [~~September 1~~], 2009; and

(2) at the request of the specialty license plate sponsor, an existing specialty license plate created under Subchapters G and I before November 19 [~~September 1~~], 2009.

(a-3) The department may contract with the private vendor for the vendor to:

(1) host all or some of the specialty license plates on the vendor's website;

(2) process the purchase of specialty license plates hosted on the vendor's website and pay any additional transaction cost; and

(3) share in the personalization fee for the license plates hosted on the vendor's website.

(c) The board by rule shall establish the fees for the issuance or renewal of souvenir license plates, specialty license plates, or souvenir or specialty license plates that are personalized that are marketed and sold by the private vendor or hosted on the private vendor's website. The state's portion of the personalization fee may not be less than \$40 for each year issued. Other fees [Fees] must be reasonable and not less than the amounts necessary to allow the department to recover all reasonable costs to the department associated with the evaluation of the competitive sealed proposals received by the department and with the implementation and enforcement of the contract, including direct, indirect, and administrative costs. A fee established under this subsection is in addition to:

(1) the registration fee and any optional registration fee prescribed by this chapter for the vehicle for which specialty license plates are issued;

(2) any additional fee prescribed by this subchapter for the issuance of specialty license plates for that vehicle; and

(3) any additional fee prescribed by this subchapter for the issuance of personalized license plates for that vehicle.

(e) The portion of a contract with a private vendor regarding the marketing and sale of personalized license plates is payable only from amounts derived from the collection of the fee established under Subsection (b). The portion of a contract with a private vendor regarding the marketing, hosting, and sale of souvenir license plates, specialty license plates, or souvenir or specialty license plates that are personalized under Section 504.102 is payable only from amounts derived from the collection of the fee established under Subsection (c).

(f) The department may approve new design and color combinations for personalized or specialty license plates that are marketed and sold by a private vendor under a contract entered into with the private vendor. Each approved license plate design and color combination remains the property of the department.

(h) Subject to the limitations provided by Subsections (g) and (g-1), the department may disapprove a design, cancel a license plate, or require the discontinuation of a license plate design or color combination that is marketed, hosted, or [and] sold by a private vendor under contract at any time if the department determines that the disapproval, cancellation, or discontinuation is in the best interest of this state or the motoring public.

(m) If the private vendor ceases operation:

(1) the program may be operated temporarily by the department under new agreements with the license plate sponsors until another vendor is selected and begins operation; and

(2) the private vendor's share of the revenue is deposited to the credit of the general revenue fund.

SECTION 209. Section 504.853, Transportation Code, is amended to read as follows:

Sec. 504.853. SPECIALTY AND PERSONALIZED LICENSE PLATES ISSUED BEFORE NOVEMBER 19 [SEPTEMBER 1], 2009. (a) A specialty or personalized license plate issued before November 19 [September 1], 2009, may be issued for a subsequent registration period only if the applicant submits an application and pays the required fee for the applicable registration period. A person who is issued a personalized license plate has first priority on that license plate for each subsequent registration period for which the person submits a new application for that plate.

(b) Unless the board by rule adopts a higher fee or the license plate is not renewed annually, the [The] fee for issuance of a [personalized] license plate issued before November 19 [September 1], 2009, is:

(1) the fee provided for in Section 504.601 for a specialty license plate; and

(2) \$40 for a personalized license plate[~~, unless the director adopts by rule a higher fee].~~

(c) A person who is issued a specialty or personalized license plate by the department before November 19 [~~September 1~~], 2009, may:

(1) submit an application for the plate under Subsection (a) and pay the required fee for each subsequent registration period under Subsection (b); or

(2) purchase through the private vendor a license to display the alphanumeric pattern on a license plate for any term allowed by law.

(d) The department may not issue a replacement set of personalized license plates to the same person before the period set by rule [~~sixth anniversary of the date of issuance~~] unless the applicant for issuance of replacement plates pays an additional fee of \$30.

(e) Of each fee collected by the department under Subsection (b)(2) [~~this section~~]:

(1) \$1.25 shall be used by the department to defray the cost of administering this section; and

(2) the remainder shall be deposited to the credit of the general revenue fund.

(8) On page 220, between lines 23 and 24, insert the following appropriately numbered Subdivisions to SECTION 231 of the bill and renumber subsequent Subdivisions of that SECTION accordingly:

Section 504.851(k);

Section 504.854(c);

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

SECTION _____. Subchapter B, Chapter 504, Transportation Code, is amended by adding Section 504.101 to read as follows:

Sec. 504.101. PERSONALIZED LICENSE PLATES. The department shall issue personalized license plates, including those sold by the private vendor under a contract with the department as provided by Section 504.851.

SECTION _____. Section 504.6011, Transportation Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) The sponsor of a specialty license plate [~~authorized to be issued under this subchapter before September 1, 2009,~~] may contract with the private vendor authorized under Subchapter J for the marketing and sale of the specialty license plate.

(d) A sponsor of a specialty license plate authorized to be issued under this subchapter before November 19, 2009, may reestablish its specialty license plate under Sections 504.601 and 504.702 and be credited its previous deposit with the department if a contract entered into by the sponsor under Subsection (a) terminates.

SECTION _____. The heading to Section 504.802, Transportation Code, is amended to read as follows:

Sec. 504.802. MARKETING AND SALE BY PRIVATE VENDOR OF SPECIALTY LICENSE PLATES [CREATED BEFORE SEPTEMBER 1, 2009].

SECTION _____. Section 504.802, Transportation Code, is amended by amending Subsections (a) and (c) and adding Subsection (d) to read as follows:

(a) A sponsor of a specialty license plate created under this subchapter ~~[before September 1, 2009,]~~ may contract with the private vendor authorized under Subchapter J for the marketing and sale of the specialty license plate.

(c) Notwithstanding any other law, from each fee received from the issuance of a specialty license plate marketed and sold by the private vendor under this section, the department shall:

(1) deduct the administrative costs described by Section 504.801(e)(1);

(2) deposit the portion of the fee for the sale of the plate that the state would ordinarily receive under the contract described by Section 504.851(a) to the credit of:

(A) the specialty license plate fund, if the sponsor nominated a state agency to receive the funds; ~~[or]~~

(B) the general revenue fund, if the sponsor did not nominate a state agency to receive the funds or if there is no sponsor; or

(C) for a license plate issued under Section 504.614, the public entity that provides or provided funds for the professional sports team's facility; and

(3) pay to the private vendor the remainder of the fee.

(d) A sponsor of a specialty license plate may reestablish its specialty license plate under Sections 504.601 and 504.702 and be credited its previous deposit with the department if a contract entered into by the sponsor under Subsection (a) terminates.

SECTION _____. Sections 504.854(a) and (b), Transportation Code, are amended to read as follows:

(a) The board by rule [private vendor] may provide for the private vendor to:

(1) sell at auction a license to display a unique alphanumeric pattern on a license plate for a period set by board rule;

(2) reserve an unissued alphanumeric pattern from the department for purposes of auctioning a license to display the pattern for a period set by board rule; and

(3) purchase from a customer an unexpired license to display an alphanumeric pattern for purposes of auction by the vendor.

(b) A [Only a] license to display an alphanumeric pattern purchased under this section [or a license to display an alphanumeric pattern sold by the private vendor under Section 504.853] may be transferred to another person without payment of the fee provided by Section 504.855. [The transferee is entitled to the same rights and privileges as the transferor.]

SECTION _____. Subchapter J, Chapter 504, Transportation Code, is amended by adding Section 504.855 to read as follows:

Sec. 504.855. TRANSFERABILITY OF CERTAIN PATTERNS. The board by rule may:

(1) authorize a person who purchases a license to display an alphanumeric pattern for a period of five years or more to transfer the license; and

(2) establish a transfer fee to be distributed in accordance with the contract with the private vendor.

Amendment No. 8 was adopted.

Amendment No. 9

Representative Phillips offered the following amendment to **CSHB 2357**:

Amend **CSHB 2357** (house committee report) as follows:

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

SECTION _____. Section 501.117, Transportation Code, is amended by amending Subsection (a) and adding Subsections (d), (d-1), (d-2), (e), and (f) to read as follows:

(a) The department by rule shall develop a system under which a security interest in a motor vehicle may be perfected, assigned, discharged, and canceled electronically instead of by record maintained on a certificate of title. The department may establish categories of lienholders that may participate in the system and, except as provided by this section, may require a lienholder to participate in the system [~~Participation by a lienholder in the system is voluntary~~].

(d) The department may not require a depository institution, as defined by Section 180.002, Finance Code, to participate in the system if the department has issued fewer than 100 notifications of security interests in motor vehicles to the depository institution during a calendar year.

(d-1) The department may not require a depository institution, as defined by Section 180.002, Finance Code, to participate in the system:

(1) during 2011, if the department issues fewer than 200 notifications of security interests in motor vehicles to the depository institution between September 1, 2011, and December 31, 2011; and

(2) during 2012, if the depository institution was exempt under Subdivision (1) and the department issues fewer than 200 notifications of security interests in motor vehicles to the depository institution in 2012.

(d-2) This subsection and Subsection (d-1) expire January 1, 2013.

(e) The department by rule shall establish a reasonable schedule for compliance with the requirements of Subsection (a) for each category of lienholder that the department requires to participate in the system.

(f) The department may not:

(1) prohibit a lienholder from using an intermediary to access the system; or

(2) require a lienholder to use an intermediary to access the system.

SECTION _____. Section 681.005, Transportation Code, is amended to read as follows:

Sec. 681.005. DUTIES OF COUNTY ASSESSOR-COLLECTOR. Each county assessor-collector shall send to the department[-

~~[(+)] each fee collected under Section 681.003, to be deposited in the state highway fund to defray the cost of providing the disabled parking placard];~~
~~and~~

~~[(2) a copy of each application for a disabled parking placard].~~

(2) On page 220, line 24, insert "and" following the semicolon.

(3) On page 220, line 25, strike the semicolon and substitute a period.

(4) On page 220, strike lines 26 and 27.

Amendment No. 9 was adopted.

Amendment No. 10

Representative Phillips offered the following amendment to **CSHB 2357**:

Amend **CSHB 2357** by adding the following appropriately numbered SECTIONS to the bill to read as follows:

SECTION _____. Subchapter A, Chapter 502, Transportation Code, is amended by adding Section 502.011 to read as follows:

Sec. 502.011. REFUSAL TO REGISTER VEHICLE FOR NONPAYMENT OF TOLL OR ADMINISTRATIVE FEE. (a) The board shall adopt rules, with input from county assessor-collectors and toll project entities, to require the county assessor-collector and the department to refuse to register a motor vehicle if the motor vehicle is the subject of a past due toll or administrative fee owed to a toll project entity. The board's rules may include a timeframe for implementation of the refusal process and a requirement for a toll project entity to enter into a contract with the department that includes:

(1) information necessary to determine that a toll or fee is past due;

(2) notification that the registration may be reinstated because of:

(A) payment or other means of discharge of the past due toll or fee;

or

(B) perfection of an appeal following conviction of an offense related to the nonpayment of a toll, if applicable;

(3) compensation to the department or the county for reasonable expenses associated with providing services under the contract; and

(4) a time period when the toll or fee is considered past due.

(b) This section does not apply to the registration of a motor vehicle under Section 501.0234, unless the vehicle is titled and registered in the name of a person who holds a general distinguishing number.

(c) For purposes of this section "toll project entity" has the meaning assigned by Section 372.001, but does not include a county operating under Chapter 284 unless the commissioners court of the county adopts an order expressly electing to have this section apply to the county.

SECTION _____. Subchapter B, Chapter 372, Transportation Code, is amended by adding Sections 372.054 to read as follows:

Sec. 372.054. REPORTING FAILURE TO PAY TOLL OR ADMINISTRATIVE FEE. A toll project entity may report the failure to pay a toll or administrative fee to a county assessor-collector or the Texas Department of Motor Vehicles in order to deny registration of the nonpaying vehicle, as provided in Section 502.011.

(b) For purposes of this section "toll project entity" has the meaning assigned by Section 372.001, but does not include a county operating under Chapter 284 unless the commissioners court of the county adopts an order expressly electing to have this section apply to the county.

Amendment No. 10 was adopted.

Amendment No. 11

Representative Sheffield offered the following amendment to **CSHB 2357**:

Amend **CSHB 2357** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Sections 502.180(b) and (c), Transportation Code, are amended to read as follows:

(b) Subject to Subchapter I, the department shall issue only one license plate or set of plates for a vehicle during a ~~five-year~~ period of no less than eight years.

(c) On application and payment of the prescribed fee for a renewal of the registration of a vehicle for each [~~the first, second, third, or fourth~~] registration year after the issuance of a license plate or set of plates for the vehicle, the department shall issue a registration insignia for the validation of the license plate or plates to be attached as provided by Subsection (d).

SECTION _____. Section 502.184(g), Transportation Code, is amended to read as follows:

(g) Replacement license plates may be used in the registration year in which the plates are issued and during each succeeding year of a ~~the five-year~~ period of no less than eight years as prescribed by Section 502.180(b) if the registration insignia is properly attached.

(Speaker in the chair)

Amendment No. 11 was adopted.

Amendment No. 12

Representative Frullo offered the following amendment to **CSHB 2357**:

Amend **CSHB 2357** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter D, Chapter 504, Transportation Code, is amended by adding Section 504.317 to read as follows:

Sec. 504.317. SURVIVING SPOUSES OF DISABLED VETERANS SPECIALTY LICENSE PLATES. (a) In this section, "surviving spouse" means the individual married to a disabled veteran at the time of the veteran's death.

(b) The department shall issue specialty license plates for surviving spouses of disabled veterans of the United States armed forces.

Amendment No. 12 was adopted.

Amendment No. 13

Representative Callegari offered the following amendment to **CSHB 2357**:

Amend **CSHB 2357** (house committee report) as follows:

SECTION _____. Section 544.012(c), Transportation Code, is amended to read as follows:

(c) The municipality shall install signs along each roadway that leads to an intersection at which a photographic traffic monitoring system is in active use. Each sign ~~[The signs]~~ must:

(1) be located at least 100 feet but not more than 750 feet from the intersection in accordance with the ~~[or located according to]~~ standards established in the manual adopted by the Texas Transportation Commission under Section 544.001;

(2) ~~[5]~~ be easily readable to any operator approaching the intersection;

(3) have affixed a flashing yellow circular beacon;

(4) ~~[, and]~~ clearly indicate the presence of a photographic monitoring system that records violations that may result in the issuance of a notice of violation and the imposition of a monetary penalty; and

(5) comply with design and size requirements established by the Texas Department of Transportation.

SECTION _____. Section 707.003(g), Transportation Code, is amended to read as follows:

(g) The local authority shall install signs along each roadway that leads to an intersection at which a photographic traffic signal enforcement system is in active use. Each sign ~~[The signs]~~ must:

(1) be located at least 100 feet but not more than 750 feet from the intersection in accordance with the ~~[or located according to]~~ standards established in the manual adopted by the Texas Transportation Commission under Section 544.001;

(2) ~~[5]~~ be easily readable to any operator approaching the intersection;

(3) have affixed a flashing yellow circular beacon;

(4) ~~[, and]~~ clearly indicate the presence of a photographic traffic signal enforcement ~~[photographic monitoring]~~ system that records violations that may result in the issuance of a notice of violation and the imposition of a monetary penalty; and

(5) comply with design and size requirements established by the Texas Department of Transportation.

Amendment No. 13 was withdrawn.

CSHB 2357 - POINT OF ORDER

Representative Y. Davis raised a point of order against further consideration of **CSHB 2357** under Rule 11, Section 2 of the House Rules on the grounds that the amendments are not germane to the bill.

The speaker overruled the point of order.

Amendment No. 14

Representative Lyne offered the following amendment to **CSHB 2357**:

Amend **CSHB 2357** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering the subsequent SECTIONS of the bill appropriately:

SECTION _____. Section 152.001, Tax Code, is amended by amending Subdivision (3) and adding Subdivision (20) to read as follows:

(3) "Motor vehicle [~~Vehicle~~]" includes:

(A) a self-propelled vehicle designed to transport persons or property on a public highway;

(B) a trailer and semitrailer, including a van, flatbed, tank, dumpster, dolly, jeep, stinger, auxiliary axle, or converter gear; ~~and~~

(C) a house trailer as defined by Chapter 501, Transportation Code; and

(D) an off-road vehicle that is not required to be registered under Chapter 502, Transportation Code.

(20) "Off-road vehicle" means:

(A) an all-terrain vehicle or a recreational off-highway vehicle, as those terms are defined by Section 502.001, Transportation Code, provided that the vehicle may be designed by the manufacturer primarily for farming; or

(B) a motorcycle designed by the manufacturer for off-highway use.

SECTION _____. Section 152.091, Tax Code, is amended to read as follows:

Sec. 152.091. FARM OR TIMBER USE. (a) The taxes imposed by this chapter do not apply to the sale or use of [a]:

(1) a farm machine, a trailer, a [a] semitrailer, or an off-road vehicle for use primarily for farming and ranching, including the rearing of poultry, and use in feedlots; or

(2) a machine, a trailer, a [a] semitrailer, or an off-road vehicle for use primarily for timber operations.

(b)(1) The taxes imposed by this chapter do not apply to the purchase of [a]:

(A) a farm machine, a trailer, a [a] semitrailer, or an off-road vehicle that is to be leased for use primarily for farming and ranching, including the rearing of poultry, and use in feedlots; or

(B) a machine, a trailer, a [a] semitrailer, or an off-road vehicle that is to be leased for use primarily for timber operations.

(2) The exemption provided by this subsection applies only if the person purchasing the machine, trailer, [a] semitrailer, or off-road vehicle to be leased presents the tax assessor-collector a form prescribed and provided by the comptroller showing:

(A) the identification of the motor vehicle;

(B) the name and address of the lessor and the lessee; and

(C) verification by the lessee that the machine, trailer, [a] semitrailer, or off-road vehicle will be used primarily for:

(i) farming and ranching, including the rearing of poultry, and use in feedlots; or

(ii) timber operations.

(3) If a motor vehicle for which the tax has not been paid ceases to be leased for use primarily for farming and ranching, including the rearing of poultry, and use in feedlots or timber operations, the owner shall notify the comptroller on a form provided by the comptroller and shall pay the sales or use

tax on the motor vehicle based on the owner's book value of the motor vehicle. The tax is imposed at the same percentage rate that is provided by Section 152.021(b).

(c) The taxes imposed by this chapter do not apply to the rental of a farm machine, a trailer, ~~or~~ a semitrailer, or an off-road vehicle for use primarily for farming and ranching, including the rearing of poultry, and use in feedlots, or a machine, a trailer, ~~or~~ a semitrailer, or an off-road vehicle for use primarily for timber operations. The tax that would have been remitted on gross rental receipts without this exemption shall be deemed to have been remitted for the purpose of calculating the minimum gross rental receipts imposed by Section 152.026. The exemption provided by this subsection applies only if the owner of the motor vehicle obtains in good faith an exemption certificate from the person to whom the vehicle is being rented.

(d) For purposes of this section, a machine or an off-road vehicle is used "primarily for timber operations" if the machine or off-road vehicle is a self-propelled motor vehicle that is specially adapted to perform a specialized function in the production of timber, including land preparation, planting, maintenance, and gathering of trees commonly grown for commercial timber. The term does not include a self-propelled motor vehicle used to transport timber or timber products.

SECTION _____. Subchapter B, Chapter 501, Transportation Code, is amended by adding Section 501.0225 to read as follows:

Sec. 501.0225. CERTIFICATE OF TITLE REQUIRED FOR OFF-ROAD VEHICLE. A person who purchases, imports, or otherwise acquires an off-road vehicle, as defined by Section 152.001, Tax Code, that is not required to be registered under Chapter 502 may not operate or permit the operation of the vehicle in this state, or sell or dispose of the vehicle in this state, until the person obtains a certificate of title for the vehicle. This section does not apply to:

(1) an off-road vehicle that is exempt from motor vehicle sales and use taxation under Section 152.091, Tax Code; or

(2) an off-road vehicle acquired and sold or disposed of by a lienholder exercising a statutory or contractual lien right with regard to the vehicle, except that this section does apply to the purchaser of that vehicle.

SECTION _____. Section 501.0225, Transportation Code, as added by this Act, applies only to a person who purchases, imports, or otherwise acquires an off-road vehicle on or after the effective date of this Act. A person who purchases, imports, or otherwise acquires an off-road vehicle before the effective date of this Act 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.

SECTION _____. Sections 152.001 and 152.091, Tax Code, as amended by this Act, do not affect tax liability accruing before the effective date of this Act. That liability continues in effect as if this Act had not been enacted, and the former law is continued in effect for the collection of taxes due and for civil and criminal enforcement of the liability for those taxes.

Amendment No. 14 was adopted. (V. Taylor recorded voting no.)

Amendment No. 15

Representative Elkins offered the following amendment to **CSHB 2357**:

Amend **CSHB 2357** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION _____. Subchapter H, Chapter 2302, Occupations Code, is amended by adding Section 2302.354 to read as follows:

Sec. 2302.354. ADMINISTRATIVE PENALTY. (a) The department may impose an administrative penalty against a person licensed under this chapter who violates this chapter or a rule or order adopted under this chapter.

(b) The penalty may not be less than \$50 or more than \$1,000, and each day a violation continues or occurs is a separate violation for the purpose of imposing a penalty. The amount of the penalty shall be based on:

(1) the seriousness of the violation, including the nature, circumstances, extent, and gravity of the violation;

(2) the economic harm caused by the violation;

(3) the history of previous violations;

(4) the amount necessary to deter a future violation;

(5) efforts to correct the violation; and

(6) any other matter that justice requires.

(c) The person may stay enforcement during the time the order is under judicial review if the person pays the penalty to the court clerk or files a supersedeas bond with the court in the amount of the penalty. A person who cannot afford to pay the penalty or file the bond may stay enforcement by filing an affidavit in the manner required by the Texas Rules of Civil Procedure for a party who cannot afford to file security for costs, subject to the right of the department to contest the affidavit as provided by those rules.

(d) A proceeding to impose an administrative penalty is subject to Chapter 2001, Government Code.

SECTION _____. Section 2302.354, Occupations Code, as added by this Act, applies only to a violation of Chapter 2302, Occupations Code, or a rule or order of the Texas Department of Motor Vehicles adopted under that chapter, committed on or after the effective date of this Act. A violation committed before the effective date of this Act is governed by the law in effect when the violation was committed, and the former law is continued in effect for that purpose.

Amendment No. 15 was adopted.

CSHB 2357, as amended, was passed to engrossment. (Phillips and V. Taylor recorded voting no.)

HB 2507 ON SECOND READING
(by Chisum)

HB 2507, A bill to be entitled An Act relating to the offense of installing an irrigation system without a license.

(Otto and Turner now present)

HB 2507 was passed to engrossment. (Garza, Legler, Paxton, and V. Taylor recorded voting no.)

CSHB 3167 ON SECOND READING
(by Callegari)

CSHB 3167, A bill to be entitled An Act relating to the abolishment of the state regulation of talent agencies and personnel services.

CSHB 3167 was passed to engrossment.

CSHB 3461 ON SECOND READING
(by Margo)

CSHB 3461, A bill to be entitled An Act relating to transferring adult education and literacy programs to the Texas Higher Education Coordinating Board from the Texas Education Agency.

Amendment No. 1

Representative Guillen offered the following amendment to **CSHB 3461**:

Amend **CSHB 3461** as follows:

(1) On page 5, between lines 1 and 2, insert the following:

(c) Notwithstanding any other provision of this subchapter, the Texas Higher Education Coordinating Board shall allocate state and federal adult education program funds, other than federal funds set aside for state administration, special projects, and staff development to each county based on need, performance and efficiency.

Sec. 61.97951. SERVICE PROVIDER CONTRACTS: COMPETITIVE PROCUREMENT REQUIREMENT. (a) The Texas Higher Education Coordinating Board shall use a competitive procurement process to award a contract to a service provider of an adult education program.

(b) The board shall adopt rules to administer this section.

(2) On page 10, strike line 10 and substitute the following:

SECTION 3.02. (a) The change in law made by Section 61.97951(a), Education Code, as added by this Act, applies only to a contract entered into on or after September 1, 2012.

(b) Not later than August 31, 2012, the Texas Higher Education Coordinating Board shall adopt rules to provide for a competitive procurement process to award contracts to service providers of adult education programs as provided by Section 61.97951, Education Code, as added this Act.

SECTION 3.03. (a) Except as provided by Subsection (b) of this section, this Act takes effect September 1, 2011.

(b) Sections 61.9795(c) and 61.97951(a), Education Code, as added by this Act, take effect September 1, 2012.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Patrick offered the following amendment to **CSHB 3461**:

Amend **CSHB 3461** (house committee printing) on page 10, line 1, by striking "2012" and substituting "2013".

Representative Margo moved to table Amendment No. 2.

The motion to table prevailed by (Record 1027): 87 Yeas, 38 Nays, 1 Present, not voting.

Yeas — Aliseda; Anchia; Anderson, C.; Anderson, R.; Beck; Berman; Bohac; Bonnen; Branch; Burkett; Burnam; Button; Cain; Callegari; Castro; Christian; Creighton; Crownover; Davis, J.; Davis, S.; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Harper-Brown; Hartnett; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; King, P.; King, T.; Kleinschmidt; Kolkhorst; Landtroop; Larson; Lavender; Legler; Lozano; Lucio; Lyne; Madden; Margo; Martinez Fischer; Menendez; Miller, D.; Miller, S.; Morrison; Murphy; Orr; Paxton; Peña; Pickett; Price; Raymond; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Strama; Taylor, L.; Vo; Weber; White; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Brown; Coleman; Craddick; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Harless; Hernandez Luna; Hochberg; King, S.; Kuempel; Mallory Caraway; McClendon; Miles; Muñoz; Naishtat; Nash; Parker; Patrick; Quintanilla; Reynolds; Rodriguez; Solomons; Thompson; Truitt; Veasey; Villarreal; Walle; Workman.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Marquez; Oliveira.

Absent — Aycok; Carter; Chisum; Cook; Darby; Driver; Gonzales, L.; Hancock; Hardcastle; Hilderbran; Hopson; Keffer; Laubenberg; Lewis; Martinez; Otto; Perry; Phillips; Pitts; Taylor, V.; Torres; Turner.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1027. I intended to vote no.

Berman

When Record No. 1027 was taken, I was in the house but away from my desk. I would have voted no.

Carter

I was shown voting no on Record No. 1027. I intended to vote yes.

Harless

When Record No. 1027 was taken, my vote failed to register. I would have voted no.

Phillips

When Record No. 1027 was taken, I was in the house but away from my desk. I would have voted yes.

V. Taylor

When Record No. 1027 was taken, I was temporarily out of the house chamber. I would have voted yes.

Torres

Amendment No. 3

Representative Farrar offered the following amendment to **CSHB 3461**:

Amend **CSHB 3461** (house committee report) by striking all below the enacting clause and substituting the following:

SECTION 1. Subchapter H, Chapter 29, Education Code, is amended by adding Section 29.2555 to read as follows:

Sec. 29.2555. ADMINISTRATION OF ADULT EDUCATION AND LITERACY PROGRAMS; TRANSFER. (a) The commissioner shall conduct a study regarding the feasibility and advisability of transferring the administration of adult education and literacy programs under this subchapter from the agency to the Texas Higher Education Coordinating Board.

(b) Not later than September 1, 2012, the commissioner shall report to the legislature the results of the study conducted under Subsection (a), including any recommendations of the commissioner.

(c) This section expires December 1, 2012.

Representative Margo moved to table Amendment No. 3.

The motion to table prevailed by (Record 1028): 93 Yeas, 42 Nays, 1 Present, not voting.

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

Nays — Allen; Alonzo; Alvarado; Brown; Burnam; Castro; Coleman; Davis, Y.; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; Keffer; Kuempel; Lozano; Madden; Mallory Caraway; Martinez Fischer; McClendon; Miles; Naishtat; Patrick; Phillips; Reynolds; Rodriguez; Solomons; Strama; Thompson; Truitt; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Marquez; Oliveira.

Absent — Gonzales, L.; Hilderbran; King, S.; Lewis; Martinez; Otto; Pitts; Quintanilla; Schwertner; Smithee; Taylor, V.; Torres.

STATEMENTS OF VOTE

When Record No. 1028 was taken, my vote failed to register. I would have voted yes.

Schwertner

When Record No. 1028 was taken, I was in the house but away from my desk. I would have voted yes.

V. Taylor

When Record No. 1028 was taken, I was temporarily out of the house chamber. I would have voted yes.

Torres

CSHB 3461, as amended, was passed to engrossment. (Brown, Kuempel, Legler, Menendez, Perry, and Phillips recorded voting no.)

(Geren in the chair)

POSTPONED BUSINESS

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

SB 316 ON THIRD READING (Gallego - House Sponsor)

SB 316, A bill to be entitled An Act relating to criminal asset forfeiture, the disposition of proceeds and property from criminal asset forfeiture, and accountability for that disposition; providing civil penalties.

SB 316 was read third time earlier today, amendments were offered and disposed of, and **SB 316** was postponed until this time.

Amendment No. 3

Representative Gallego offered the following amendment to **SB 316**:

Amend the Gallego second reading amendment to **SB 316** on third reading by striking page 1, lines 1-29, through page 2, lines 1-25 of the amendment, and substituting the following:

In SECTION 3 of the bill, in added Article 59.061, Code of Criminal Procedure, add the following subsection:

(d) The law enforcement agency or attorney representing the state shall reimburse the state auditor for costs incurred by the state auditor in performing an audit under this article.

Amendment No. 3 was adopted.

Amendment No. 4

Representative Fletcher offered the following amendment to **SB 316**:

Amend **SB 316** to read as follows:

(c-4) Notwithstanding Subsections (a) and (c-3), with respect to forfeited property seized in connection with a violation of Chapter 481, Health and Safety Code (Texas Controlled Substances Act), by the Department of Public Safety concurrently with any other law enforcement agency, in a proceeding under Article 59.05 in which a default judgment is rendered in favor of the state, the attorney representing the state may allocate property or proceeds in accordance with a memorandum of understanding between the law enforcement agencies and the attorney representing the state.

Amendment No. 4 was adopted.

SB 316, as amended, was passed by (Record 1029): 116 Yeas, 18 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Burkett; Burnam; Button; Callegari; Carter; Castro; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Davis, J.; 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; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, S.; King, T.; Kleinschmidt; Kolkhorst; Larson; Laubenberg; Lavender; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Martinez; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Naishtat; Orr; Parker; Peña; Pickett; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Woolley; Zedler; Zerwas.

Nays — Bonnen; Brown; Darby; Davis, S.; Hamilton; King, P.; Kuempel; Landtroop; Margo; Nash; Patrick; Paxton; Perry; Price; Schwertner; Weber; White; Workman.

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

Absent, Excused — Marquez; Oliveira.

Absent — Alonzo; Branch; Cain; Chisum; Howard, C.; Legler; Martinez Fischer; Murphy; Otto; Phillips; Pitts; Smith, W.

STATEMENTS OF VOTE

When Record No. 1029 was taken, I was in the house but away from my desk. I would have voted yes.

Martinez Fischer

When Record No. 1029 was taken, my vote failed to register. I would have voted no.

Phillips

CSHB 2594 ON SECOND READING**(by Truitt, Rodriguez, Harless, Farias, McClendon, et al.)**

CSHB 2594, A bill to be entitled An Act relating to the licensing and regulation of certain credit services organizations and the regulation of certain extensions of consumer credit obtained by those organizations or with regard to which the organizations provide assistance; providing an administrative penalty.

CSHB 2594 was read second time on May 11, an amendment was offered, and **CSHB 2594** was postponed until later that day. **CSHB 2594** was laid out as postponed business earlier today and was again postponed until this time.

CSHB 2594 - POINT OF ORDER

Representative Laubenberg raised a point of order against further consideration of **CSHB 2594** under Rule 4, Section 32(c)(4) of the House Rules on the grounds that the bill analysis is incorrect.

The chair overruled the point of order.

Amendment No. 1 was withdrawn.

Amendment No. 2

Representative Elkins offered the following amendment to **CSHB 2594**:

Amend **CSHB 2594** by striking the enacting clause (page 1, line 7).

MOTION TO PRINT REMARKS

Representative Burnam moved to print remarks between Representative Truitt and Representative Elkins.

The motion was lost.

Representative Truitt moved to table Amendment No. 2.

The motion to table prevailed by (Record 1030): 75 Yeas, 63 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Bonnen; Branch; Burnam; Button; Castro; Chisum; Cook; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Gutierrez; Hancock; Harless; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, D.; Hunter; Jackson; Johnson; Keffer; Kolkhorst; Larson; Legler; Mallory Caraway; Margo; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Morrison; Muñoz; Murphy; Naishtat; Nash; Orr; Otto; Parker; Patrick; Price; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Schwertner; Shelton; Smith, T.; Smithee; Strama; Thompson; Truitt; Turner; Veasey; Villarreal; Walle.

Nays — Aliseda; Anderson, R.; Aycock; Beck; Berman; Brown; Burkett; Cain; Callegari; Carter; Christian; Coleman; Craddick; Creighton; Crownover; Darby; Davis, S.; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Hamilton; Harper-Brown; Hartnett; Howard, C.; Huberty; Hughes; Isaac; King, P.; King, S.; King, T.; Kleinschmidt; Kuempel; Landtroop; Laubenberg; Lavender; Lewis;

Lyne; Madden; Martinez; Paxton; Perry; Phillips; Pickett; Pitts; Riddle; Scott; Sheets; Sheffield; Simpson; Smith, W.; Solomons; Taylor, V.; Torres; Vo; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Marquez; Oliveira.

Absent — Bohac; Guillen; Hardcastle; Lozano; Lucio; Miller, S.; Peña; Taylor, L.

STATEMENTS OF VOTE

I was shown voting no on Record No. 1030. I intended to vote yes.

Crownover

I was shown voting yes on Record No. 1030. I intended to vote no.

Parker

Amendment No. 3

Representative Truitt offered the following amendment to **CSHB 2594**:

Amend **CSHB 2594** as follows:

(1) On page 3, line 5, strike "a motor vehicle certificate of title" and substitute "an unencumbered motor vehicle".

(2) On page 3, line 19, strike "305" and substitute "349".

(3) On page 3, line 20, between "business" and "do not", insert "conducting business under this chapter".

(4) On page 7, line 12, after the semicolon, insert "and".

(5) On page 7, lines 14-15, strike the following:

; and

(3) may use remote closing agents

(6) On page 12, line 20, between "refinancing" and "of the extensions", insert "transactions".

(7) On page 13, line 3, between "surrendered" and "under", insert "or repossessed".

(8) On page 13, line 7, strike "average" and substitute "mean, median, and mode of the".

(9) On page 13, line 17, strike "holder".

(10) On page 14, line 20; page 15, lines 1, 4, and 18; page 16, lines 8-9, 11-12, and 16-17; and page 17, lines 18 and 26, strike "Subchapter G of Chapter 393" each time it appears and substitute "Chapter 393 with respect to a credit access business".

(11) On page 16, line 22, strike "person" and substitute "credit access business".

(12) On page 16, lines 23 and 24, strike both occurrences of "Subchapter G,".

(13) On page 16, line 26, and page 17, line 1, strike both occurrences of "Subchapter G of Chapter 393,".

(14) On page 17, line 2, between "Title 4," and "to make", insert ", or a credit access business who violates or causes a violation of Chapter 393 or a rule adopted under Chapter 393,".

(15) On page 17, line 10, strike "Subchapter G of Chapter 393" and substitute "Chapter 393, if the person is a credit access business,".

CSHB 2594 - POINT OF ORDER

Representative Laubenberg raised a point of order against further consideration of **CSHB 2594** under Rule 4, Section 18 of the House Rules on the grounds that the committee minutes are incomplete.

The chair overruled the point of order.

Amendment No. 3 was adopted.

CSHB 2594 - POINT OF ORDER

Representative Laubenberg raised a point of order against further consideration of **CSHB 2594**.

The chair overruled the point of order.

Amendment No. 4

Representative Garza offered the following amendment to **CSHB 2594**:

Amend **CSHB 2594** (house committee printing) as follows:

(1) On page 2, lines 25-26, strike "motor vehicle certificate of title loan" and substitute "motor vehicle title loan".

(2) On page 3, line 4, strike "Motor vehicle certificate of title loan" and substitute "Motor vehicle title loan".

(3) On page 3, line 5, strike "certificate of".

(4) On page 3, line 16, strike "motor vehicle certificate of title loan" and substitute "motor vehicle title loan".

(5) On page 13, lines 4-5, strike "motor vehicle certificate of title loan" and substitute "motor vehicle title loan".

Amendment No. 4 was withdrawn.

Amendment No. 5

Representative Elkins offered the following amendment to **CSHB 2594**:

Amend **CSHB 2594** (house committee printing) on page 3, line 23, by adding after the underlined period, "A lawful transaction governed under another statute, including Title 1, Business & Commerce Code, does not violate this subsection and may not be considered a device, subterfuge, or pretense to evade the application of this subchapter."

Amendment No. 5 was adopted.

Amendment No. 6

Representative Elkins offered the following amendment to **CSHB 2594**:

Amend **CSHB 2594** (house committee printing) as follows:

(1) On page 3, line 24, between "REQUIRED." and "A credit", insert "(a)".

(2) On page 3, add the following after line 27:

(b) A credit services organization may not obtain a license to operate as a credit access business under this subchapter for any location at which the person acts as a money services business, as defined by 31 C.F.R. Section 1010.100.

Representative Truitt moved to table Amendment No. 6.

The motion to table prevailed by (Record 1031): 84 Yeas, 44 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anderson, C.; Bohac; Bonnen; Branch; Brown; Burnam; Button; Callegari; Castro; Cook; Creighton; Crownover; Davis, J.; Davis, Y.; Dukes; Dutton; Eiland; Eissler; Farias; Farrar; Gallego; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Gutierrez; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, D.; Hunter; Jackson; Johnson; Keffer; King, S.; Kolkhorst; Landtroop; Larson; Lozano; Madden; Mallory Caraway; Margo; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Murphy; Naishtat; Nash; Orr; Otto; Patrick; Perry; Price; Quintanilla; Reynolds; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Truitt; Turner; Veasey; Villarreal; Walle; Weber; Zedler.

Nays — Aliseda; Anderson, R.; Aycock; Berman; Burkett; Cain; Carter; Chisum; Christian; Craddick; Davis, S.; Deshotel; Driver; Elkins; Fletcher; Flynn; Frullo; Garza; Hamilton; Howard, C.; Huberty; Hughes; Isaac; King, P.; King, T.; Kleinschmidt; Kuempel; Laubenberg; Lavender; Martinez; Muñoz; Parker; Paxton; Phillips; Pickett; Pitts; Riddle; Simpson; Taylor, V.; Torres; White; Woolley; Workman; Zerwas.

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

Absent, Excused — Marquez; Oliveira.

Absent — Anchia; Beck; Coleman; Darby; Guillen; Hernandez Luna; Hochberg; Legler; Lewis; Lucio; Lyne; Miller, S.; Morrison; Peña; Raymond; Strama; Thompson; Vo.

STATEMENTS OF VOTE

When Record No. 1031 was taken, my vote failed to register. I would have voted yes.

Anchia

When Record No. 1031 was taken, my vote failed to register. I would have voted yes.

Strama

Amendment No. 7

Representative Elkins offered the following amendment to **CSHB 2594**:

Amend **CSHB 2594** (house committee printing) as follows:

(1) On page 5, line 2, strike "\$50,000" and substitute "\$10,000".

(2) On page 5, line 2, strike "\$25,000" and substitute "\$10,000".

(3) On page 5, between lines 20 and 21, insert the following:

(f) A credit access business, instead of obtaining a surety bond, may satisfy the requirements of this section by depositing an amount described by Subsection (a)(1) in a surety account held in trust at a federally insured bank or savings association located in this state. The name of the depository, trustee, and account number of the surety account must be filed with the office.

Amendment No. 7 was adopted.

Amendment No. 8

Representative Elkins offered the following amendment to **CSHB 2594**:

Amend **CSHB 2594** (house committee printing) as follows:

- (1) On page 6, line 18, strike "60th day" and substitute "30th day".
- (2) On page 6, line 20, strike "60th day" and substitute "30th day".

Amendment No. 8 was adopted.

Amendment No. 9

Representative Elkins offered the following amendment to **CSHB 2594**:

Amend **CSHB 2594** (house committee printing) on page 14 by inserting the following between lines 15 and 16:

Sec. 393.629. PROHIBITION ON ENGAGING IN CERTAIN OTHER FINANCIAL ACTIVITY. A person may not operate as a credit access business at a location or office:

- (1) for which the person holds a pawnshop license under Chapter 371;
- (2) for which the person holds a license under Chapter 342; or
- (3) at which the person acts as a money services business, as defined by

31 C.F.R. Section 1010.100.

Amendment No. 9 was withdrawn.

Amendment No. 10

Representative Garza offered the following amendment to **CSHB 2594**:

Amend **CSHB 2594** (house committee printing) as follows:

- (1) On page 2, lines 25-26, strike "motor vehicle certificate of title loan" and substitute "motor vehicle title loan".
- (2) On page 3, line 4, strike "Motor vehicle certificate of title loan" and substitute "Motor vehicle title loan".
- (3) On page 3, line 5, strike "certificate of".
- (4) On page 3, line 16, strike "motor vehicle certificate of title loan" and substitute "motor vehicle title loan".
- (5) On page 13, lines 4-5, strike "motor vehicle certificate of title loan" and substitute "motor vehicle title loan".

Amendment No. 10 was adopted.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today to attend a conference committee meeting:

Crownover on motion of L. Taylor.

CSHB 2594 - (consideration continued)

CSHB 2594, as amended, was passed to engrossment by (Record 1032): 85 Yeas, 55 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Bohac; Branch; Burnam; Button; Callegari; Castro; Chisum; Cook; Creighton; Davis, J.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Eissler; Farias; Farrar; Gallego; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Gutierrez; Hancock; Hardcastle; Harless; Harper-Brown; Hernandez Luna; Hochberg; Hopson; Howard, D.; Hunter; Isaac; Jackson; Johnson; Keffer; Kleinschmidt; Kolkhorst; Larson; Legler; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Morrison; Muñoz; Murphy; Naishtat; Nash; Orr; Otto; Patrick; Peña; Price; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Schwertner; Sheets; Shelton; Smith, T.; Smithee; Strama; Thompson; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Woolley.

Nays — Aliseda; Anderson, R.; Aycock; Beck; Berman; Bonnen; Brown; Burkett; Cain; Carter; Christian; Craddick; Darby; Davis, S.; Driver; Elkins; Fletcher; Flynn; Frullo; Garza; Hamilton; Hartnett; Hilderbran; Howard, C.; Huberty; Hughes; King, P.; King, S.; King, T.; Kuempel; Landtroop; Laubenberg; Lavender; Lewis; Lyne; Miller, S.; Parker; Paxton; Perry; Phillips; Pitts; Riddle; Scott; Sheffield; Simpson; Smith, W.; Solomons; Taylor, L.; Taylor, V.; Torres; Weber; White; Workman; Zedler; Zerwas.

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

Absent, Excused — Marquez; Oliveira.

Absent, Excused, Committee Meeting — Crownover.

Absent — Coleman; Guillen; Lozano; Lucio; Pickett.

STATEMENT OF VOTE

I was shown voting yes on Record No. 1032. I intended to vote no.

Creighton

REASON FOR VOTE

My vote against **CSHB 2594** was a vote against a bill I did not believe truly resolved any of the real problems associated with the short-term loans at issue. **CSHB 2594** created excessive regulations on an industry without addressing the fees asserted with certain extensions of consumer credit. The bill is not effective at solving the problems consumers have complained of, and, therefore, I could not support **CSHB 2594**. Quite simply, a consumer credit organization should not be permitted to obtain an extension of consumer credit for a consumer or assist a consumer in obtaining an extension of consumer credit.

S. Davis

CSHB 804 ON SECOND READING
(by Lewis, Aliseda, Branch, Harless, Peña, et al.)

CSHB 804, A bill to be entitled An Act relating to the offense of illegal voting by a person who is not a United States citizen.

CSHB 804 was read second time on May 10, postponed until May 11, postponed until 5 p.m. May 11, and was again postponed until this time.

CSHB 804 - POINT OF ORDER

Representative Alonzo raised a point of order against further consideration of **CSHB 804** under Rule 8, Section 5(b) of the House Rules.

The chair overruled the point of order.

CSHB 804 - POINT OF ORDER

Representative Alonzo raised a point of order against further consideration of **CSHB 804** under Rule 4, Section 33 of the House Rules.

The chair overruled the point of order.

Amendment No. 1

Representative Aliseda offered the following amendment to **CSHB 804**:

Amend **CSHB 804** on page 1, lines 11-12, by striking "third degree" and substituting "second degree unless the person is convicted of an attempt. In that case, the offense is a state jail felony".

Amendment No. 2

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

Amend **CSHB 804** on page 1, between lines 15 and 16, by adding the following:

(d) It is a second degree felony to fraudulently claim to be an illegal immigrant in order to be excused from jury duty.

Amendment No. 2 was withdrawn.

Amendment No. 1 was adopted by (Record 1033): 97 Yeas, 38 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Darby; Davis, J.; Davis, S.; Driver; Eiland; 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; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; 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 — Alonzo; Alvarado; Anchia; Burnam; Castro; Davis, Y.; Deshotel; Dukes; Dutton; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Gutierrez; Hochberg; Howard, D.; Johnson; King, T.; Lozano; Mallory Caraway; Martinez; Martinez Fischer; McClendon; Miles; Muñoz; Naishtat; Quintanilla; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

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

Absent, Excused — Marquez; Oliveira.

Absent, Excused, Committee Meeting — Crownover.

Absent — Brown; Coleman; Guillen; Hernandez Luna; Lucio; Menendez; Parker; Patrick; Pickett; Raymond.

STATEMENTS OF VOTE

When Record No. 1033 was taken, I was in the house but away from my desk. I would have voted no.

Menendez

When Record No. 1033 was taken, my vote failed to register. I would have voted yes.

Parker

(Bonnen in the chair)

(Crownover now present)

CSHB 804, as amended, was passed to engrossment by (Record 1034): 101 Yeas, 24 Nays, 16 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen(C); Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Deshotel; Driver; Eiland; 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; Keffler; 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; 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; Burnam; Davis, Y.; Dukes; Dutton; Farrar; Gallego; Gonzalez; Gutierrez; Hernandez Luna; Hochberg; Mallory Caraway; Martinez; Martinez Fischer; McClendon; Miles; Pickett; Quintanilla; Reynolds; Thompson; Veasey; Walle.

Present, not voting — Mr. Speaker; Anchia; Castro; Farias; Giddings; Gonzales, V.; Howard, D.; Johnson; Menendez; Muñoz; Naishtat; Patrick; Strama; Turner; Villarreal; Vo.

Absent, Excused — Marquez; Oliveira.

Absent — Coleman; Guillen; King, T.; Lozano; Lucio; Raymond; Rodriguez.

STATEMENT OF VOTE

I was shown voting present, not voting on Record No. 1034. I intended to vote no.

Naishtat

REASON FOR VOTE

The reason I voted present, not voting was due to the fact that this legislation created a "false choice." It was clear during the debate that this legislation was a direct attempt at discouraging voter turnout, especially amongst U.S. citizens of Hispanic origin, and aimed at suppressing minority involvement in general. Under current law, there are already penalties and enforcement tools in place to address the issue.

Muñoz

CSHB 32 ON SECOND READING

(by Creighton, Zerwas, Schwertner, Hancock, Shelton, et al.)

CSHB 32, A bill to be entitled An Act relating to required individual health insurance coverage.

CSHB 32 was read second time on May 11, postponed until 8:15 p.m. May 11, and was again postponed until this time.

CSHB 32 - POINT OF ORDER

Representative Coleman raised a point of order against further consideration of **CSHB 32** under Rule 4, Section 18(b) of the House Rules on the grounds that the committee minutes are incomplete.

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

Representative Coleman raised a point of order under Rule 4, Section 18(b) in that the witness list fails to properly reflect that a witness, who submitted a witness affirmation form in favor of both the introduced bill and the committee substitute, as testifying both for the introduced bill and the committee substitute. The chair has examined the witness affirmation card and the witness list for the committee's March 17, 2011, meeting. The witness list does not reflect the information on the witness affirmation form that the witness testified on. Because the committee minutes failed to list the name of a person who submitted to the committee a sworn statement indicating that the person was present in favor of, in opposition to, or without taking a position on the measure, the witness list violates Rule 4, Section 18, and the point of order is sustained.

CSHB 32 was returned to the Select Committee on State Sovereignty.

GENERAL STATE CALENDAR
(consideration continued)

HB 3691 ON SECOND READING
(by Gallego)

HB 3691, A bill to be entitled An Act relating to the provision of certain programs and services by a community supervision and corrections department.

Amendment No. 1

Representative McClendon offered the following amendment to **HB 3691**:

Amend **HB 3691** (house committee printing) as follows:

(1) On page 1, line 6, strike "Subsection (f)" and substitute "Subsections (a-1) and (f)".

(2) On page 1, between lines 7 and 8, insert the following:

(a-1) The statutory county court judges trying criminal cases in the county or counties served by the judicial district may establish a pretrial victim-offender mediation program in accordance with Subchapter A-1, Chapter 56, Code of Criminal Procedure.

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

SECTION ____ . Section 1, Article 28.01, Code of Criminal Procedure, is amended to read as follows:

Sec. 1. The court may set any criminal case for a pre-trial hearing before it is set for trial upon its merits, and direct the defendant and his attorney, if any of record, and the State's attorney, to appear before the court at the time and place stated in the court's order for a conference and hearing. The defendant must be present at the arraignment, and his presence is required during any pre-trial proceeding. The pre-trial hearing shall be to determine any of the following matters:

(1) Arraignment of the defendant, if such be necessary; and appointment of counsel to represent the defendant, if such be necessary;

(2) Pleadings of the defendant;

(3) Special pleas, if any;

(4) Exceptions to the form or substance of the indictment or information;

(5) Motions for continuance either by the State or defendant; provided that grounds for continuance not existing or not known at the time may be presented and considered at any time before the defendant announces ready for trial;

(6) Motions to suppress evidence—When a hearing on the motion to suppress evidence is granted, the court may determine the merits of said motion on the motions themselves, or upon opposing affidavits, or upon oral testimony, subject to the discretion of the court;

(7) Motions for change of venue by the State or the defendant; provided, however, that such motions for change of venue, if overruled at the pre-trial hearing, may be renewed by the State or the defendant during the voir dire examination of the jury;

(8) Discovery;

(9) Entrapment; ~~and~~

(10) Motion for appointment of interpreter; and

(11) Motion to allow the defendant to enter a pretrial victim-offender mediation program established under Section 76.002, Government Code.

SECTION ____ Chapter 56, Code of Criminal Procedure, is amended by adding Subchapter A-1 to read as follows:

SUBCHAPTER A-1. PRETRIAL VICTIM-OFFENDER MEDIATION PROGRAM

Art. 56.21. AUTHORITY TO ESTABLISH PROGRAM. (a) A statutory county court judge may establish a pretrial victim-offender mediation program under Section 76.002, Government Code, for persons who:

(1) have been arrested for or charged with a misdemeanor under Title 7, Penal Code, in a statutory county court in this state; and

(2) have not previously been convicted of a felony or a misdemeanor, other than a misdemeanor regulating traffic and punishable by fine only.

(b) A statutory county court that implements a program under this subchapter may adopt administrative rules as necessary or convenient to implement or operate the program, including additional criteria related to a defendant's eligibility to enter the program.

(c) The judge of a statutory county court that establishes a pretrial victim-offender mediation program under this subchapter may:

(1) allow for the referral to the program of arrested persons who have not yet been indicted or otherwise formally charged; and

(2) adopt administrative procedures as necessary to implement and operate the program, including additional program requirements that have been approved by the attorney representing the state.

Art. 56.22. PROGRAM. (a) A pretrial victim-offender mediation program established under Section 76.002, Government Code, is coordinated by the attorney representing the state and must require:

(1) the attorney representing the state:

(A) to identify defendants who are eligible to participate in the program, including a consideration by the attorney representing the state of whether the defendant meets any additional locally developed eligibility criteria; and

(B) to the extent feasible, to provide to each victim of an offense described by Article 56.21(a)(1) information and literature indicating that a victim-offender mediation program may be available in the criminal case if certain eligibility criteria are met by the defendant;

(2) the consent of the victim, the defendant, and the attorney representing the state to be obtained before the case may proceed to pretrial victim-offender mediation; and

(3) the defendant to enter into a binding mediation agreement in accordance with Article 56.24 that:

(A) includes an apology by the defendant; and

(B) requires the defendant to:

(i) pay restitution to the victim; or

(ii) perform community service.

(b) All communications made in a pretrial victim-offender mediation program are confidential and may not be introduced into evidence except in a proceeding involving a question concerning the meaning of a mediation agreement.

(c) A pretrial victim-offender mediation program may require the staff and other resources of pretrial services departments and community supervision correction departments to assist in monitoring the defendant's compliance with a mediation agreement reached through the program.

(d) A pretrial victim-offender mediation may be conducted by a court-appointed mediator who meets the training requirements provided by Sections 154.052(a) and (b), Civil Practice and Remedies Code, or by any other appropriate person designated by the court. Neither the attorney representing the state nor the attorney representing the defendant in the criminal action may serve as a mediator under the pretrial victim-offender mediation program.

(e) If a defendant enters a pretrial victim-offender mediation program, the court may defer the proceedings without accepting a plea of guilty or nolo contendere or entering an adjudication of guilt. The court may not require the defendant to admit guilt or enter a plea of guilty or nolo contendere to enter the program.

(f) The case must be returned to the docket and proceed through the regular criminal justice system if:

(1) a pretrial victim-offender mediation does not result in a mediation agreement; or

(2) the defendant fails to successfully fulfill the terms of the mediation agreement by the date specified in the mediation agreement.

(g) If a case is returned to the docket under Subsection (f), the defendant retains all of the rights that the defendant possessed before entering the pretrial victim-offender mediation program under this subchapter. Notwithstanding any other law, for purposes of determining the duration and expiration of an applicable statute of limitation under Chapter 12, the running of the period of limitation is tolled while the defendant is enrolled in a program under this subchapter.

(h) The court on the motion of the attorney representing the state shall dismiss the indictment or information charging the defendant with the commission of the offense, if the defendant:

(1) successfully completes the mediation agreement as determined by the attorney representing the state; and

(2) either:

(A) pays all court costs; or

(B) enters a payment plan approved by the court or the attorney representing the state for such payment.

(i) The attorney representing the state or the court may extend the initial compliance period granted to the defendant. A determination by the court regarding whether the mediation agreement has been successfully completed is final and may not be appealed.

(j) If the defendant is not arrested or convicted of a subsequent felony or misdemeanor other than a misdemeanor regulating traffic and punishable by fine only on or before the first anniversary of the date the defendant successfully completed a mediation agreement under this subchapter, on the motion of the defendant, the court shall enter an order of nondisclosure under Section 411.081, Government Code, as if the defendant had received a discharge and dismissal under Section 5(c), Article 42.12, with respect to all records and files related to the defendant's arrest for the offense for which the defendant entered the pretrial victim-offender mediation program.

Art. 56.23. MOTION AND HEARING. (a) The court on its own motion may, and on the motion of either party shall, hold a pretrial hearing to determine whether to allow an eligible defendant to enter a pretrial victim-offender mediation program under this subchapter.

(b) The court shall conduct a pretrial hearing under this article in accordance with Chapter 28 and the rules of evidence.

(c) At a pretrial hearing under this article, either party may present any evidence relevant to the defendant's eligibility under Article 56.22 and other additional locally developed eligibility criteria to enter a pretrial victim-offender mediation program.

Art. 56.24. MEDIATION AGREEMENT. (a) A mediation agreement under this subchapter must be:

(1) signed by the defendant and the victim; and

(2) ratified by the attorney representing the state in a request for a court order documenting and approving the mediation agreement.

(b) A mediation agreement under this subchapter may require testing, counseling, and treatment of the defendant to address alcohol abuse, abuse of controlled substances, mental health, or anger management or any other service that is reasonably related to the offense for which the defendant was arrested or charged.

(c) A mediation agreement under this subchapter is not valid for more than one year after the date on which the mediation agreement is ratified unless the court and the attorney representing the state approve the extension of the agreement.

(d) A mediation agreement under this subchapter does not constitute a plea or legal admission of responsibility.

Art. 56.25. OVERSIGHT. (a) The lieutenant governor and the speaker of the house of representatives may assign to appropriate legislative committees duties relating to the oversight of pretrial victim-offender mediation programs established under this subchapter.

(b) A legislative committee or the governor may request the state auditor to perform a management, operations, or financial or accounting audit of a pretrial victim-offender mediation program established under this subchapter.

Art. 56.26. FEES. (a) A pretrial victim-offender mediation program established under this subchapter may collect from a defendant in the program:

(1) a reasonable program participation fee not to exceed \$500; and
(2) an alcohol or controlled substance testing, counseling, and treatment fee in an amount necessary to cover the costs of the testing, counseling, or treatment if such testing, counseling, or treatment is required by the mediation agreement.

(b) Fees collected under this article may be paid on a periodic basis or on a deferred payment schedule at the discretion of the judge, magistrate, or program director administering the pretrial victim-offender mediation program. The fees must be:

(1) based on the defendant's ability to pay; and
(2) used only for purposes specific to the program.

SECTION ____. Subchapter A, Chapter 102, Code of Criminal Procedure, is amended by adding Article 102.0179 to read as follows:

Art. 102.0179. COSTS ATTENDANT TO PRETRIAL VICTIM-OFFENDER MEDIATION. (a) A defendant who participates in a pretrial victim-offender mediation program established under Section 76.002, Government Code, on successful completion of the terms of the defendant's mediation agreement or on conviction, shall pay as court costs \$15 plus an additional program participation fee as described by Article 56.26 in the amount prescribed by that article.

(b) The court clerk shall collect the costs imposed under this article. The clerk shall keep a separate record of any money collected under this article and shall pay any money collected to the county treasurer or to any other official who discharges the duties commonly delegated to the county treasurer for deposit in a fund to be known as the county pretrial victim-offender mediation program fund.

(c) A county that collects court costs under this article shall use the money in a fund described by Subsection (b) exclusively for the maintenance of the pretrial victim-offender mediation program operated in the county.

SECTION ____. Subchapter B, Chapter 102, Government Code, is amended by adding Section 102.0216 to read as follows:

Sec. 102.0216. ADDITIONAL COURT COSTS: CODE OF CRIMINAL PROCEDURE. A defendant who participates in a pretrial victim-offender mediation program established under Section 76.002 shall pay on successful completion of the terms of the defendant's mediation agreement or on conviction, in addition to all other costs, to help fund pretrial victim-offender mediation programs established under that section (Art. 102.0179, Code of Criminal Procedure) . . . \$15 plus an additional program participation fee in an amount not to exceed \$500.

SECTION ____. (a) The change in law made by this Act in adding Section 76.002(a-1), Government Code, and Subchapter A-1, Chapter 56, Code of Criminal Procedure, applies to a defendant who enters a pretrial victim-offender

mediation program under that subchapter regardless of whether the defendant committed the offense for which the defendant enters the program before, on, or after the effective date of this Act.

(b) The change in law made by this Act in adding Article 102.0179, Code of Criminal Procedure, and Section 102.0216, Government Code, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this subsection, an offense was committed before the effective date of this Act if any element of the offense was committed before that date.

Amendment No. 1 was adopted. (Phillips and Riddle recorded voting no.)

HB 3691, as amended, was passed to engrossment. (Phillips recorded voting no.)

CSHB 3746 ON SECOND READING
(by Frullo, Gallego, Menendez, Branch, et al.)

CSHB 3746, A bill to be entitled An Act relating to investigations of certain offenses involving the Internet-based sexual exploitation of a minor; creating the Internet crimes against children account to support those activities.

Amendment No. 1

Representative Frullo offered the following amendment to **CSHB 3746**:

Amend **CSHB 3746** (house committee report) as follows:

(1) On page 1, between lines 10 and 11, insert the following:

Sec. 422.001. DEFINITION. In this chapter, "ICAC task force" means an Internet Crimes Against Children task force that is:

(1) located in this state; and

(2) recognized by the United States Department of Justice.

(2) On page 1, line 11, strike "Sec. 422.001" and substitute "Sec. 422.002".

(3) Strike page 1, line 21, through page 2, line 2, and substitute the following:

(e) Money in the account may be appropriated only to support the administration and activities of an ICAC task force.

(4) On page 2, lines 5-6, strike "each Internet crimes against children task force described by Subsection (e)" and substitute "each ICAC task force".

(5) On page 2, line 7, strike "Sec. 422.002" and substitute "Sec. 422.003".

(6) On page 2, line 8, strike "prosecuting attorneys" and substitute "persons authorized under this section".

(7) On page 2, lines 11-12, strike "an Internet crimes against children task force described by Section 422.001(e)" and substitute "an ICAC task force".

(8) On page 4, lines 12-13, strike "where the person resides or does business" and substitute "where the subpoena was issued".

(9) On page 4, line 17, between "prosecuting attorney" and "shall", insert "or ICAC task force".

(10) On page 4, line 22, strike "Sec. 422.003" and substitute "Sec. 422.004".

(11) On page 4, line 24, strike "Section 422.002(b)" and substitute "Section 422.003(b)".

Amendment No. 1 was adopted.

CSHB 3746, as amended, was passed to engrossment.

CSHB 3747 ON SECOND READING
(by McClendon, D. Miller, and Lozano)

CSHB 3747, A bill to be entitled An Act relating to the selection of and requirements for serving as a member of the board of trustees of the Teacher Retirement System of Texas.

CSHB 3747 was passed to engrossment. (Laubenberg and Riddle recorded voting no.)

CSHB 2383 ON SECOND READING
(by Geren)

CSHB 2383, A bill to be entitled An Act relating to a study regarding the reenactment of the franchise tax credit or providing other incentives for certain research and development activities.

CSHB 2383 was passed to engrossment.

CSHB 2884 ON SECOND READING
(by Solomons)

CSHB 2884, A bill to be entitled An Act relating to coordinated county transportation authorities; creating an offense.

CSHB 2884 was passed to engrossment. (V. Taylor recorded voting no.)

HB 670 ON SECOND READING
(by Crownover, Zerwas, Pitts, Otto, Alvarado, et al.)

HB 670, A bill to be entitled An Act relating to the elimination of smoking in certain workplaces and public places; providing penalties.

Representative Crownover moved to postpone consideration of **HB 670** until 8 a.m. Monday, July 4.

The motion prevailed.

POSTPONED BUSINESS

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

CSHJR 135 ON SECOND READING
(by Phillips, Callegari, Hancock, Fletcher, Aliseda, et al.)

CSHJR 135, A joint resolution proposing a constitutional amendment relating to an individual's or a religious organization's freedom of religion.

CSHJR 135 was read second time on May 11, postponed until 10 a.m. today, amendments were offered and disposed of, and **CSHJR 135** was again postponed until this time.

CSHJR 135 - POINT OF ORDER

Representative Martinez Fischer raised a point of order against further consideration of **CSHJR 135** under Rule 4, Section 32(c)(4) of the House Rules on the grounds that the bill analysis is incorrect.

The chair overruled the point of order.

CSHJR 135 - REMARKS

REPRESENTATIVE GEREN: The greatest thing this country ever did was to create the First Amendment. Nearly everything that is great about America is written in those few, sparse sentences. And the most important part of the First Amendment are those words that guarantee each of us our freedom to worship as we see fit. The idea is so simple. They are music. More than that, they are the backbone of our republic. Listen to the words: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." These words are simple, yet so very complex in practice.

Twelve years ago, we got this right. Twelve years ago, we stood here as a legislature and said the U.S. Supreme Court was wrong. As Mr. Hochberg said last night, "In 1999, we passed the Religious Freedom Restoration Act, which reestablished that if government substantially burdens your practice of religion, that is not acceptable unless there is a compelling state interest." That is the law today, and it works for everyone. It holds our freedom to worship as the highest possible right, subordinate only to a threat to the safety of our state. Yet, here we are today to try and abolish any governmental policy that incidentally affects a religious practice.

In 2007, we passed **HB 1083**, which made it a criminal offense for someone to protest a funeral within 1,000 feet of a cemetery. Just two weeks ago, we passed out of this house **HB 718**, which said you could not protest a funeral within three hours of a funeral or three hours afterward. As we all know, there is a religious group, the Westboro Baptist Church, that protests the funerals of our soldiers because of their religious beliefs. If this joint resolution were to pass and we change our standard, then doesn't that empower the Westboro Baptists, or anyone else, to challenge this law and put them in the cemetery protesting yards away from the mourners?

This bill raises more questions than it answers. Does the health department allowing a restaurant to keep its dairy products in the same refrigerator as its meat products incidentally affect a kosher waiter's right of religious practice? You bet it does. Does the disallowance of carrying a blade of a certain length impinge on the practice of religion of a Sikh, who is required to carry a ceremonial blade at all times? You bet it does. Does giving time-and-a-half to a government employee to work on a Saturday harm the rights of a Seventh Day Adventist? Yes. And if this bill passes, it will harm their rights even if they don't work on

Saturdays and never intend to. Does state sanctioned alcohol use, gambling, and smoking incidentally affect the free exercise of some Baptist? It might, and I bet that someone will sue.

Every time we intervene, we increase the likelihood that we make a bad call and set a foolish precedent that will weaken our rights and not strengthen them. Every time we make a change we put our fate in the hands of unelected federal judges beholden to no one. The more we touch this, the worse it will be for Texans of all faiths. Let's leave it alone. I can tell you that every faith in Texas is strong enough to withstand incidental impairment. But, what they cannot stand is the kind of uncertainty that could come from an activist judge empowered to make a call because we decided to get too cute with our laws. I believe in four things in this life: God, Texas, our constitution, and football. I will not pit one against the other, because no matter what happens, we all lose. Please vote no.

CSHJR 135, as amended, was passed to engrossment by (Record 1035): 79 Yeas, 45 Nays, 3 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Eissler; Elkins; Fletcher; Flynn; Frullo; Gonzales, L.; Gooden; Guillen; Harless; Harper-Brown; Hartnett; Hochberg; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lozano; Madden; Margo; Miller, S.; Muñoz; Murphy; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Price; Riddle; Schwertner; Sheets; Shelton; Simpson; Smith, T.; Smithee; Solomons; Taylor, L.; Taylor, V.; Truitt; Weber; White; Woolley; Workman; Zedler.

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Darby; Davis, J.; Davis, Y.; Deshotel; Dukes; Dutton; Farrar; Gallego; Geren; Giddings; Gonzales, V.; Gonzalez; Gutierrez; Hopson; Howard, D.; King, T.; Lucio; Lyne; Mallory Caraway; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Naishtat; Nash; Quintanilla; Raymond; Ritter; Scott; Sheffield; Smith, W.; Strama; Torres; Turner; Vo; Walle; Zerwas.

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

Absent, Excused — Marquez; Oliveira.

Absent — Davis, S.; Driver; Farias; Garza; Hamilton; Hancock; Hardcastle; Hernandez Luna; Hilderbran; Johnson; Keffer; Lewis; Martinez; Morrison; Orr; Pitts; Reynolds; Rodriguez; Thompson; Veasey; Villarreal.

STATEMENTS OF VOTE

When Record No. 1035 was taken, I was in the house but away from my desk. I would have voted yes.

Hancock

When Record No. 1035 was taken, I was in the house but away from my desk. I would have voted yes.

Hilderbran

When Record No. 1035 was taken, I was in the house but away from my desk. I would have voted yes.

Orr

When Record No. 1035 was taken, I was in the house but away from my desk. I would have voted no.

Reynolds

REASON FOR VOTE

I voted present, not voting because, although I support the concept of the bill, I had serious concerns, as expressed by Representative Geren, and I feared that this new language would lead to additional litigation.

Eiland

CSHB 189 ON SECOND READING

(by T. Smith, Martinez Fischer, Harless, et al.)

CSHB 189, A bill to be entitled An Act relating to the criminal and civil consequences for certain intoxication offenses and to certain fees associated with the enforcement and administration of certain of those consequences.

CSHB 189 was read second time on May 11, amendments were offered and disposed of, was postponed until 7 p.m. May 11, and was again postponed until this time. Amendment No. 5 was pending at the time of postponement.

Amendment No. 5 was withdrawn.

Amendment No. 6

Representative Carter offered the following amendment to **CSHB 189**:

Amend **CSHB 189** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 5, Article 42.12, Code of Criminal Procedure, is amended by adding Subsection (d-1) to read as follows:

(d-1) If a judge places on deferred adjudication a defendant convicted of an offense under Section 49.04, 49.05, 49.06, or 49.065, Penal Code, the judge shall order as a condition of community supervision that the defendant serve not less than three days in jail.

SECTION _____. Chapter 49, Penal Code, is amended by adding Section 49.091 to read as follows:

Sec. 49.091. MANDATORY MINIMUM SENTENCE FOLLOWING REVOCATION OF DEFERRED ADJUDICATION. Notwithstanding the provisions of Sections 49.04, 49.05, 49.06, and 49.065, the minimum term of confinement for a defendant convicted of an offense under one of those sections

is 14 days if the defendant is initially placed on deferred adjudication community supervision for the offense and after a violation of the terms of supervision the judge enters an order of conviction on final disposition of the case.

Amendment No. 6 was adopted.

REMARKS ORDERED PRINTED

Representative Eiland moved to print remarks by Representative Geren on **CSHJR 135**.

The motion prevailed.

CSHB 189 - (consideration continued)

Amendment No. 1 - Vote Reconsidered

Representative T. Smith moved to reconsider the vote by which Amendment No. 1, as amended, was adopted.

The motion to reconsider prevailed.

Amendment No. 2 - Vote Reconsidered

Representative T. Smith moved to reconsider the vote by which Amendment No. 2 was adopted.

The motion to reconsider prevailed.

Amendment No. 2 was withdrawn.

Amendment No. 7

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

Amend Amendment No. 1 by T. Smith to **CSHB 189** (house committee printing) as follows:

(1) On page 1 of the amendment, line 2, strike "SECTION" and substitute "SECTIONS".

(2) On page 1 of the amendment, between lines 3 and 4, insert the following:

SECTION _____. This Act shall be known as the Nicole "Lilly" Lalime and Todd Levin Memorial Act.

Amendment No. 7 was adopted.

Amendment No. 1, as amended, was adopted.

Amendment No. 8

Representative Martinez Fischer offered the following amendment to **CSHB 189**:

Amend **CSHB 189** (house committee printing) as follows:

(1) On page 6, line 1, strike "The" and substitute "(a) Except as provided by Subsection (b) of this SECTION, the".

(2) On page 6, between lines 8 and 9, insert:

(b) In a criminal action pending on or commenced on or after the effective date of this Act, for an offense committed before the effective date of this Act, the court may proceed in accordance with Section 5(d), Article 42.12, Code of Criminal Procedure, as amended by this Act, if the defendant so elects by written motion filed with the trial court before the sentencing hearing begins.

Amendment No. 8 was adopted.

CSHB 189, as amended, was passed to engrossment.

CSHB 31 ON SECOND READING
(by Guillen)

CSHB 31, A bill to be entitled An Act relating to the period of license suspension after moving violations for a holder of a provisional driver's license.

CSHB 31 was read second time earlier today and was postponed until this time. Amendment No. 1 was pending at the time of postponement.

Amendment No. 2

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

Amend Amendment No. 1 to **CSHB 31** by Riddle on page 1, line 10, between "chapter" and the underlined period, by inserting "or is not otherwise eligible to hold a driver's license".

CSHB 31 - POINT OF ORDER

Representative Martinez Fischer raised a point of order against further consideration of **CSHB 31** under Rule 4, Section 32(b)(9) of the House Rules on the grounds that the bill analysis is incorrect.

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. 4).

CSHB 31 - (consideration continued)

The chair overruled the point of order.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today to attend a meeting of the Conference Committee on **HB 1**:

Pitts on motion of Phillips.

CSHB 31 - (consideration continued)

Amendment No. 2 failed of adoption by (Record 1036): 36 Yeas, 84 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dutton; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; King, T.; Lozano; Lucio; Mallory Caraway; Martinez; Martinez Fischer; Menendez; Miles; Muñoz; Naishtat; Quintanilla; Raymond; Reynolds; Strama; Thompson; Turner; Vo.

Nays — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Craddick; Creighton; Darby; Davis, J.; Dukes; Eiland; Fletcher; Flynn; Garza; Gooden; Hamilton; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Landtroop; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; McClendon; Miller, D.; Miller, S.; Murphy; Nash; Orr; Otto; Parker; Patrick; Peña; Perry; Phillips; Pickett; 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.

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

Absent, Excused — Marquez; Oliveira.

Absent, Excused, Committee Meeting — Pitts.

Absent — Christian; Cook; Crownover; Davis, S.; Driver; Eissler; Elkins; Farias; Frullo; Geren; Gonzales, L.; Guillen; Hancock; Hardcastle; Hughes; Johnson; Kuempel; Larson; Morrison; Paxton; Rodriguez; Veasey; Villarreal; Walle; Zerwas.

STATEMENTS OF VOTE

When Record No. 1036 was taken, I was in the house but away from my desk. I would have voted no.

Frullo

When Record No. 1036 was taken, I was in the house but away from my desk. I would have voted no.

Geren

Amendment No. 3

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

Amend Floor Amendment No. 1 to **CSHB 31** by Riddle on page 3 of the amendment as follows:

(1) On line 11, strike "or".

(2) On line 13, strike the period and substitute:

; or

(3) is operated in violation of Section 601.051.

(3) On line 15, strike "521" and substitute "521 or Section 601.051".

(4) On line 22, strike "521" and substitute "521 or the financial responsibility requirements under Section 601.051".

CSHB 31 - POINT OF ORDER

Representative Alonzo raised a point of order against further consideration of **CSHB 31** under Rule 4, Section 32(b)(9) of the House Rules on the grounds that the bill analysis is incorrect.

The point of order was withdrawn.

Amendment No. 3 was adopted.

Amendment No. 1, as amended, was adopted.

CSHB 31 - POINT OF ORDER

Representative Burnam raised a point of order against further consideration of **CSHB 31** under Rule 4, Section 32(c)(4) of the House Rules on the grounds that the bill analysis is incorrect

The chair overruled the point of order.

CSHB 31, as amended, was passed to engrossment by (Record 1037): 130 Yeas, 11 Nays, 2 Present, not voting.

Yeas — Aliseda; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; 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; Margo; Martinez; McClendon; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Price; Quintanilla; Raymond; Riddle; Ritter; Rodríguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Villarreal; Vo; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Burnam; Davis, Y.; Farrar; Gutierrez; Mallory Caraway; Martinez Fischer; Menendez; Reynolds; Veasey.

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

Absent, Excused — Marquez; Oliveira.

Absent, Excused, Committee Meeting — Pitts.

Absent — Coleman; Farias; Miles; Walle.

STATEMENT OF VOTE

I was shown voting no on Record No. 1037. I intended to vote yes.

Menendez

HCR 161 - ADOPTED**(by L. Taylor)**

Representative L. Taylor moved to suspend all necessary rules to take up and consider at this time **HCR 161**.

The motion prevailed.

The following resolution was laid before the house:

HCR 161, Recalling **HB 1951** from the senate to the house.

HCR 161 was adopted by (Record 1038): 141 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; 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; 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; Martinez; Martinez Fischer; McClendon; Menendez; Miller, D.; Miller, S.; Muñoz; Murphy; Naishtat; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; 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; Bonnen(C).

Absent, Excused — Marquez; Oliveira.

Absent, Excused, Committee Meeting — Pitts.

Absent — Coleman; Farias; Miles; Morrison.

GENERAL STATE CALENDAR**(consideration continued)****CSHB 3275 ON SECOND READING****(by Coleman)**

CSHB 3275, A bill to be entitled An Act relating to the operation and governance of tax increment financing reinvestment zones.

CSHB 3275 was passed to engrossment. (Berman, Flynn, and Legler recorded voting no.)

CSHB 2408 ON SECOND READING**(by Darby, et al.)**

CSHB 2408, A bill to be entitled An Act relating to the regulation of the title insurance industry.

Amendment No. 1

Representative Darby offered the following amendment to **CSHB 2408**:

Amend **CSHB 2408** by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE ____ . REGULATION OF THE TITLE INSURANCE INDUSTRY

SECTION ____ . ____ . Section 2502.055(a), Insurance Code, is amended to read as follows:

(a) The activities described in this section are not rebates. Nothing in this subchapter prohibits a title insurance company or a title insurance agent from:

(1) engaging in ~~[legal]~~ promotional and educational activities that are not conditioned on the referral of title insurance business;

(2) purchasing advertising promoting the title insurance company or the title insurance agent at market rates from any person in any publication, event, or media;

(3) delivering to a party in the transaction or the party's representative legal documents or funds which are directly or indirectly related to a transaction closed by the title insurance company or title insurance agent; ~~[or]~~

(4) participating in an association of attorneys, builders, developers, realtors, or other real estate practitioners provided that the level of such participation does not exceed normal participation of a volunteer member of the association and is not activity that would ordinarily be performed by paid staff of an association; or

(5) providing continuing education courses at market rates, regardless of whether participants receive credit hours.

SECTION ____ . ____ . Section 2651.007, Insurance Code, is amended by adding Subsections (d), (e), (f), and (g) to read as follows:

(d) Not later than the 20th business day after the date the department receives a renewal application, the department shall notify the applicant in writing of any deficiencies in the application that render the renewal application incomplete.

(e) Not later than the fifth business day after the date the renewal application is complete, the department shall notify the applicant in writing of the date that the renewal application is complete.

(f) A renewal application is automatically approved on the 30th business day after the date the renewal application is complete, unless on or before that date the department notifies the applicant in writing of the factual grounds on which the department proposes to deny the license under Section 2651.301.

(g) The department may provide a notice required under this section by e-mail.

SECTION _____. Section 2651.009, Insurance Code, is amended by amending Subsection (c) and adding Subsections (c-1), (c-2), and (c-3) to read as follows:

(c) Not later than the 20th business day after the date the department receives a notice under Subsection (b), the department shall notify the title insurance agent and appointing title insurance company in writing of any deficiencies in the notice that render the notice incomplete. A notice under Subsection (b) is considered complete on the date the department receives the notice, unless the department provides notice of the deficiencies under this section.

(c-1) Not later than the fifth business day after the date the notice under Subsection (b) is complete, the department shall notify the title insurance agent and appointing title insurance company in writing of the date that the notice under Subsection (b) is complete.

(c-2) The appointment is effective on the eighth business day following the date [the department receives] the [completed] notice of appointment is complete and the department receives the fee, unless the department proposes to reject [rejects] the appointment. If the department proposes to reject [rejects] the appointment, the department shall notify the title insurance agent and the appointing title insurance company [state] in writing of the factual grounds on which the department proposes to reject the appointment [reasons for rejection] not later than the seventh business day after the date on which the [department receives the completed] notice of appointment is complete.

(c-3) The department may provide a notice required under this section by e-mail.

SECTION _____. Subchapter G, Chapter 2651, Insurance Code, is amended by adding Sections 2651.3015 and 2651.303 to read as follows:

Sec. 2651.3015. PROHIBITED GROUNDS FOR REJECTION, DELAY, OR DENIAL. (a) The department may not reject or delay a notice of appointment under Section 2651.009 based wholly or partly on a pending department audit or complaint investigation or a pending disciplinary action against a title insurance agent or appointing title insurance company that has not been closed or finally adjudicated on or before the date on which the notice is received by the department.

(b) The department may not delay or deny a license application under Section 2651.002 or a renewal application under Section 2651.007 based wholly or partly on a department audit or complaint investigation of, or disciplinary or enforcement action against, an applicant or license holder that is pending and has not been finally closed or adjudicated on or before the date on which the application is filed.

Sec. 2651.303. NOTICE OF DISCIPLINARY OR ENFORCEMENT ACTION; AUTOMATIC DISMISSAL. (a) The department shall notify a license holder in writing of a disciplinary or enforcement action against the license holder not later than the 60th business day after the date the department assigns a file number to the action.

(b) A notice required by Subsection (a) may be provided by e-mail and must provide a license holder fair notice of the alleged facts known by the department on the date of the notice that constitute grounds for the action.

(c) A disciplinary or enforcement action is automatically dismissed with prejudice, unless the department serves a notice of hearing on the license holder not later than the 60th business day after the date the department receives a hearing request from the license holder.

(d) This section does not apply to an action:

(1) that is the subject of a pending criminal investigation or prosecution; or

(2) about which the deputy commissioner of the title division of the department has made a good faith determination, based on credible suspicion, that a person who is the subject of the action is committing ongoing acts of fraud.

SECTION _____. Subchapter B, Chapter 2652, Insurance Code, is amended by adding Section 2652.059 to read as follows:

Sec. 2652.059. DENIAL OF LICENSE APPLICATION OR LICENSE RENEWAL; APPROVAL. (a) Not later than the 20th business day after the date the department receives a license application or a license renewal under this chapter, the department shall notify the applicant or license holder in writing of any deficiencies in the application that render the application incomplete.

(b) Not later than the fifth business day after the date the application is complete, the department shall notify the applicant or license holder in writing of the date that the license application or license renewal is complete.

(c) An application is automatically approved on the 30th business day after the date the application is complete, unless on or before that date the department notifies the applicant or license holder in writing of the factual grounds on which the department proposes to deny the application.

(d) The department may provide a notice required under this section by e-mail.

SECTION _____. Subchapter E, Chapter 2652, Insurance Code, is amended by adding Sections 2652.2015 and 2652.203 to read as follows:

Sec. 2652.2015. PROHIBITED GROUNDS FOR DELAY OR DENIAL. The department may not delay or deny a license application or a license renewal based wholly or partly on a department audit or complaint investigation of, or disciplinary or enforcement action against, a license holder or applicant that is pending and has not been closed or finally adjudicated on or before the date on which the initial or renewal application is filed.

Sec. 2652.203. NOTICE OF DISCIPLINARY OR ENFORCEMENT ACTION; AUTOMATIC DISMISSAL. (a) The department shall notify a license holder of a disciplinary action or enforcement action against the license holder not later than the 60th business day after the date the department assigns a file number to the action.

(b) A notice required by Subsection (a) must provide a license holder fair notice of the alleged facts known by the department on the date of the notice that constitute grounds for the action.

(c) A disciplinary or enforcement action is automatically dismissed with prejudice, unless the department serves a notice of hearing on the license holder not later than the 60th business day after the date the department receives a hearing request from the license holder.

(d) This section does not apply to an action:

(1) that is the subject of a pending criminal investigation or prosecution; or

(2) about which the deputy commissioner of the title division of the department has made a good faith determination, based on credible suspicion, that a person who is the subject of the action is committing ongoing acts of fraud.

SECTION _____. Section 2703.153, Insurance Code, is amended by amending Subsection (d) and adding Subsections (h) and (i) to read as follows:

(d) A title insurance company or a title insurance agent aggrieved by a department requirement concerning the submission of information may bring a suit in a district court in Travis County alleging that the request for information:

(1) is unduly burdensome; or

(2) is not a request for information material to fixing and promulgating premium rates or another matter that may be the subject of the periodic [biennial] hearing and is not a request reasonably designed to lead to the discovery of that information.

(h) The contents of the statistical report, including any amendments to the statistical report, must be established in a rulemaking hearing under Subchapter B, Chapter 2001, Government Code.

(i) An amendment to the contents of the statistical report may not apply retroactively.

SECTION _____. Section 2703.202, Insurance Code, is amended by amending Subsections (b) and (d) and adding Subsections (g), (h), (i), (j), (k), (l), (m), (n), and (o) to read as follows:

(b) The commissioner shall order a public hearing to consider changing a premium rate, including fixing a new premium rate, in response to a written [At the] request of:

(1) a title insurance company;

(2) an association composed of at least 50 percent of the number of title insurance agents and title insurance companies licensed or authorized by the department;

(3) an association composed of at least 20 percent of the number of title insurance agents licensed or authorized by the department; or

(4) the office of public insurance counsel[~~, the commissioner shall order a public hearing to consider changing a premium rate.~~].

(d) Notwithstanding Subsection (c), [~~at the request of a title insurance company or the public insurance counsel,~~] a public hearing held under Subsection (a) or under Section 2703.206 must be conducted by the commissioner as a contested case hearing under Subchapters C through H and Subchapter Z, Chapter 2001, Government Code, at the request of:

(1) a title insurance company;

(2) an association composed of at least 50 percent of the number of title insurance agents and title insurance companies licensed or authorized by the department;

(3) an association composed of at least 20 percent of the number of title insurance agents licensed or authorized by the department; or

(4) the office of public insurance counsel.

(g) If a hearing held under Subsection (a) is not conducted as a contested case hearing, the commissioner shall render a decision and issue a final order not later than the 120th day after the date the commissioner receives a written request under Subsection (b).

(h) If a hearing held under Subsection (a) is conducted as a contested case hearing:

(1) not later than the 30th day after the date the commissioner receives a request for a public hearing under Subsection (b), the commissioner shall issue a notice of call for items to be considered at the hearing;

(2) the commissioner may not require responses to the notice of call before the 60th day after the date the commissioner issues the notice of call;

(3) the commissioner shall issue a notice of public hearing requested under Subsection (d) not later than the 30th day after the date responses to the notice of call are required under Subdivision (2);

(4) the commissioner shall commence the public hearing not earlier than the 120th day after the date the commissioner issues a notice of hearing under Subdivision (3);

(5) the commissioner shall close the public hearing not later than the 150th day after the date the commissioner issues the notice of hearing under Subdivision (3); and

(6) the commissioner shall render a decision and issue a final order not later than the 60th day after the record made in the public hearing is closed under Subdivision (5).

(i) A party's presentation of relevant, admissible oral testimony in a hearing under this section may not be limited.

(j) The commissioner shall consider each matter presented in a hearing under this section and announce in a public hearing all decisions on all matters considered.

(k) A party described by Subsection (b) may petition a district court in Travis County to enter an order requiring the commissioner to comply with the deadlines described by this section if the commissioner fails to meet a requirement in Subsection (g) or (h).

(l) Subject to Subsection (m), if the commissioner fails to comply with the requirements under Subsection (g) or (h)(6), a combination of at least three associations, persons, or entities listed in Subsection (b) may jointly petition a district court of Travis County to adopt a rate based on the record made in the hearing before the commissioner under this section.

(m) If the record made in the hearing before the commissioner is not complete before the request for the court to adopt a premium rate under Subsection (l), the court shall hold an evidentiary hearing to establish a record before adopting the premium rate.

(n) After a petition has been filed under Subsection (l), the commissioner may not issue findings or an order related to the subject matter of the petition until after the date the court enters a final judgment.

(o) A district court may appoint a magistrate to adopt a rate under this section.

SECTION _____. Section 2703.203, Insurance Code, is amended to read as follows:

Sec. 2703.203. PERIODIC [BIENNIAL] HEARING. The commissioner shall hold a [biennial] public hearing not earlier than July 1 after the fifth anniversary of the closing of a hearing held under this chapter [of each even-numbered year] to consider adoption of premium rates and other matters relating to regulating the business of title insurance that an association, title insurance company, title insurance agent, or member of the public admitted as a party under Section 2703.204 requests to be considered or that the commissioner determines necessary to consider.

SECTION _____. Section 2703.204, Insurance Code, is amended to read as follows:

Sec. 2703.204. ADMISSION AS PARTY TO PERIODIC [BIENNIAL] HEARING. (a) Subject to this section, a trade association whose membership is composed of at least 20 percent of the members of an industry or group represented by a trade association, an association, a person or entity described by Section 2703.202(b), or department staff [an individual or association or other entity recommending adoption of a premium rate or another matter relating to regulating the business of title insurance] shall be admitted as a party to the periodic [biennial] hearing under Section 2703.203.

(b) A party to any portion of the periodic [the ratemaking phase of the biennial] hearing relating to ratemaking may request that the commissioner remove any other party to that portion of [the ratemaking phase of] the hearing on the grounds that the other party does not have a substantial interest in title insurance. A decision of the commission to deny or grant the request is final and subject to appeal in accordance with Section 36.202.

SECTION _____. Section 2703.207, Insurance Code, is amended to read as follows:

Sec. 2703.207. NOTICE OF CERTAIN HEARINGS. Not later than the 60th day before the date of a hearing under Section 2703.202, 2703.203, or 2703.206, notice of the hearing and of each item to be considered at the hearing shall be:

(1) sent directly to all parties to the previous hearing conducted under Section 2703.202, 2703.203, or 2703.206, if the hearing was conducted as a contested case hearing [title insurance companies and title insurance agents]; and

(2) published in the Texas Register and on the department's Internet website [provided to the public in a manner that gives fair notice concerning the hearing].

SECTION _____. Section 2703.205, Insurance Code, is repealed.

Amendment No. 1 was adopted.

CSHB 2408, as amended, was passed to engrossment.

CSHB 963 ON SECOND READING
(by Hartnett)

CSHB 963, A bill to be entitled An Act relating to the costs associated with proceedings regarding cruelly treated animals.

Amendment No. 1

Representative D. Miller offered the following amendment to **CSHB 963**:

Amend **CSHB 963** (house committee printing) on page 3, line 7, by striking "Subsection (e)" and substituting "Subsection (e)(2)".

Representative Hartnett moved to table Amendment No. 1.

The motion to table prevailed.

CSHB 963 was passed to engrossment by (Record 1039): 123 Yeas, 17 Nays, 2 Present, not voting.

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

Nays — Anderson, C.; Cain; Callegari; Christian; Garza; Huberty; Hughes; Kolkhorst; Landtroop; Lavender; Legler; Miller, S.; Paxton; Perry; Simpson; White; Zedler.

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

Absent, Excused — Marquez; Oliveira.

Absent, Excused, Committee Meeting — Pitts.

Absent — Farias; Gallego; Hochberg; Walle; Zerwas.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1039. I intended to vote no.

Berman

I was shown voting yes on Record No. 1039. I intended to vote no.

Flynn

**SB 690 ON SECOND READING
(S. Miller - House Sponsor)**

SB 690, A bill to be entitled An Act relating to the enforcement of a self-service storage facility lien; providing a penalty.

SB 690 was considered in lieu of **HB 1259**.

Amendment No. 1

Representative Kolkhorst offered the following amendment to **SB 690**:

Amend **SB 690** (house committee printing) in SECTION 2 of the bill by striking proposed Subsection (a), Section 59.003, Property Code (page 1, lines 17 and 18), and substituting the following:

(a) The following provisions do [~~Subchapter B, Chapter 54, does~~] not apply to a self-service storage facility:

- (1) Subchapter B, Chapter 54;
- (2) Chapter 70; and
- (3) Chapter 181, Health and Safety Code.

Amendment No. 1 was adopted.

SB 690, as amended, was passed to third reading.

**CSHB 1036 ON SECOND READING
(by Legler)**

CSHB 1036, A bill to be entitled An Act relating to eligibility to file a sworn complaint with the Texas Ethics Commission.

CSHB 1036 was passed to engrossment.

HB 1259 - LAID ON THE TABLE SUBJECT TO CALL

Representative S. Miller moved to lay **HB 1259** on the table subject to call.

The motion prevailed.

**HB 608 ON SECOND READING
(by Zerwas, Schwertner, Murphy, Callegari, Bohac, et al.)**

HB 608, A bill to be entitled An Act relating to state agency reports on the cost of services and benefits provided to undocumented immigrants.

Representative Murphy moved to postpone consideration of **HB 608** until 8 a.m. Monday, July 4.

The motion prevailed.

HB 2060 ON SECOND READING
(by Peña, Aliseda, Torres, L. Gonzales, and Garza)

HB 2060, A bill to be entitled An Act relating to the confidentiality of certain information regarding state election inspectors.

HB 2060 was passed to engrossment.

HB 2722 ON SECOND READING
(by Perry)

HB 2722, A bill to be entitled An Act relating to the state Medicaid program as the payor of last resort.

HB 2722 was passed to engrossment.

CSHB 2032 ON SECOND READING
(by Darby)

CSHB 2032, A bill to be entitled An Act relating to performance and payment security for certain comprehensive development agreements.

CSHB 2032 was passed to engrossment.

CSHB 677 ON SECOND READING
(by Lucio, et al.)

CSHB 677, A bill to be entitled An Act relating to cognitive-linguistic or neurocognitive assessments of participants in extracurricular athletic activities sponsored or sanctioned by the University Interscholastic League.

Amendment No. 1

Representative Hancock offered the following amendment to **CSHB 677**:

Amend **CSHB 677** (house committee printing) as follows:

- (1) On page 2, line 27, strike "not".
- (2) On page 3, line 1, between "applicable," and "if", insert "only".
- (3) On page 3, line 3, strike "not".

Amendment No. 1 was adopted.

CSHB 677, as amended, was passed to engrossment by (Record 1040): 117 Yeas, 21 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Aycoc; Beck; Berman; Bohac; Branch; Burkett; Burnam; Carter; Castro; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farrar; Fletcher; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hancock; Hardcastle; Harless; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Mallory Caraway; Margo; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Morrison; Muñoz; Murphy; Naishtat; Nash; Orr; Otto; Parker; Peña; Pickett; Price;

Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Weber; White; Woolley; Workman; Zerwas.

Nays — Anderson, C.; Anderson, R.; Brown; Button; Cain; Callegari; Darby; Flynn; Gooden; Howard, C.; Landtroop; Laubenberg; Madden; Miller, S.; Patrick; Paxton; Perry; Phillips; Simpson; Taylor, V.; Zedler.

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

Absent, Excused — Marquez; Oliveira.

Absent, Excused, Committee Meeting — Pitts.

Absent — Allen; Coleman; Farias; Hamilton; Harper-Brown; Martinez; Walle.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1040. I intended to vote no.

Aycock

I was shown voting yes on Record No. 1040. I intended to vote no.

Berman

I was shown voting no on Record No. 1040. I intended to vote yes.

Darby

I was shown voting yes on Record No. 1040. I intended to vote no.

Frullo

When Record No. 1040 was taken, I was in the house but away from my desk. I would have voted no.

Harper-Brown

I was shown voting yes on Record No. 1040. I intended to vote no.

Kolkhorst

CSHB 197 ON SECOND READING

(by Solomons, et al.)

CSHB 197, A bill to be entitled An Act relating to the provision of certain documentation before a person may engage in a licensed occupation; providing a criminal penalty.

CSHB 197 - POINT OF ORDER

Representative Martinez Fischer raised a point of order against further consideration of **CSHB 197** under Rule 4, Section 18 and Rule 4, Section 20(b) of the House Rules on the grounds that the committee minutes are incomplete.

The chair overruled the point of order.

Amendment No. 1

Representative Solomons offered the following amendment to **CSHB 197**:

Amend **CSHB 197** (house committee report) as follows:

(1) On page 1, strike lines 17 and 18 and substitute the following:

Sec. 60.002. EXCEPTIONS. This chapter does not apply to:

(1) a license issued under Section 2052.107(1); or

(2) a registration issued or notice filing submitted under The Securities Act (Article 581-1 et seq., Vernon's Texas Civil Statutes), if the registration or filing is made through a national electronic registration or filing system.

(2) On page 2, line 16, strike "if the individual violates this chapter." and substitute the following:

if the individual:

(1) provides false information under this chapter; or

(2) violates Section 60.003.

(3) On page 2, line 4, strike "Subsection (b)" and substitute "Subsections (b) and (d)".

(4) On page 2, between lines 14 and 15, insert the following:

(d) A licensing authority may accept as documentation in satisfaction of Section 60.003, a certification from another licensing authority stating that the individual has submitted documentation required by that section if the individual is licensed by or applying for a license from both licensing authorities.

(e) A licensing authority may deny or revoke an individual's license if the individual fails to submit the documentation required by Section 60.003 in the manner required by this section.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Solomons offered the following amendment to **CSHB 197**:

Amend **CSHB 197** (house committee printing), on page 1 of the bill, by striking lines 17 and 18 and substituting the following:

Sec. 60.002. EXCEPTIONS. This chapter does not apply to:

(1) a license issued under Section 2052.107(1); or

(2) a registration issued or notice filing submitted under The Securities Act (Article 581-1 et seq., Vernon's Texas Civil Statutes), if the registration or filing is made through a national electronic registration or filing system.

Amendment No. 2 was adopted.

CSHB 197, as amended, was passed to engrossment.

HB 239 ON SECOND READING

(by Parker, Murphy, Shelton, Flynn, Harless, et al.)

HB 239, A bill to be entitled An Act relating to the offense of paying or receiving certain forms of compensation for facilitating the registration of voters; providing criminal penalties.

HB 239 - POINT OF ORDER

Representative Farrar raised a point of order against further consideration of **HB 239** under Rule 4, Section 18 of the House Rules on the grounds that the committee minutes are incomplete.

The point of order was withdrawn.

Representative Parker moved to postpone consideration of **HB 239** until 10:25 p.m. today.

The motion prevailed.

**SB 1217 ON SECOND READING
(Hilderbran - House Sponsor)**

SB 1217, A bill to be entitled An Act relating to an excavator's duty to notify a notification center before excavating; providing civil and criminal penalties.

SB 1217 was considered in lieu of **HB 263**.

SB 1217 was passed to third reading.

HB 263 - LAID ON THE TABLE SUBJECT TO CALL

Representative Hilderbran moved to lay **HB 263** on the table subject to call.

The motion prevailed.

**CSHB 436 ON SECOND READING
(by Parker)**

CSHB 436, A bill to be entitled An Act relating to standing for certain foster parents to file a suit affecting the parent-child relationship.

Representative Parker moved to postpone consideration of **CSHB 436** until 8 a.m. Monday, July 4.

The motion prevailed.

**CSHB 452 ON SECOND READING
(by Lucio, Raymond, et al.)**

CSHB 452, A bill to be entitled An Act relating to temporary housing between academic terms for certain postsecondary students who have been under the conservatorship of the Department of Family and Protective Services.

CSHB 452 was passed to engrossment. (Garza and Kolkhorst recorded voting no.)

**CSHB 599 ON SECOND READING
(by Jackson)**

CSHB 599, A bill to be entitled An Act relating to the release of certain criminal history record information subject to an order of nondisclosure.

Amendment No. 1

Representative Otto offered the following amendment to **CSHB 599**:

Amend **CSHB 599** (house committee printing) as follows:

(1) On page 2, strike lines 8 through 12 and substitute the following: the order. Except as provided by Subsection (i-1), a criminal justice agency may disclose criminal history record information that is the subject of the order to an agency or entity listed in Subsection (i) only if the offense for which the person was placed on deferred adjudication is a felony. A person may petition the court

(2) On page 3, line 18, and page 5, line 19, strike "was a felony" and substitute "is a felony".

(3) On page 5, line 20, after the underlined period, add the following: A criminal justice agency may disclose criminal history record information that is the subject of an order of nondisclosure under Subsection (d) to an agency or entity listed in Subsection (i)(20) if the offense for which the person was placed on deferred adjudication is:

(1) a felony; or

(2) a misdemeanor under Chapter 31, Penal Code, or under Section 32.21 or 32.45 of that code.

Amendment No. 1 was adopted.

CSHB 599, as amended, was passed to engrossment.

HB 629 ON SECOND READING

(by Pickett)

HB 629, A bill to be entitled An Act relating to the use of municipal or county sales tax increment financing for a transportation reinvestment zone.

Amendment No. 1

Representative Pickett offered the following amendment to **HB 629**:

Amend **HB 629** (house committee report) on page 3, between lines 23 and 24, by adding the following:

(g) Not later than the 30th day before the date the governing body of a municipality or county proposes to designate a portion or amount of sales tax increment under Subsection (b), the governing body shall hold a public hearing on the designation of the sales tax increment. At the hearing an interested person may speak for or against the designation of the sales tax increment. Not later than the seventh day before the date of the hearing, notice of the hearing must be published in a newspaper having general circulation in the county or municipality, as appropriate.

(h) The hearing required under Subsection (g) may be held in conjunction with a hearing held under Section 222.106(e) or 222.107(e) if the ordinance or order designating an area as a transportation reinvestment zone under Section 222.106 or 222.107 also designates a sales tax increment under Subsection (b).

Amendment No. 1 was adopted.

HB 629, as amended, was passed to engrossment. (Kolkhorst, Laubenberg, and White recorded voting no.)

HB 741 ON SECOND READING**(by Vo)**

HB 741, A bill to be entitled An Act relating to criteria for financing certain multifamily housing developments.

Representative Vo moved to postpone consideration of **HB 741** until 8 a.m. Wednesday, June 1.

The motion prevailed.

SB 403 ON SECOND READING**(Murphy - House Sponsor)**

SB 403, A bill to be entitled An Act relating to the consideration of pension and other postemployment benefits in establishing the rates of a gas utility.

SB 403 was considered in lieu of **HB 966**.

SB 403 was passed to third reading.

CSHB 1386 ON SECOND READING**(by Coleman, Farrar, Marquez, et al.)**

CSHB 1386, A bill to be entitled An Act relating to the public health threat presented by youth suicide and to the prevention of associated discrimination, harassment, and bullying.

CSHB 1386 - POINT OF ORDER

Representative Creighton raised a point of order against further consideration of **CSHB 1386**.

Representative Coleman moved to postpone consideration of **CSHB 1386** until 10:45 p.m. today.

The motion prevailed.

CSHB 1547 ON SECOND READING**(by Larson)**

CSHB 1547, A bill to be entitled An Act relating to the desired future conditions of groundwater resources within groundwater management areas.

CSHB 1547 was passed to engrossment.

SB 1140 ON SECOND READING**(Hartnett - House Sponsor)**

SB 1140, A bill to be entitled An Act relating to payment by a water control and improvement district for certain damages caused by the district's operation of a sanitary sewer system.

SB 1140 was considered in lieu of **HB 1751**.

SB 1140 was passed to third reading.

HB 966 - LAID ON THE TABLE SUBJECT TO CALL

Representative Murphy moved to lay **HB 966** on the table subject to call.
The motion prevailed.

HB 1751 - LAID ON THE TABLE SUBJECT TO CALL

Representative Hartnett moved to lay **HB 1751** on the table subject to call.
The motion prevailed.

CSHB 1937 ON SECOND READING

(by Simpson, Rodriguez, Menendez, Kolkhorst, Chisum, et al.)

CSHB 1937, A bill to be entitled An Act relating to prosecution and punishment for the offense of official oppression by the intrusive touching of persons seeking access to public buildings and transportation; providing penalties.

CSHB 1937 - POINT OF ORDER

Representative Thompson raised a point of order against further consideration of **CSHB 1937**.

The point of order was withdrawn.

Representative Simpson moved to postpone consideration of **CSHB 1937** until 10:45 p.m. today.

The motion prevailed.

SB 509 ON SECOND READING

(Lozano - House Sponsor)

SB 509, A bill to be entitled An Act relating to the validation of a home-rule charter for certain municipalities.

SB 509 was considered in lieu of **HB 2082**.

SB 509 was passed to third reading.

HB 2082 - LAID ON THE TABLE SUBJECT TO CALL

Representative Lozano moved to lay **HB 2082** on the table subject to call.
The motion prevailed.

HB 2113 ON SECOND READING

(by Price)

HB 2113, A bill to be entitled An Act relating to the creation of a groundwater conservation district in a priority groundwater management area.

Representative Price moved to postpone consideration of **HB 2113** until 8 a.m. Monday, July 4.

The motion prevailed.

(L. Taylor in the chair)

CSSB 652 ON SECOND READING
(Bonnen - House Sponsor)

CSSB 652, A bill to be entitled An Act relating to governmental entities subject to the sunset review process.

CSSB 652 was considered in lieu of **HB 2249**.

Representative Bonnen moved to postpone consideration of **CSSB 652** until 7:30 a.m. tomorrow.

The motion prevailed.

(Bonnen in the chair)

HB 2249 - LAID ON THE TABLE SUBJECT TO CALL

Representative L. Taylor moved to lay **HB 2249** on the table subject to call.

The motion prevailed.

CSHB 2292 ON SECOND READING
(by Hunter and Hopson)

CSHB 2292, A bill to be entitled An Act relating to payment of claims to pharmacies and pharmacists.

CSHB 2292 was passed to engrossment.

CSHB 2493 ON SECOND READING
(by Torres, et al.)

CSHB 2493, A bill to be entitled An Act relating to authorizing enterprise project half designations and quarter designations under the enterprise zone program.

Amendment No. 1

Representative Torres offered the following amendment to **CSHB 2493**:

Amend **CSHB 2493** as follows:

- (1) On page 3, line 9, strike "two" and "four".
- (2) On page 3, line 11, strike "Section 2303.407(b), Government Code, is amended" and substitute "Section 2303.407, Government Code, is amended by amending Subsection (b) and adding Subsection (e)".
- (3) On page 4, between lines 17 and 18, insert the following:
 - (e) The maximum tax refund for a half enterprise project or a quarter enterprise project shall be reduced proportionally.
- (4) On page 4, line 18, strike "Section 151.429(b), Tax Code, is amended" and substitute "Section 151.429, Tax Code, is amended by amending Subsection (b) and adding Subsection (k)".
- (5) On page 6, between lines 5 and 6, insert the following:
 - (k) The maximum tax refund for a half enterprise project or a quarter enterprise project shall be reduced proportionally. In this subsection, "half enterprise project" and "quarter enterprise project" have the meanings assigned by Section 2303.401, Government Code.

Amendment No. 1 was adopted.

CSHB 2493, as amended, was passed to engrossment. (Flynn recorded voting no.)

CSHB 2525 ON SECOND READING

(by Harper-Brown)

CSHB 2525, A bill to be entitled An Act relating to a mechanic's, contractor's, or materialman's lien for landscaping.

CSHB 2525 was passed to engrossment. (Garza recorded voting no.)

CSHB 2560 ON SECOND READING

(by Sheffield, Driver, Legler, et al.)

CSHB 2560, A bill to be entitled An Act relating to transporting a foster child in a vehicle where a handgun is in the possession of a foster parent licensed to carry a concealed handgun.

CSHB 2560 was passed to engrossment.

CSHB 2603 ON SECOND READING

(by Smithee)

CSHB 2603, A bill to be entitled An Act relating to the distribution of universal service funds to certain small and rural local exchange companies.

Amendment No. 1

Representative Smithee offered the following amendment to **CSHB 2603**:

Amend **CSHB 2603** (house committee report) as follows:

(1) On page 1, line 23, strike "and (e)," and substitute "(e), and (f),".

(2) On page 3, between lines 8 and 9, insert the following:

(e) If a company elects to receive monthly support amounts under Subsection (d), the commission, on its own motion or on the written request of the company, may initiate a proceeding to recalculate the most recent annualized support amount to be used as the basis for adjustment for a subsequent 12-month period under Subsection (d)(2). If, based on the recalculation, the commission by order adjusts a company's most recent annualized support amount, the adjusted support amount supersedes the annualized support amount calculated in accordance with Subsection (d).

(3) On page 3, line 9, strike "(e)" and substitute "(f)".

(4) On page 3, between lines 13 and 14, insert the following:

(g) This section does not affect the commission's authority under Chapter 53 or this chapter.

Amendment No. 1 was adopted.

CSHB 2603, as amended, was passed to engrossment.

HB 2990 ON SECOND READING**(by Deshotel)**

HB 2990, A bill to be entitled An Act relating to the electronic storage of personal identification information obtained from driver's licenses or personal identification certificates.

HB 2990 was passed to engrossment. (Perry recorded voting no.)

POSTPONED BUSINESS

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

CSHB 1937 ON SECOND READING**(by Simpson, Rodriguez, Menendez, Kolkhorst, Chisum, et al.)**

CSHB 1937, A bill to be entitled An Act relating to prosecution and punishment for the offense of official oppression by the intrusive touching of persons seeking access to public buildings and transportation; providing penalties.

CSHB 1937 was read second time earlier today and was postponed until this time.

CSHB 1937 was passed to engrossment.

GENERAL STATE CALENDAR**(consideration continued)****CSHB 3030 ON SECOND READING****(by McClendon)**

CSHB 3030, A bill to be entitled An Act relating to the funding of projects in the boundaries of an intermunicipal commuter rail district.

CSHB 3030 was passed to engrossment. (Cain, Flynn, Laubenberg, Perry, V. Taylor, and White recorded voting no.)

HB 3237 ON SECOND READING**(by Hernandez Luna, Alvarado, and Gonzalez)**

HB 3237, A bill to be entitled An Act relating to the establishment and operation of the Texas Women Veterans Program.

HB 3237 was passed to engrossment. (Cain, Garza, and Legler recorded voting no.)

HB 3320 ON SECOND READING**(by Hunter)**

HB 3320, A bill to be entitled An Act relating to costs related to the towing and storage of a motor vehicle for certain law enforcement purposes.

HB 3320 was passed to engrossment.

CSHB 3439 ON SECOND READING**(by Raymond)**

CSHB 3439, A bill to be entitled An Act relating to missing children; providing a criminal penalty.

Amendment No. 1

Representative Raymond offered the following amendment to **CSHB 3439**:

Amend **CSHB 3439** (house committee report) on page 3, lines 5 and 6, by striking "It is an exception to the application of Subsection (a)(3) that" and substituting "Subsection (a)(3) does not apply if".

Amendment No. 1 was adopted.

CSHB 3439, as amended, was passed to engrossment.

HB 1681 ON SECOND READING**(by Harless, C. Anderson, Legler, and Nash)**

HB 1681, A bill to be entitled An Act relating to the composition of the Finance Commission of Texas.

HB 1681 was passed to engrossment. (Garza recorded voting no.)

CSHB 3474 ON SECOND READING**(by Gallego)**

CSHB 3474, A bill to be entitled An Act relating to criminal offenses regarding the possession or consumption of alcoholic beverages by a minor and providing alcoholic beverages to a minor.

CSHB 3474 was passed to engrossment.

HB 3624 ON SECOND READING**(by Hochberg)**

HB 3624, A bill to be entitled An Act relating to the eligibility of educational aides for tuition exemptions at public institutions of higher education.

Amendment No. 1

Representative Hochberg offered the following amendment to **HB 3624**:

Amend **HB 3624** (house committee report) as follows:

(1) In the recital to SECTION 1 of the bill (page 1, lines 5 and 6), strike "Sections 54.214(c), (f), and (g), Education Code, are amended" and substitute "Section 54.214, Education Code, is amended by amending Subsections (c), (f), and (g) and by adding Subsection (c-1)".

(2) In SECTION 1 of the bill, on page 2, between lines 2 and 3, insert the following:

(c-1) Notwithstanding Subsection (c)(5), a person who previously received a tuition exemption under Section 54.214 remains eligible for an exemption if the person:

(1) is enrolled at an institution of higher education granting the exemption in courses required for teacher certification; and

(2) meets the eligibility requirements in Subsection (c) other than Subsection (c)(5).

Amendment No. 1 was adopted.

HB 3624, as amended, was passed to engrossment.

CSHB 19 ON SECOND READING
(by Riddle, Murphy, Fletcher, et al.)

CSHB 19, A bill to be entitled An Act relating to the prosecution and punishment of a person operating a motor vehicle without a license.

CSHB 19 was passed to engrossment.

CSHB 3754 ON SECOND READING
(by Hilderbran)

CSHB 3754, A bill to be entitled An Act relating to powers and duties of the Office of Public Utility Counsel to represent residential and small commercial consumers in certain water or sewer utility service matters before the Texas Commission on Environmental Quality.

CSHB 3754 was passed to engrossment.

CSHB 3833 ON SECOND READING
(by Phillips)

CSHB 3833, A bill to be entitled An Act relating to the adoption of a uniform collaborative law Act in regard to family law matters.

CSHB 3833 was passed to engrossment. (Garza recorded voting no.)

CSHB 3018 ON SECOND READING
(by Gutierrez and Hartnett)

CSHB 3018, A bill to be entitled An Act relating to a policy of a school district concerning possession of a telecommunications device by a student.

CSHB 3018 was passed to engrossment.

CSHB 2365 ON SECOND READING
(by Eissler)

CSHB 2365, A bill to be entitled An Act relating to certain responsibilities of education research centers and to a joint advisory board for education research centers.

Amendment No. 1

Representative Strama offered the following amendment to **CSHB 2365**:

Amend **CSHB 2365** (house committee printing) as follows:

(1) On page 1, line 6, strike "Subsections (e) and (k)" and substitute "Subsections (e), (g), and (k)".

(2) On page 1, between lines 16 and 17, insert the following:

(g) In conducting research under this section, a center:

(1) may use data on student performance, including data that is confidential under the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g), the center has collected from the Texas Education Agency, the coordinating board, any public or private institution of higher education, and any school district; and

(2) shall comply with rules adopted by the commissioner of education and the coordinating board to protect the confidentiality of ~~[student]~~ information used or stored at the center, including rules establishing procedures to ensure that confidential ~~[student]~~ information is not duplicated or removed from a center in an unauthorized manner.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Strama offered the following amendment to **CSHB 2365**:

Amend **CSHB 2365** (house committee printing) as follows:

(1) On page 3, line 2, strike "10" and substitute "three".

(2) On page 3, line 3, between the period and "A", insert the following:

The chief executive officer of each public institution of higher education of which a center is a part shall appoint not more than two additional members to the joint advisory board to serve one-year terms.

(3) On page 3, line 5, strike "commissioner of education and the commissioner of higher education" and substitute "appropriate appointing authority".

Amendment No. 2 was adopted.

CSHB 2365, as amended, was passed to engrossment. (Cain and White recorded voting no.)

HB 59 ON SECOND READING (by Martinez)

HB 59, A bill to be entitled An Act relating to recipients of financial assistance administered by the Texas Department of Housing and Community Affairs.

Amendment No. 1

Representative Guillen offered the following amendment to **HB 59**:

Amend **HB 59** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 2306.1114(a), Government Code, is amended to read as follows:

(a) Not later than the 14th day after the date an application or a proposed application for housing funds described by Section 2306.111 has been filed, the department shall provide written notice of the filing of the application or proposed application to the following persons:

(1) the United States representative who represents the community containing the development described in the application;

(2) members of the legislature who represent the community containing the development described in the application;

(3) the presiding officer of the governing body of the political subdivision containing the development described in the application;

(4) any member of the governing body of a political subdivision who represents the area containing the development described in the application;

(5) the superintendent and the presiding officer of the board of trustees of the school district containing the development described in the application; and

(6) any neighborhood organizations on record with the state, municipality, or county in which the development described in the application is to be located and whose boundaries contain the proposed development site.

SECTION _____. Section 2306.6704(b-1), Government Code, is amended to read as follows:

(b-1) The preapplication process must require the applicant to provide the department with evidence that the applicant has notified the following entities with respect to the filing of the application:

(1) any neighborhood organizations on record with the state, municipality, or county in which the development is to be located and whose boundaries contain the proposed development site;

(2) the superintendent and the presiding officer of the board of trustees of the school district containing the development;

(3) the presiding officer of the governing body of any municipality containing the development and all elected members of that body;

(4) the presiding officer of the governing body of the county containing the development and all elected members of that body; and

(5) the state senator and state representative of the district containing the development.

SECTION _____. Section 2306.6705, Government Code, is amended to read as follows:

Sec. 2306.6705. GENERAL APPLICATION REQUIREMENTS. An application must contain at a minimum the following written, detailed information in a form prescribed by the board:

(1) a description of:

(A) the financing plan for the development, including any nontraditional financing arrangements;

(B) the use of funds with respect to the development;

(C) the funding sources for the development, including:

(i) construction, permanent, and bridge loans; and

(ii) rents, operating subsidies, and replacement reserves; and

(D) the commitment status of the funding sources for the development;

(2) if syndication costs are included in the eligible basis, a justification of the syndication costs for each cost category by an attorney or accountant specializing in tax matters;

(3) from a syndicator or a financial consultant of the applicant, an estimate of the amount of equity dollars expected to be raised for the development in conjunction with the amount of housing tax credits requested for allocation to the applicant, including:

(A) pay-in schedules; and

(B) syndicator consulting fees and other syndication costs;

(4) if rental assistance, an operating subsidy, or an annuity is proposed for the development, any related contract or other agreement securing those funds and an identification of:

(A) the source and annual amount of the funds;

(B) the number of units receiving the funds; and

(C) the term and expiration date of the contract or other agreement;

(5) if the development is located within the boundaries of a political subdivision with a zoning ordinance, evidence in the form of a letter from the chief executive officer of the political subdivision or from another local official with jurisdiction over zoning matters that states that:

(A) the development is permitted under the provisions of the ordinance that apply to the location of the development; or

(B) the applicant is in the process of seeking the appropriate zoning and has signed and provided to the political subdivision a release agreeing to hold the political subdivision and all other parties harmless in the event that the appropriate zoning is denied;

(6) if an occupied development is proposed for rehabilitation:

(A) an explanation of the process used to notify and consult with the tenants in preparing the application;

(B) a relocation plan outlining:

(i) relocation requirements; and

(ii) a budget with an identified funding source; and

(C) if applicable, evidence that the relocation plan has been submitted to the appropriate local agency;

(7) a certification of the applicant's compliance with appropriate state and federal laws, as required by other state law or by the board;

(8) any other information required by the board in the qualified allocation plan; and

(9) evidence that the applicant has notified the following entities with respect to the filing of the application:

(A) any neighborhood organizations on record with the state, municipality, or county in which the development is to be located and whose boundaries contain the proposed development site;

(B) the superintendent and the presiding officer of the board of trustees of the school district containing the development;

(C) the presiding officer of the governing body of any municipality containing the development and all elected members of that body;

(D) the presiding officer of the governing body of the county containing the development and all elected members of that body; and

(E) the state senator and state representative of the district containing the development.

SECTION _____. Section 2306.6710, Government Code, is amended by amending Subsection (b) and adding Subsection (g) to read as follows:

(b) If an application satisfies the threshold criteria, the department shall score and rank the application using a point system that:

(1) prioritizes in descending order criteria regarding:

(A) financial feasibility of the development based on the supporting financial data required in the application that will include a project underwriting pro forma from the permanent or construction lender;

(B) quantifiable community participation with respect to the development, evaluated on the basis of written statements from any neighborhood organizations on record with the state, municipality, or county in which the development is to be located and whose boundaries contain the proposed development site;

(C) the income levels of tenants of the development;

(D) the size and quality of the units;

(E) the commitment of development funding by local political subdivisions;

(F) the level of community support for the application, evaluated on the basis of written statements from the state representative or the state senator that represents the district containing the proposed development site;

(G) the rent levels of the units;

(H) the cost of the development by square foot;

(I) the services to be provided to tenants of the development; and

(J) whether, at the time the complete application is submitted or at any time within the two-year period preceding the date of submission, the proposed development site is located in an area declared to be a disaster under Section 418.014;

(2) uses criteria imposing penalties on applicants or affiliates who have requested extensions of department deadlines relating to developments supported by housing tax credit allocations made in the application round preceding the current round or a developer or principal of the applicant that has been removed by the lender, equity provider, or limited partners for its failure to perform its obligations under the loan documents or limited partnership agreement; and

(3) encourages applicants to provide free notary public service to the residents of the developments for which the allocation of housing tax credits is requested.

(g) The department shall presume that the applicant has made a good faith effort to obtain quantifiable community participation and shall award the applicant the total number of points that may be awarded under Subsection (b)(1)(B) if the application includes:

(1) a statement that an organization described by Subsection (b)(1)(B) does not exist, as verified by:

(A) the presiding officer or authorized representative of the governing body of the municipality in which the development is to be located; or

(B) the clerk of the county in which the development is to be located if the development is to be located outside a municipality; and

(2) one or more written statements of support from:

(A) the county in which the development is to be located;

(B) any municipality in which the development is to be located; or

(C) a civic or community organization that provides services to the area in which the development is to be located.

SECTION _____. The changes in law made by this Act to Sections 2306.1114, 2306.6704, 2306.6705, and 2306.6710, Government Code, relating to applications for financial assistance administered by the Texas Department of Housing and Community Affairs apply only to an application filed on or after the effective date of this Act. An application filed before the effective date of this Act is governed by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.

Amendment No. 1 was adopted.

HB 59, as amended, was passed to engrossment. (Cain and Legler recorded voting no.)

CSHB 96 ON SECOND READING

(by Fletcher and Burkett)

CSHB 96, A bill to be entitled An Act relating to the exclusion of certain witnesses during a criminal proceeding.

CSHB 96 was passed to engrossment.

HB 326 ON SECOND READING

(by Guillen)

HB 326, A bill to be entitled An Act relating to the reporting requirements of a state agency that is undergoing review by the Sunset Advisory Commission.

Amendment No. 1

Representative Torres offered the following amendment to **HB 326**:

Amend **HB 326** (house committee printing) as follows:

(1) On page 1, line 8, between "REVIEWED," and "Before", insert "(a)".

(2) On page 1, between lines 18 and 19, insert the following:

(b) A state agency submitting a report required by this section shall submit the report in an electronic format to the recipient's official state e-mail address or another e-mail address designated by the recipient.

Amendment No. 1 was withdrawn.

Amendment No. 2

Representative Callegari offered the following amendment to **HB 326**:

Amend **HB 326** (house committee report) by adding the following SECTION and renumber the subsequent sections accordingly:

SECTION 2. Section 320.004, Government Code, is amended to read as follows:

Sec. 320.004. REVIEW OF UNFUNDED MANDATES. (a) The Sunset Advisory Commission in performing a review of a state agency whose functions affect political subdivisions may ~~Before September 1 of the even numbered year before the third anniversary of the date of enactment of a mandate identified by the interagency work group under Section 320.003, the interagency work group shall~~:

(1) review the legislative history of any ~~the~~ mandate related to the functions of the state agency being reviewed;

(2) conduct an evaluation on the benefits of the mandate and the costs of the mandate on affected political subdivisions; and

(3) include any information gathered under this section in the report required under Section 325.010 ~~present a written report to the legislature and the governor on the interagency work group's findings~~.

(b) During a review of a state agency, a political subdivision affected by a mandate related to the functions of the agency may present information to the commission regarding the mandate and costs associated with the mandate and may recommend changes to current law that may provide more efficient use of resources.

(c) A political subdivision may periodically review each mandate to which the political subdivision is subject and recommend changes for making an activity or measure more efficient, including elimination of ~~the regular session immediately following the issuance of a report under Subsection (a), the legislature by law may continue the mandate for a period not to exceed three years, by law may repeal the mandate, or may take no action on~~ the mandate, to the governor, the lieutenant governor, the speaker of the house of representatives, the Senate Finance Committee, the House Appropriations Committee, and the Sunset Advisory Commission.

Amendment No. 2 was adopted.

HB 326, as amended, was passed to engrossment.

POSTPONED BUSINESS

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

CSHB 3477 ON SECOND READING

(by Carter and Torres)

CSHB 3477, A bill to be entitled An Act relating to the suspension of a person's driver's license or permit on conviction of a fifth offense relating to the operating of a motor vehicle while intoxicated.

CSHB 3477 was read second time earlier today and was postponed until this time.

CSHB 3477 - POINT OF ORDER

Representative Thompson raised a point of order against further consideration of **CSHB 3477**.

(Speaker in the chair)

The point of order was withdrawn.

CSHB 3477 - POINT OF ORDER

Representative Dutton raised a point of order against further consideration of **CSHB 3477**.

The point of order was withdrawn.

Representative Carter moved to postpone consideration of **CSHB 3477** until 11:25 p.m. today.

The motion prevailed.

HB 230 ON SECOND READING

(by Phillips)

HB 230, A bill to be entitled An Act relating to the authority of a county to regulate the location of halfway houses in the unincorporated areas of the county; providing a penalty.

HB 230 was read second time earlier today, an amendment was offered and disposed of, and **HB 230** was postponed until this time.

HB 230 - POINT OF ORDER

Representative Burnam raised a point of order against further consideration of **HB 230** under Rule 4, Section 18 of the House Rules on the grounds that the committee minutes are incomplete.

The speaker overruled the point of order.

HB 230, as amended, was passed to engrossment.

GENERAL STATE CALENDAR

(consideration continued)

SB 420 ON SECOND READING

(V. Taylor - House Sponsor)

SB 420, A bill to be entitled An Act relating to determining eligibility for indigent health care.

SB 420 was considered in lieu of **HB 655**.

Representative V. Taylor moved to postpone consideration of **SB 420** until 7 a.m. tomorrow.

The motion prevailed.

CSHB 773 ON SECOND READING

(by Anchia)

CSHB 773, A bill to be entitled An Act relating to creating an energy efficiency council to coordinate administration of energy efficiency programs.

Amendment No. 1

Representative Anchia offered the following amendment to **CSHB 773**:

Amend **CSHB 773** (house committee report) on page 2, line 2, between "provider" and the comma, by inserting "other than a retail electric provider".

Amendment No. 1 was adopted.

CSHB 773, as amended, was passed to engrossment. (Garza, Kolkhorst, Legler, Phillips, V. Taylor, and White recorded voting no.)

HB 823 ON SECOND READING

(by Farrar)

HB 823, A bill to be entitled An Act relating to the liability of certain social workers who provide volunteer health care services to charitable organizations.

HB 823 - POINT OF ORDER

Representative Aliseda raised a point of order against further consideration of **HB 823** under Rule 7, Section 37(a) of the House Rules.

The point of order was withdrawn.

Representative Farrar moved to postpone consideration of **HB 823** until 11:35 p.m. today.

The motion prevailed.

CSHB 720 ON SECOND READING

(by Hartnett, et al.)

CSHB 720, A bill to be entitled An Act relating to the designation of a person as a vexatious litigant.

CSHB 720 was passed to engrossment.

HB 875 ON SECOND READING

(by C. Howard, et al.)

HB 875, A bill to be entitled An Act relating to the identification of certain defendants as foreign nationals who were not lawfully admitted to the United States or whose lawful status has expired and to their release on bail.

HB 875 - POINT OF ORDER

Representative Burnam raised a point of order against further consideration of **HB 875** under Rule 4, Section 20(a)(2) of the House Rules on the grounds that the sworn statement of witnesses is incomplete.

The point of order was withdrawn.

Representative C. Howard moved to postpone consideration of **HB 875** until 11:40 p.m. today.

The motion prevailed.

CSHB 892 ON SECOND READING

(by C. Howard, et al.)

CSHB 892, A bill to be entitled An Act relating to the creation of the offense of unlawful transport of an illegal alien.

CSHB 892 was passed to engrossment.

CSHB 1046 ON SECOND READING
(by Fletcher)

CSHB 1046, A bill to be entitled An Act relating to the confidentiality of certain personal information concerning current and former employees of certain divisions of the office of attorney general.

CSHB 1046 was passed to engrossment.

CSHB 1363 ON SECOND READING
(by McClendon and Harper-Brown)

CSHB 1363, A bill to be entitled An Act relating to the transfer of permit procedures and enforcement related to oversize and overweight vehicles from the Texas Department of Transportation to the Texas Department of Motor Vehicles.

CSHB 1363 was passed to engrossment.

CSHB 1408 ON SECOND READING
(by Flynn)

CSHB 1408, A bill to be entitled An Act relating to combination resident hunting and fishing licenses for military personnel.

CSHB 1408 was passed to engrossment.

CSHB 1429 ON SECOND READING
(by Deshotel)

CSHB 1429, A bill to be entitled An Act relating to rights and remedies of certain residential tenants and landlords; providing civil penalties.

Amendment No. 1

Representative Deshotel offered the following amendment to **CSHB 1429**:

Amend **CSHB 1429** (house committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Subchapter A, Chapter 92, Property Code, is amended by adding Section 92.026 to read as follows:

Sec. 92.026. LANDLORD'S DUTY TO PROVIDE COPY OF LEASE. (a) Not later than the third business day after the date the lease is signed by each party to the lease, a landlord shall provide at least one copy of the lease to at least one tenant who is a party to the lease.

(b) If more than one tenant is a party to the lease, not later than the third business day after the date a landlord receives a written request for a copy of a lease from a tenant who has not received a copy of the lease under Subsection (a), the landlord shall provide one copy of the lease to the requesting tenant.

(c) If a landlord fails to comply with Subsection (a) or (b), a tenant, after giving written notice to the landlord of the failure to comply with Subsection (a) or (b), may bring an action to obtain a copy of the lease and recover actual damages resulting from the failure to provide a copy of the lease, court costs, and reasonable attorney's fees.

SECTION 2. Section 92.331(a), Property Code, is amended to read as follows:

(a) A landlord may not retaliate against a tenant by taking an action described by Subsection (b) because the tenant:

(1) in good faith exercises or attempts to exercise against a landlord a right or remedy granted to the tenant by lease, municipal ordinance, or federal or state statute;

(2) gives a landlord a notice to repair or exercise a remedy under this chapter; ~~or~~

(3) complains to a governmental entity responsible for enforcing building or housing codes, a public utility, or a civic or nonprofit agency, and the tenant:

(A) claims a building or housing code violation or utility problem; and

(B) believes in good faith that the complaint is valid and that the violation or problem occurred; or

(4) establishes, attempts to establish, or participates in a tenant organization.

SECTION 3. The changes in law made by Section 92.026, Property Code, as added by this Act, apply only to a lease the effective date of which is on or after the effective date of this Act. A lease the effective date of which is 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 4. This Act takes effect January 1, 2012.

Amendment No. 1 was adopted.

CSHB 1429, as amended, was passed to engrossment. (Cain and Laubenberg recorded voting no.)

CSHB 1497 ON SECOND READING
(by D. Howard)

CSHB 1497, A bill to be entitled An Act relating to the allocation of certain federal career and technical education funds.

CSHB 1497 failed to pass to engrossment by (Record 1041): 65 Yeas, 78 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Bohac; Branch; Castro; Chisum; Coleman; Davis, Y.; Dukes; Eiland; Eissler; Farias; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Harless; Hernandez Luna; Hilderbran; Hochberg; Howard, C.; Howard, D.; Huberty; Hunter; Jackson; Johnson; Keffer; King, S.; King, T.; Lozano; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McClendon; Menendez; Muñoz; Murphy; Naishtat; Otto; Pickett; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Scott; Shelton; Strama; Taylor, V.; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Workman.

Nays — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Brown; Burkett; Button; Cain; Callegari; Carter; Christian; Cook; Craddick; Creighton; Crownover; Davis, J.; Davis, S.; Driver; Dutton; Elkins; Farrar; Fletcher; Flynn; Frullo; Garza; Hamilton; Hancock; Hardcastle; Harper-Brown; Hartnett; Hopson; Hughes; Isaac; King, P.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miles; Miller, D.; Miller, S.; Morrison; Nash; Orr; Parker; Patrick; Paxton; Peña; Perry; Phillips; Price; Riddle; Schwertner; Sheets; Sheffield; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Thompson; Weber; White; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Marquez; Oliveira.

Absent, Excused, Committee Meeting — Pitts.

Absent — Burnam; Darby; Deshotel.

STATEMENTS OF VOTE

I was shown voting no on Record No. 1041. I intended to vote yes.

Aycock

When Record No. 1041 was taken, I was in the house but away from my desk. I would have voted yes.

Darby

I was shown voting yes on Record No. 1041. I intended to vote no.

Keffer

I was shown voting no on Record No. 1041. I intended to vote yes.

Lavender

SB 1165 ON SECOND READING

(Truitt - House Sponsor)

SB 1165, A bill to be entitled An Act relating to certain enforcement powers of the banking commissioner; providing administrative penalties.

SB 1165 was considered in lieu of **HB 2282**.

SB 1165 was passed to third reading.

HB 2282 - LAID ON THE TABLE SUBJECT TO CALL

Representative Truitt moved to lay **HB 2282** on the table subject to call.

The motion prevailed.

POSTPONED BUSINESS

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

HB 875 ON SECOND READING**(by C. Howard, et al.)**

HB 875, A bill to be entitled An Act relating to the identification of certain defendants as foreign nationals who were not lawfully admitted to the United States or whose lawful status has expired and to their release on bail.

HB 875 was read second time earlier today and was postponed until this time.

HB 875 - POINT OF ORDER

Representative Burnam raised a point of order against further consideration of **HB 875** under Rule 4, Section 20(a)(2) of the House Rules on the grounds that the sworn statement of witnesses is incomplete.

The speaker overruled the point of order.

HB 875 was passed to engrossment.

CSHB 1386 ON SECOND READING**(by Coleman, Farrar, Marquez, et al.)**

CSHB 1386, A bill to be entitled An Act relating to the public health threat presented by youth suicide and to the prevention of associated discrimination, harassment, and bullying.

CSHB 1386 was read second time earlier today and was postponed until this time. A point of order was pending at the time of postponement.

The point of order was withdrawn.

CSHB 1386 was passed to engrossment. (Creighton, Flynn, Garza, Landtroop, Parker, Perry, Phillips, V. Taylor, Weber, and Workman recorded voting no.)

GENERAL STATE CALENDAR**(consideration continued)****CSHB 2443 ON SECOND READING****(by Price)**

CSHB 2443, A bill to be entitled An Act relating to the offense of remaining, parking vehicles, or erecting structures on certain state property.

CSHB 2443 was passed to engrossment. (Garza recorded voting no.)

CSHB 2449 ON SECOND READING**(by Aliseda, Peña, L. Gonzales, et al.)**

CSHB 2449, A bill to be entitled An Act relating to the illegal possession of another person's ballot to be voted by mail.

CSHB 2449 - POINT OF ORDER

Representative Farrar raised a point of order against further consideration of **CSHB 2449** 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.

CSHB 2449 was passed to engrossment.

HB 3390 ON SECOND READING
(by Lavender)

HB 3390, A bill to be entitled An Act relating to money allocated under the federal-aid highway program.

HB 3390 was passed to engrossment.

HB 3736 ON SECOND READING
(by Martinez)

HB 3736, A bill to be entitled An Act relating to appointment of a department head of a fire or police department in certain municipalities.

HB 3736 was passed to engrossment.

CSHB 800 ON SECOND READING
(by C. Anderson, W. Smith, Torres, et al.)

CSHB 800, A bill to be entitled An Act relating to an interlocal contract between a governmental entity and a purchasing cooperative to purchase roofing materials or services.

CSHB 800 - POINT OF ORDER

Representative Dukes raised a point of order against further consideration of **CSHB 800** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

The speaker overruled the point of order.

CSHB 800 - POINT OF ORDER

Representative Alonzo raised a point of order against further consideration of **CSHB 800** under Rule 4, Section 18(b) of the House Rules on the grounds that the committee minutes are incomplete.

CSHB 800 - POINT OF ORDER

Representative S. Miller raised a point of order against further consideration of **CSHB 800** under Rule 8, Section 13(b) of the House Rules on the grounds that the deadline for consideration of house bills on second reading had passed.

The speaker sustained the point of order.

PROVIDING FOR RECESS

Representatives Simpson and Thompson 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. today, Friday, May 13.

The motion prevailed.

RESOLUTIONS REFERRED TO COMMITTEES

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

(Hughes in the chair)

RECESS

In accordance with a previous motion, the house, at 12:12 a.m. Friday, May 13, recessed until 10 a.m. today.

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

HCR 159 (By Hughes), Designating Marshall as the official Birthplace of Boogie Woogie.

To Culture, Recreation, and Tourism.

HR 1851 (By D. Howard), Congratulating Austin Wayne Self on his victory in the opening event of the 2011 NASCAR Texas Whelen All-American Series.

To Rules and Resolutions.

HR 1853 (By Naishtat), In memory of Alfred Richard Castello of Austin.

To Rules and Resolutions.

HR 1854 (By Kolkhorst), Recognizing May 8-14, 2011, as National Hospital Week in Texas.

To Rules and Resolutions.

HR 1855 (By Reynolds), Commending Fort Bend county commissioner Grady Prestage for his service to the community.

To Rules and Resolutions.

HR 1856 (By Reynolds), In memory of Acie John Butler of Houston.

To Rules and Resolutions.

HR 1857 (By Reynolds), Honoring Stephen K. Brown II for his service as chair of the Fort Bend County Democratic Party.

To Rules and Resolutions.

HR 1858 (By Reynolds), In memory of Richard David Jones, Jr.

To Rules and Resolutions.

HR 1859 (By Reynolds), Congratulating Danielle Murray Moss of Fleming Elementary School in Houston for being named 2011-2012 Elementary Teacher of the Year by the Fort Bend Independent School District.

To Rules and Resolutions.

HR 1860 (By Reynolds), Congratulating Yolanda Clarke of Travis High School in Richmond for being named 2011-2012 Secondary Teacher of the Year by the Fort Bend Independent School District.

To Rules and Resolutions.

HR 1861 (By Reynolds), Congratulating the Honorable Joel C. Clouser, Sr., on his 18 years of service as justice of the peace of Precinct 2 in Fort Bend County.

To Rules and Resolutions.

HR 1862 (By Reynolds), Honoring Carlos A. Garcia for his service as secretary of the Fort Bend County Democratic Party.

To Rules and Resolutions.

HR 1863 (By Reynolds), Commending Vivian Burley for her service as a Volunteers in Public Schools coordinator in the Fort Bend Independent School District.

To Rules and Resolutions.

HR 1864 (By Reynolds), Commending Shana Barron for her service as a Volunteers in Public Schools coordinator in the Fort Bend Independent School District.

To Rules and Resolutions.

HR 1865 (By Reynolds), Commending JoAnne Johnson for her service as a Volunteers in Public Schools coordinator in the Fort Bend Independent School District.

To Rules and Resolutions.

HR 1866 (By Reynolds), Commending Alma Ramirez for her service as a Volunteers in Public Schools coordinator in the Fort Bend Independent School District.

To Rules and Resolutions.

HR 1867 (By Reynolds), Commending Kiesha Guillory for her service as a Volunteers in Public Schools coordinator in the Fort Bend Independent School District.

To Rules and Resolutions.

HR 1868 (By Reynolds), Commending Clarissa Heard for her service as a Volunteers in Public Schools coordinator in the Fort Bend Independent School District.

To Rules and Resolutions.

HR 1869 (By Reynolds), Commending Geraldine Pace for her service as a Volunteers in Public Schools coordinator in the Fort Bend Independent School District.

To Rules and Resolutions.

HR 1870 (By Reynolds), Commending Doris Edwards for her service as a Volunteers in Public Schools coordinator in the Fort Bend Independent School District.

To Rules and Resolutions.

HR 1871 (By Reynolds), Commending Bernice Coleman for her service as a Volunteers in Public Schools coordinator in the Fort Bend Independent School District.

To Rules and Resolutions.

HR 1872 (By Reynolds), Commending Stevenia Love for her service as a Volunteers in Public Schools coordinator in the Fort Bend Independent School District.

To Rules and Resolutions.

HR 1873 (By Reynolds), Commending Kristi Mack for her service as a Volunteers in Public Schools coordinator in the Fort Bend Independent School District.

To Rules and Resolutions.

HR 1874 (By Reynolds), Commending Renee Blankson for her service as a Volunteers in Public Schools coordinator in the Fort Bend Independent School District.

To Rules and Resolutions.

HR 1875 (By Reynolds), Commending Kimberly Warren for her service as a Volunteers in Public Schools coordinator in the Fort Bend Independent School District.

To Rules and Resolutions.

HR 1876 (By Madden), Honoring the legislative interns of State Representative Jerry Madden.

To Rules and Resolutions.

HR 1877 (By Madden), Honoring Kathy Ward for her service as a Collin County commissioner.

To Rules and Resolutions.

HR 1878 (By Madden), Honoring Steve Deffibaugh on his retirement as the fire marshal of Collin County.

To Rules and Resolutions.

HR 1879 (By Madden), In memory of James Herbert Boswell of Plano.

To Rules and Resolutions.

HR 1880 (By Madden), In memory of Dale Ralph "Cactus" Martin, a former member of the Plano Fire Department.

To Rules and Resolutions.

HR 1881 (By Madden), In memory of Denise Short Smith of Plano.

To Rules and Resolutions.

HR 1882 (By Madden), Congratulating Hannah Kunkle on her retirement as Collin County district clerk.

To Rules and Resolutions.

HR 1884 (By Schwertner), Congratulating Wayne and Catherine Long of Georgetown on their 60th wedding anniversary.

To Rules and Resolutions.

HR 1885 (By Hilderbran), In memory of Brenda Reagor of Llano.

To Rules and Resolutions.

HR 1886 (By Craddick), Honoring Irene Buchanan on her 100th birthday.

To Rules and Resolutions.

HR 1887 (By Guillen), Honoring the memory of Ramiro Barrera, Sr., of Roma for his public service.

To Rules and Resolutions.

HR 1888 (By Guillen), Honoring Roel Omar Guerra of Rio Grande City for his personal and professional achievements.

To Rules and Resolutions.

HR 1889 (By T. King), Congratulating the Castroville Area Economic Development Council on its first anniversary.

To Rules and Resolutions.

HR 1890 (By Darby), Honoring H. E. "Gene" Crump, Jr., on his retirement as deputy executive director of the Texas Workforce Commission.

To Rules and Resolutions.

HR 1891 (By Larson), In memory of Stephanie Ashley Flores.
To Rules and Resolutions.

HR 1892 (By Carter), Congratulating Richland College on its receipt of the 2010 WasteWise College/University Partner of the Year Award from the EPA and on its first-place statewide finish in the RecycleMania competition.
To Rules and Resolutions.

HR 1893 (By Zedler), Commemorating the 60th anniversary of the incorporation of Crowley.
To Rules and Resolutions.

HR 1894 (By C. Anderson), In memory of Jeremy Pat Pryor of Waco.
To Rules and Resolutions.

HR 1895 (By C. Anderson), Honoring the Waco Convention & Visitors Bureau on the occasion of Texas Travel and Tourism Week.
To Rules and Resolutions.

HR 1896 (By C. Anderson), In memory of Debi Deiterman of Waco.
To Rules and Resolutions.

HR 1897 (By C. Anderson), In memory of Maria Maciel of Waco.
To Rules and Resolutions.

HR 1898 (By C. Anderson), In memory of Jessie Mae Pruett of Hewitt.
To Rules and Resolutions.

HR 1899 (By C. Anderson), In memory of Stanley Louis Jahn of Waco.
To Rules and Resolutions.

HR 1900 (By C. Anderson), In memory of Anna Marie Guajardo of Waco.
To Rules and Resolutions.

HR 1901 (By C. Anderson), In memory of Megan Lynn Self of Crawford.
To Rules and Resolutions.

HR 1902 (By C. Anderson), In memory of Esther Mae Williams.
To Rules and Resolutions.

HR 1903 (By C. Anderson), In memory of Janie "Tootsie" Dickson of Waco.
To Rules and Resolutions.

HR 1904 (By C. Anderson), In memory of Dolores Patricia Jones Skelton of Waco.
To Rules and Resolutions.

HR 1905 (By C. Anderson), In memory of Floyd Darvin Parnell of Waco.
To Rules and Resolutions.

HR 1906 (By C. Anderson), In memory of Helen Ruth Marek of West.
To Rules and Resolutions.

HR 1907 (By C. Anderson), In memory of Charlsie Ann Rowland of Waco.
To Rules and Resolutions.

HR 1908 (By C. Anderson), In memory of Charles W. Green of Waco.
To Rules and Resolutions.

HR 1909 (By C. Anderson), In memory of Alfred Pomerence of McGregor.
To Rules and Resolutions.

HR 1910 (By C. Anderson), In memory of Martha Wade Crone.
To Rules and Resolutions.

HR 1912 (By C. Anderson), In memory of James Robert Morrow, Sr., of Elm Mott.

To Rules and Resolutions.

HR 1913 (By C. Anderson), Congratulating Alec Sanchez of McGregor for receiving a 2011 Prudential Spirit of Community Certificate of Excellence and a President's Volunteer Service Award.

To Rules and Resolutions.

HR 1914 (By C. Anderson), Congratulating Buddy and Judy Baker of Mart on their 50th wedding anniversary.

To Rules and Resolutions.

HR 1915 (By Carter), Congratulating Charles Pickitt, principal of Richardson High School, on being named a regional finalist for the 2011 H-E-B Excellence in Education Principal Award.

To Rules and Resolutions.

HR 1916 (By C. Anderson), In memory of Domingo Suasa of Waco.

To Rules and Resolutions.

HR 1917 (By C. Anderson), In memory of Nellie Effie Sutton of Bellmead.

To Rules and Resolutions.

HR 1918 (By C. Anderson), In memory of Victor Guerrero III of China Spring.

To Rules and Resolutions.

HR 1919 (By C. Anderson), In memory of Irene A. Hendrix of Waco.

To Rules and Resolutions.

HR 1920 (By C. Anderson), In memory of Jarrell Dean Cantrell of Lacy-Lakeview.

To Rules and Resolutions.

HR 1921 (By C. Anderson), In memory of Edna Delle Hammit of Crawford.

To Rules and Resolutions.

HR 1922 (By C. Anderson), In memory of Nina Leathers-Hunt of Waco.

To Rules and Resolutions.

HR 1923 (By C. Anderson), In memory of Albert Galindo of Waco.

To Rules and Resolutions.

HR 1924 (By C. Anderson), In memory of Anne Perlman Harris.

To Rules and Resolutions.

HR 1925 (By V. Gonzales), Commending Oscar Moreno for organizing the first McAllen Book Fair.

To Rules and Resolutions.

HR 1926 (By V. Gonzales), Honoring Lydia G. Sandoval on her 25 years of service with Lone Star National Bank in McAllen.

To Rules and Resolutions.

HR 1927 (By V. Gonzales), Honoring the life of Colonel James "Nikki" Rowe of McAllen on the 22nd anniversary of his death.

To Rules and Resolutions.

HR 1928 (By C. Anderson), In memory of Billy G. White of Waco.

To Rules and Resolutions.

HR 1929 (By C. Anderson), In memory of Daniel A. Mynarcik, Sr., of Elm Mott.

To Rules and Resolutions.

HR 1930 (By C. Anderson), In memory of Keenan Rhae-Von Hubert of Waco.

To Rules and Resolutions.

HR 1931 (By C. Anderson), In memory of Virginia Frances Donaldson.

To Rules and Resolutions.

HR 1932 (By C. Anderson), Congratulating Avery Rae Williams and John Adam Kerley on their wedding.

To Rules and Resolutions.

HR 1933 (By C. Anderson), In memory of Dr. Richard George Fadal of Waco.

To Rules and Resolutions.

HR 1934 (By C. Anderson), In memory of Joe M. Rodriguez.

To Rules and Resolutions.

HR 1935 (By C. Anderson), In memory of Virginia Baskett of Waco.

To Rules and Resolutions.

HR 1936 (By C. Anderson), In memory of Norman E. Vinson of Waco.

To Rules and Resolutions.

HR 1937 (By C. Anderson), In memory of Donna Jean Evetts of Hewitt.

To Rules and Resolutions.

HR 1938 (By C. Anderson), In memory of Beverly Louise Bryan of Waco.

To Rules and Resolutions.

HR 1939 (By C. Anderson), In memory of Betty Ruth Ritterhoff Armstrong of Waco.

To Rules and Resolutions.

HR 1940 (By C. Anderson), In memory of Edna E. Henderson Anderson of Waco.

To Rules and Resolutions.

HR 1941 (By C. Anderson), In memory of John Poe of Moody.

To Rules and Resolutions.

HR 1942 (By C. Anderson), Congratulating Sonny and Carol Ludwig on their 50th wedding anniversary.

To Rules and Resolutions.

HR 1943 (By C. Anderson), In memory of Ira McCleave Mathews, Sr., of Waco.

To Rules and Resolutions.

HR 1944 (By C. Anderson), Congratulating Howard and Mary Ann Thompson of Woodway on their 30th wedding anniversary.

To Rules and Resolutions.

HR 1945 (By C. Anderson), In memory of Cleo Frances Malone of West.

To Rules and Resolutions.

HR 1946 (By C. Anderson), Commemorating the "First Things First" Juneteenth Kick Off Celebration in Waco.

To Rules and Resolutions.

HR 1947 (By Veasey), Honoring the Fort Worth Metropolitan Black Chamber of Commerce and its PATHS Forward leadership development program.

To Rules and Resolutions.

HR 1948 (By Martinez), Congratulating Juan and Olga Lugo of Donna on their 50th wedding anniversary.

To Rules and Resolutions.

HR 1949 (By Martinez), In memory of longtime Weslaco resident Janie Cuellar Salinas.

To Rules and Resolutions.

HR 1950 (By Beck), Recognizing May 17, 2011, as BEST Robotics Day at the State Capitol.

To Rules and Resolutions.

HR 1952 (By Callegari), Honoring U.S. Army Staff Sergeant Austin McCall of Katy on his receipt of the Bronze Star and the Purple Heart for his bravery in Afghanistan.

To Rules and Resolutions.

HR 1953 (By Callegari), Honoring Brazos Valley Schools Credit Union for its many contributions to the Katy Independent School District.

To Rules and Resolutions.

HR 1954 (By Callegari), Congratulating Jo Marie Hestilow on her selection as the 2010 Senior Citizen of the Year by the City of Katy.

To Rules and Resolutions.

SIGNED BY THE SPEAKER

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

House List No. 27

HB 457, HB 564, HB 994, HB 1147, HB 1251, HB 1753, HB 2012, HB 2375, HB 2991, HB 3287, HCR 131, HCR 157

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 12, 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 11 Cqok SPONSOR: Eltife
Relating to reports filed with the comptroller regarding certain alcoholic beverage sales; providing a penalty.

HB 734 Patrick, Diane SPONSOR: Nelson
Relating to the jurisdiction of constitutional county courts over truancy cases and the appointment of magistrates to hear truancy cases in certain counties.

HB 965 Callegari SPONSOR: Hegar

Relating to continuing education requirements for persons holding licenses issued by the Texas Commission on Environmental Quality.

HB 1064 Pitts SPONSOR: Eltife
Relating to exempting certain customers from certain demand charges by transmission and distribution utilities.

HB 1300 Guillen SPONSOR: Eltife
Relating to funding for state sites and programs of the Parks and Wildlife Department through private contributions and partnerships and to commercial advertising on certain state sites.

HB 1889 Burkett SPONSOR: Deuell
Relating to the creation of municipal courts of record in the city of Mesquite.

HB 1901 Keffer SPONSOR: Birdwell
Relating to the applicability of provisions concerning bond approval by the Texas Commission on Environmental Quality to certain water entities.

HB 1952 Kuempel SPONSOR: Eltife
Relating to alcoholic beverage seller-servers and to seller training programs.

HB 1953 Kuempel SPONSOR: Eltife
Relating to notice by sign of an alcoholic beverage permit or license application.

HB 2131 Geren SPONSOR: Eltife
Relating to the issuance of a pass for expedited access to the State Capitol.

HB 2503 Thompson SPONSOR: Eltife
Relating to insurance agent licenses issued to certain foreign corporations and partnerships.

HB 2831 Darby SPONSOR: Eltife
Relating to maximizing federal funding of extended unemployment benefits.

SB 1643 Uresti
Relating to mandatory dismissal deadlines and extended jurisdiction in suits affecting the parent-child relationship to which the Department of Family and Protective Services is a party.

SB 1926 Lucio
Relating to the Colonel H. William "Bill" Card, Jr., Outpatient Clinic.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Thursday, May 12, 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 563 Pickett SPONSOR: Nichols
Relating to the purposes and designation of a transportation reinvestment zone.
(Committee Substitute/Amended)

HB 2694 Smith, Wayne SPONSOR: Huffman

Relating to the continuation and functions of the Texas Commission on Environmental Quality and abolishing the On-site Wastewater Treatment Research Council.

(Committee Substitute/Amended)

HCR 135 Legler SPONSOR: Jackson
Honoring Bill Bailey, retiring constable for Precinct 8 of Harris County.

HCR 154 Craddick SPONSOR: Seliger
Congratulating Stephen Hartmann of Midland on his retirement as executive director of University Lands for The University of Texas System.

HCR 155 Branch SPONSOR: Watson
In memory of Shirley Bird Perry, senior vice president of The University of Texas at Austin.

SB 1164 Wentworth
Relating to optional annuity increases and annual supplemental payments for certain retirees and beneficiaries of the Texas Municipal Retirement System.

SB 1441 Ellis
Relating to the correction of an ad valorem tax appraisal roll.

SB 1572 Watson
Relating to the operations and monitoring of fusion centers in this state.

SB 1787 Patrick
Relating to the information provided by a peace officer before requesting a specimen to determine intoxication.

SB 1843 Carona
Relating to investigations of certain offenses involving the Internet-based sexual exploitation of a minor; creating the Internet crimes against children account to support those activities.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Thursday, May 12, 2011 - 3

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 270 Uresti
Relating to newborn hearing screenings.

SB 516 Patrick
Relating to the exemption from ad valorem taxation of all or part of the appraised value of the residence homestead of the surviving spouse of a 100 percent or totally disabled veteran.

SB 578 Fraser
Relating to the testimony of children in criminal cases.

SB 1175 Jackson

Relating to the Texas Enterprise Fund and the Texas emerging technology fund.

SJR 14 Van de Putte
Proposing a constitutional amendment authorizing the legislature to provide for an exemption from ad valorem taxation of all or part of the market value of the residence homestead of the surviving spouse of a 100 percent or totally disabled veteran.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 4

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Thursday, May 12, 2011 - 4

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:

SB 1402 Williams
Relating to motor vehicles; providing penalties.

Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

May 11

Agriculture and Livestock - **SB 1032**

Corrections - **SB 61, SB 209**

Defense and Veterans' Affairs - **SB 431, SB 461, SB 896, SB 910, SB 1635, SB 1739, SB 1755, SB 1766**

Economic and Small Business Development - **HB 471**

Environmental Regulation - **SB 875**

Higher Education - **SB 5**

Homeland Security and Public Safety - **HB 3422**

Insurance - **SB 1291, SB 1431, SB 1598**

Pensions, Investments, and Financial Services - **SB 1612**

Public Education - **SB 79, SB 391**

Public Health - **SB 80, SB 131, SB 189, SB 191, SB 227, SB 256, SB 335**

State Affairs - **SB 1217**

Transportation - **SB 1422**

ENGROSSED

May 11 - **HB 12, HB 174, HB 1013, HB 1799, HB 1818, HB 2078, HB 2098, HB 2203, HB 2237, HB 2389, HB 2439, HB 2596, HB 2660, HB 2759, HB 2817, HB 2825, HB 2889, HB 3017, HB 3025, HB 3133, HB 3727**

ENROLLED

May 11 - **HB 438, HB 444, HB 457, HB 755, HB 841, HB 1147, HB 1322, HB 1404, HB 1527, HB 1753, HB 1917, HB 2012, HB 2375, HB 2559, HB 2680, HB 2991, HB 3287, HCR 119, HCR 131, HCR 132**

SENT TO THE GOVERNOR

May 11 - **HB 438, HB 444, HB 571, HB 610, HB 755, HB 841, HB 1322, HB 1404, HB 1527, HB 1806, HB 1832, HB 1917, HB 2559, HB 2680, HB 2785, HCR 116, HCR 119, HCR 132, HCR 139**

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SEVENTY-FIFTH DAY (CONTINUED) — FRIDAY, MAY 13, 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 1042).

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; Lucio; Lyne; Madden; Mallory Caraway; Margo; 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.

Absent, Excused — Lozano; Marquez.

The invocation was offered by Phillip Fenton, pastor, St. Paul's Evangelical Lutheran Church, Brenham.

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

CAPITOL PHYSICIAN

The speaker recognized Representative Scott who presented Dr. Jean-Jaques Carr of Robstown as the "Doctor for the Day."

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

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for today because of important business in the district:

Lozano on motion of Guillen.

Marquez on motion of Raymond.

(Hunter in the chair)

**HR 1616 - ADOPTED
(by Gooden)**

Representative Gooden moved to suspend all necessary rules to take up and consider at this time **HR 1616**.

The motion prevailed.

The following resolution was laid before the house:

HR 1616, Honoring Chase Beavers of Terrell High School for his achievements as the 2010-2011 governor of the Texas-Oklahoma District of Key Club International.

(Chisum in the chair)

HR 1616 was adopted.

(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):

HB 142 (by Laubenberg), A bill to be entitled An Act relating to the practice of psychological associates. (C. Anderson, R. Anderson, Bonnen, Brown, Chisum, Christian, Cook, J. Davis, Eissler, Hancock, Harless, Hilderbran, Hopson, Huberty, Hunter, Keffer, Kuempel, Phillips, T. Smith, Solomons, Truitt, and White recorded voting no.)

CSHB 161 (by Raymond), A bill to be entitled An Act relating to the dissemination of criminal history record information by the Department of Public Safety concerning certain intoxication offenses. (Aycock, Beck, Harper-Brown, Landtroop, Laubenberg, Madden, Paxton, Perry, Sheets, Sheffield, and Zedler recorded voting no.)

CSHB 167 (by Raymond), A bill to be entitled An Act relating to the transportation of certain mental health patients. (Cain recorded voting no.)

CSHB 427 (by Driver), A bill to be entitled An Act relating to the creation of the Rowlett Waterfront Entertainment Management District; providing authority to impose a tax, levy an assessment, and issue bonds. (Berman, Carter, Craddick, Darby, Flynn, Frullo, Geren, Hamilton, P. King, Legler, Parker, Shelton, V. Taylor, and Zerwas recorded voting no.)

CSHB 695 (by Allen, Reynolds, et al.), A bill to be entitled An Act relating to the establishment of a program for the collection, transportation, recycling, and disposal of mercury-added thermostats. (R. Anderson, Aycock, Bonnen, Brown, Carter, Chisum, Christian, Cook, J. Davis, Eissler, Hancock, Harless, Harper-Brown, Hilderbran, Hopson, Huberty, Hunter, Keffer, Kolkhorst, Kuempel, Landtroop, Laubenberg, Paxton, Perry, Phillips, Simpson, T. Smith, Solomons, Truitt, and Zedler recorded voting no.)

CSHB 737 (by Otto), A bill to be entitled An Act relating to the East Montgomery County Improvement District.

SB 604 (Gonzalez, Gallego, Quintanilla, Pickett, and Marquez - House Sponsors), in lieu of **HB 778**, A bill to be entitled An Act relating to the execution of lawful process by county jailers.

Representative Gonzalez moved to lay **HB 778** on the table subject to call, and the motion prevailed.

CSHB 995 (by Gutierrez), A bill to be entitled An Act relating to provision by the secretary of state of notice to a candidate of the form of the candidate's name that will appear on the general election ballot. (Beck and Sheffield recorded voting no.)

HB 1119 (by Weber), A bill to be entitled An Act relating to the maintenance tax rate of the Brazoria County Conservation and Reclamation District Number Three. (C. Anderson, R. Anderson, Bonnen, Brown, Burkett, Cain, Carter, Chisum, Christian, Cook, J. Davis, Eissler, Frullo, Geren, Hancock, Harless, Harper-Brown, Hilderbran, Hopson, Huberty, Hunter, Keffer, Kolkhorst, Kuempel, Laubenberg, Paxton, Phillips, Simpson, T. Smith, Solomons, Truitt, and Zedler recorded voting no.)

SB 564 (Gallego - House Sponsor), in lieu of **HB 1177**, A bill to be entitled An Act relating to the election of members of the board of directors of the Middle Pecos Groundwater Conservation District.

Representative Gallego moved to lay **HB 1177** on the table subject to call, and the motion prevailed.

CSHB 1234 (by D. Miller), A bill to be entitled An Act relating to the authority of certain counties to impose a county hotel occupancy tax. (Berman, Burkett, Carter, Flynn, Frullo, Madden, Sheffield, and White recorded voting no.)

HB 1241 (by Zedler), A bill to be entitled An Act relating to surety bond requirements for reserve deputy constables.

SB 248 (Landtroop - House Sponsor), in lieu of **HB 1324**, A bill to be entitled An Act relating to the regulation of public grain warehouse operators. (White recorded voting no.)

Representative Landtroop moved to lay **HB 1324** on the table subject to call, and the motion prevailed.

SB 1121 (Lyne - House Sponsor), in lieu of **HB 1339**, A bill to be entitled An Act relating to the student fees for the university center at Midwestern State University. (Carter, Frullo, Simpson, and White recorded voting no.)

Representative Lyne moved to lay **HB 1339** on the table subject to call, and the motion prevailed.

SB 628 (Chisum - House Sponsor), in lieu of **HB 1416**, A bill to be entitled An Act relating to the authority of the Childress County Hospital District to provide facilities and services for persons who are elderly or disabled; providing authority to issue bonds and notes.

Representative Chisum moved to lay **HB 1416** on the table subject to call, and the motion prevailed.

CSHB 1544 (by Hunter and Torres), A bill to be entitled An Act relating to the design of specialty license plates issued to members and former members of the United States armed forces.

CSHB 1563 (by Flynn), A bill to be entitled An Act relating to the period of time between certain local option elections to legalize or prohibit the sale of alcoholic beverages. (C. Anderson, R. Anderson, Bonnen, Brown, Chisum, Christian, Cook, J. Davis, Eissler, Geren, Hancock, Hilderbran, Hopson, Huberty, Hunter, Keffer, Kolkhorst, Kuempel, T. Smith, and Solomons recorded voting no.)

CCSB 810 (Hunter - House Sponsor), in lieu of **HB 1586**, A bill to be entitled An Act relating to the boundaries of the Ingleside Cove Wildlife Sanctuary.

Representative Hunter moved to lay **HB 1586** on the table subject to call, and the motion prevailed.

CSHB 1646 (by Gallego), A bill to be entitled An Act relating to representation of certain applicants for writs of habeas corpus in cases involving the death penalty. (R. Anderson, Beck, Bonnen, Brown, Chisum, Christian, Cook, J. Davis, Eissler, Hancock, Harless, Harper-Brown, Hilderbran, Hopson, Huberty, Hunter, Keffer, Kolkhorst, Kuempel, Landtroop, Laubenberg, Paxton, Perry, Phillips, T. Smith, Solomons, and Truitt recorded voting no.)

HB 1745 (by Coleman and Alvarado), A bill to be entitled An Act relating to the authority of certain municipalities to impose term limits on the members of their governing bodies. (Harper-Brown, Simpson, and White recorded voting no.)

HB 1897 (by Flynn), A bill to be entitled An Act relating to the jurisdiction of, number of jurors in, and the clerk serving the County Court at Law of Van Zandt County.

CSHB 1921 (by Pickett), A bill to be entitled An Act relating to the composition of a board of directors of a regional mobility authority created by a municipality. (C. Anderson, R. Anderson, Bonnen, Brown, Chisum, Christian, Cook, J. Davis, Eissler, Hancock, Harless, Huberty, Hunter, Keffer, Kolkhorst, Kuempel, T. Smith, Solomons, Truitt, and Zedler recorded voting no.)

SB 1492 (Hilderbran - House Sponsor), in lieu of **HB 1945**, A bill to be entitled An Act relating to the election of directors of the Real-Edwards Conservation and Reclamation District.

Representative Hilderbran moved to lay **HB 1945** on the table subject to call, and the motion prevailed.

HB 1969 (by Christian), A bill to be entitled An Act relating to the applicability of commercial fertilizer regulations to a substance containing animal manure or plant remains. (Chisum, J. Davis, Harless, Harper-Brown, Hilderbran, Hopson, Hunter, Kolkhorst, T. Smith, Solomons, Truitt, and Zedler recorded voting no.)

SB 533 (Gallego - House Sponsor), in lieu of **HB 1989**, A bill to be entitled An Act relating to the minimum standards for the certifications of sexual assault training programs and sexual assault nurse examiners and for certification renewal by those entities.

Representative Gallego moved to lay **HB 1989** on the table subject to call, and the motion prevailed.

SB 1356 (Hardcastle - House Sponsor), in lieu of **HB 1991**, A bill to be entitled An Act relating to the repeal of certain laws regulating the registration of animal tattoo marks with the Department of Public Safety of the State of Texas.

Representative Hardcastle moved to lay **HB 1991** on the table subject to call, and the motion prevailed.

SB 1357 (Hardcastle - House Sponsor), in lieu of **HB 1993**, A bill to be entitled An Act relating to the redemption and impoundment of estrays.

Representative Hardcastle moved to lay **HB 1993** on the table subject to call, and the motion prevailed.

CSHB 2089 (by Smithee), A bill to be entitled An Act relating to the resolution of overpayment or underpayment of income benefits under the workers' compensation program.

CSHB 2093 (by Thompson), A bill to be entitled An Act relating to the operation and regulation of certain consolidated insurance programs. (C. Anderson, R. Anderson, Aycock, Beck, Bonnen, Brown, Chisum, Christian, Cook, Craddick, Darby, J. Davis, Eissler, Geren, Hamilton, Hancock, Harless, Hilderbran, Hopson, Huberty, Hunter, Isaac, Keffer, P. King, Kleinschmidt, Kolkhorst, Landtroop, Laubenberg, Legler, Parker, Paxton, Perry, Phillips, Shelton, Simpson, T. Smith, Solomons, Truitt, White, Zedler, and Zerwas recorded voting no.)

HB 2104 (by Jackson), A bill to be entitled An Act relating to the amount of the bond for county taxes required to be given by the county assessor-collector for certain counties.

HB 2169 (by Aycock), A bill to be entitled An Act relating to the authority of the governing body of a taxing unit to rescind a discount for early payment of ad valorem taxes. (Berman, Bohac, Fletcher, Flynn, Harper-Brown, Laubenberg, Madden, Paxton, Riddle, Schwertner, Sheffield, Simpson, and V. Taylor recorded voting no.)

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).

LOCAL, CONSENT, AND RESOLUTIONS CALENDAR (consideration continued)

SB 1385 (Oliveira - House Sponsor), in lieu of **HB 2208**, A bill to be entitled An Act relating to the authority of the chief appraiser of an appraisal district or the collector for a taxing unit to waive penalties for failing to file certain documents.

Representative Oliveira moved to lay **HB 2208** on the table subject to call, and the motion prevailed.

SB 1496 (R. Anderson - House Sponsor), in lieu of **HB 2254**, A bill to be entitled An Act relating to the scope and validity of correction instruments in the conveyance of real property.

Representative R. Anderson moved to lay **HB 2254** on the table subject to call, and the motion prevailed.

CSHB 2338 (by Paxton, Cain, and Zedler), A bill to be entitled An Act relating to the posting on the Internet by the county assessor-collector of information regarding ad valorem tax rates.

CSHB 2369 (by Quintanilla, Chisum, Margo, Garza, et al.), A bill to be entitled An Act relating to the accreditation of training programs and examinations for certain emergency medical services personnel. (Kuempel recorded voting no.)

CSHB 2417 (by Flynn), A bill to be entitled An Act relating to the Texas Code of Military Justice.

CSHB 2446 (by Allen), A bill to be entitled An Act relating to the release of confidential physician-patient communications in certain circumstances. (R. Anderson, Craddick, Darby, Frullo, Geren, Hamilton, P. King, Legler, Parker, Price, Shelton, and Zerwas recorded voting no.)

SB 1150 (Frullo - House Sponsor), in lieu of **HB 2498**, A bill to be entitled An Act relating to requiring certain non-ERCOT utilities to comply with energy efficiency goals. (White recorded voting no.)

Representative Frullo moved to lay **HB 2498** on the table subject to call, and the motion prevailed.

HB 2635 was withdrawn.

CSHB 2688 (by Lucio and Patrick), A bill to be entitled An Act relating to tuition and scholarships and fee exemptions for certain members of the armed services and certain military veterans attending institutions of higher education. (Laubenberg and Paxton recorded voting no.)

CSHB 2729 (by Callegari), A bill to be entitled An Act relating to local government contracts with private entities for civil works projects and improvements to real property.

CSHB 2788 (by Laubenberg), A bill to be entitled An Act relating to the donation of blood by persons who are at least 16 years of age.

CSHB 2819 (by S. King and Naishtat), A bill to be entitled An Act relating to the operation and efficiency of the eligibility determination process for supplemental nutrition assistance program benefits.

SB 1433 (Smithee - House Sponsor), in lieu of **HB 2834**, A bill to be entitled An Act relating to insurer receivership.

Representative Smithee moved to lay **HB 2834** on the table subject to call, and the motion prevailed.

CSHB 2917 (by McClendon), A bill to be entitled An Act relating to the optional county fee in certain counties for the county road and bridge fund. (C. Anderson, R. Anderson, Berman, Bohac, Bonnen, Branch, Brown, Cain, Carter, Chisum, Christian, Cook, Craddick, Darby, J. Davis, Eissler, Fletcher, Flynn, Frullo, Geren, Hamilton, Hancock, Harless, Harper-Brown, Hilderbran, Hopson, Huberty, Hunter, Keffer, P. King, Kleinschmidt, Kolkhorst, Kuempel, Landtroop, Laubenberg, Legler, Madden, Murphy, Parker, Paxton, Perry, Phillips, Riddle, Sheets, Sheffield, Shelton, T. Smith, Solomons, Truitt, White, Zedler, and Zerwas recorded voting no.)

HB 2931 was withdrawn.

HB 2967 was withdrawn.

HB 3022 (by Flynn), A bill to be entitled An Act relating to the appointment of a bailiff for the 196th District Court.

Representative Flynn moved to lay **HB 3022** on the table subject to call, and the motion prevailed.

SB 1608 (Rodriguez - House Sponsor), in lieu of **HB 3091**, A bill to be entitled An Act relating to operating a motor vehicle without a driver's license or financial responsibility; creating a penalty. (Alonzo, C. Anderson, R. Anderson, Bonnen, Brown, Chisum, Christian, Cook, J. Davis, Eissler, Geren, Hancock, Hilderbran, Hopson, Huberty, Hunter, Keffer, Kolkhorst, Kuempel, Phillips, T. Smith, Solomons, and Zedler recorded voting no.)

Representative Rodriguez moved to lay **HB 3091** on the table subject to call, and the motion prevailed.

CSHB 3123 (by Thompson and Parker), A bill to be entitled An Act relating to codifying federal foster care funding requirements to locate and provide information to relatives and other adults following the removal of a child by the Department of Family and Protective Services, and court findings regarding those efforts.

CSHB 3172 (by Gonzalez, V. Gonzales, Lucio, and Hartnett), A bill to be entitled An Act relating to protective orders.

HB 3199 (by Cain), A bill to be entitled An Act relating to the repeal of requirements and penalties related to the grading of roses.

**HB 2635 - MOTION TO RECONSIDER
SPREAD ON JOURNAL**

On motion of Representative Kolkhorst, the motion to reconsider the vote by which **HB 2635** was withdrawn was spread on the journal.

HB 2635 - NOTICE GIVEN

Pursuant to the provisions of Rule 7, Section 44 of the House Rules, Representative Kolkhorst gave notice that she would, on the next legislative day, call from the journal the motion to reconsider the vote by which **HB 2635** was withdrawn.

CSHB 3324 (by McClendon and Thompson), A bill to be entitled An Act relating to the operations and monitoring of fusion centers in this state.

HB 3352 (by W. Smith), A bill to be entitled An Act relating to the sale of park land owned by certain municipalities.

HB 3371 (by S. King), A bill to be entitled An Act relating to the exemption of registered dental laboratories from certain distributing and manufacturing licensing requirements.

CSHB 3410 (by Smithee), A bill to be entitled An Act relating to the managing underwriters for surplus lines insurance transactions and to the collection of surplus lines insurance premium taxes for those transactions. (Cain recorded voting no.)

HB 3422 was deferred until the end of today's local, consent, and resolutions calendar.

HB 3423 (by Lozano), A bill to be entitled An Act relating to certain criminal offenses committed in relation to a federal special investigator; providing criminal penalties.

SB 1241 (Jackson - House Sponsor), in lieu of **HB 3442**, A bill to be entitled An Act relating to authorizing certain courts to access information in the juvenile justice information system.

Representative Jackson moved to lay **HB 3442** on the table subject to call, and the motion prevailed.

SB 1242 (Jackson - House Sponsor), in lieu of **HB 3443**, A bill to be entitled An Act relating to the judicial immunity and powers of certain magistrates.

(L. Taylor in the chair)

Representative Jackson moved to lay **HB 3443** on the table subject to call, and the motion prevailed.

CSHB 3453 (by Anchia), A bill to be entitled An Act relating to the regulatory authority of the consumer credit commissioner. (C. Anderson recorded voting no.)

SB 1229 (Eiland - House Sponsor), in lieu of **HB 3458**, A bill to be entitled An Act relating to the registration with the Texas Department of Insurance of certain contract examiners.

Representative Eiland moved to lay **HB 3458** on the table subject to call, and the motion prevailed.

(Speaker pro tempore in the chair)

CSHB 3462 (by Margo, Pickett, Marquez, and Gonzalez), A bill to be entitled An Act relating to the board of hospital managers of the El Paso County Hospital District.

Amendment No. 1

Representative Margo offered the following amendment to **CSHB 3462**:

Amend **CSHB 3462** (house committee printing) as follows:

(1) On page 1, lines 9 and 10, strike "and for approval to the board following notice and public hearing".

(2) On page 1, line 19, strike "2" and substitute "; or".

(3) On page 1, strike lines 20 and 21.

(4) On page 1, line 22, strike "(4)" and substitute "(3)".

(5) On page 1, line 22, strike "first" and substitute "third".

(6) On page 2, line 1, strike "Subdivision (1), (2), or (3)" and substitute "Subdivision (1) or (2)".

(7) On page 2, strike lines 17-19, and substitute the following:

(b) A resignation under Subsection (a) is effective immediately on the date the absence, disqualifying conduct, or ineligibility specified [~~or refusal prescribed~~] by Subsection (a) occurs or exists.

Amendment No. 1 was adopted.

HB 3486 (by V. Taylor), A bill to be entitled An Act relating to municipal regulation of dogs used for search and rescue or law enforcement purposes. (Sheffield recorded voting no.)

HB 3488 (by Menendez, et al.), A bill to be entitled An Act relating to the requirements for demonstrating eligibility for an ad valorem tax exemption for the residence homestead of an elderly or disabled person.

SB 816 (Lucio - House Sponsor), in lieu of **HB 3560**, A bill to be entitled An Act relating to the appointment and recommendations of the Border Trade Advisory Committee.

Representative Lucio moved to lay **HB 3560** on the table subject to call, and the motion prevailed.

HB 3578 (by L. Gonzales), A bill to be entitled An Act relating to clarification of the authorized uses for loans under public institution of higher education emergency loan programs.

HB 3579 (by L. Gonzales), A bill to be entitled An Act relating to repayment assistance for certain physician education loans.

HB 3580 (by Frullo), A bill to be entitled An Act relating to the issuance of specialty license plates for surviving spouses of disabled veterans of the United States armed forces.

CSHB 3589 (by Hancock), A bill to be entitled An Act relating to claim-handling deadlines in the event of certain weather-related catastrophes or natural disasters.

SB 1327 (D. Howard - House Sponsor), in lieu of **HB 3591**, A bill to be entitled An Act relating to the confidentiality of information obtained by a compliance office of an institution of higher education.

Representative D. Howard moved to lay **HB 3591** on the table subject to call, and the motion prevailed.

CSHB 3597 (by Larson), A bill to be entitled An Act relating to the powers and duties of certain public improvement districts operated by counties. (Simpson recorded voting no.)

CSHB 3611 (by Truitt), A bill to be entitled An Act relating to the administration of medication for persons with intellectual and developmental disabilities. (C. Anderson, R. Anderson, Bonnen, Brown, Chisum, Christian, Cook, J. Davis, Eissler, Geren, Hancock, Hilderbran, Hopson, Huberty, Hunter, Keffer, Kolkhorst, Kuempel, Laubenberg, Paxton, Phillips, T. Smith, Solomons, and Zedler recorded voting no.)

Amendment No. 1

Representative Truitt offered the following amendment to **CSHB 3611**:

Amend **CSHB 3611** (house committee printing) as follows:

- (1) On page 6, line 15, strike ", and must end on August 31, 2012".
- (2) On page 7, line 10, strike "2013" and substitute "2015".

Amendment No. 1 was adopted.

CSHB 3696 (by Gallego), A bill to be entitled An Act relating to concurrent state and federal jurisdiction over units of the national park system in this state. (Price recorded voting no.)

HB 3799 was deferred until the end of today's local, consent, and resolutions calendar.

CSHB 3812 (by C. Howard), A bill to be entitled An Act relating to the powers and duties of the Imperial Redevelopment District; providing authority to impose a tax and issue bonds. (Berman, Flynn, and Harper-Brown recorded voting no.)

HB 3813 (by Isaac), A bill to be entitled An Act relating to the Hudson Ranch Fresh Water Supply District No. 1.

SB 1886 (Phillips - House Sponsor), in lieu of **HB 3825**, A bill to be entitled An Act relating to the Fannin County Juvenile Board.

Representative Phillips moved to lay **HB 3825** on the table subject to call, and the motion prevailed.

HB 3829 (by C. Anderson), A bill to be entitled An Act relating to gifts and donations to the McLennan County Juvenile Board.

HB 3837 (by Isaac), A bill to be entitled An Act relating to the designation of a portion of U.S. Highway 183 as the Cpl. Jason K. LaFleur Memorial Highway.

HB 3840 (by Parker), A bill to be entitled An Act relating to the extension of the deadline for holding the confirmation and initial directors' election of the Tradition Municipal Utility District No. 2 of Denton County.

CSHB 3841 (by Martinez), A bill to be entitled An Act relating to the designation of a portion of Farm-to-Market Road 907 in Hidalgo County as Rudy Villarreal Road.

HB 3842 (by Callegari), A bill to be entitled An Act relating to the creation of the Bridgeland Management District; providing authority to levy an assessment, impose a tax, and issue bonds. (Berman, Flynn, Harper-Brown, and V. Taylor recorded voting no.)

HB 3842 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE FARRAR: Mr. Callegari, could you read aloud the Section 39 in your bill? You might want to follow—it's on page 4 and 5 of your bill.

REPRESENTATIVE CALLEGARI: Section 4—what is it again?

FARRAR: 3901.

CALLEGARI: What page?

FARRAR: It's spread between 4—page 4 and page 5, 3901.008.

CALLEGARI: Eligibility for inclusion in special zones. All of any part of the area of the district eligible to be included in: a tax reinvestment zone created in Chapter 311, Tax Code, a tax abatement reinvestment zone created under Chapter 312, Tax Code, an enterprise zone created under Chapter 2203, Government Code, or an industrial industry created under Chapter 42, Local Government Code.

FARRAR: Okay, I'm familiar with these management districts, I've passed one myself. Do you believe that this management district will create a new tax to pay for the services that will be provided in that area?

CALLEGARI: Yes.

FARRAR: And—do you know—have any idea how many businesses—and I assume this is like others, where it's just businesses that are taxed—

CALLEGARI: I don't know if there are any businesses—there's no businesses right now.

FARRAR: Pardon me?

CALLEGARI: There are no businesses there now, it's a new district.

FARRAR: Okay, so who will the tax be assessed onto?

CALLEGARI: The businesses that will be in the district.

FARRAR: That will be in there, okay.

CALLEGARI: Correct.

FARRAR: Residents are not taxed like most management districts, right?

CALLEGARI: The residents are not taxed.

FARRAR: Will the businesses that will be in the area be allowed to decide whether or not to be taxed by the management district?

CALLEGARI: I don't think so—I don't recall.

FARRAR: Okay, I'm just—

CALLEGARI: This is a standard district that's been formed numerous times in this previous district—previous sessions.

FARRAR: All right. And, I understand it's the position of the Republican Party that no new taxes will be raised this session?

CALLEGARI: Maybe.

FARRAR: And this, perhaps, goes against that.

CALLEGARI: Yes, it does.

FARRAR: If it does—okay.

REMARKS ORDERED PRINTED

Representative Farrar moved to print remarks between Representative Callegari and Representative Farrar.

The motion prevailed.

REPRESENTATIVE ISAAC: I just want to clarify, you said there are no businesses in this district now?

CALLEGARI: Right.

ISAAC: So there are no businesses paying taxes in this district?

CALLEGARI: That is correct.

REMARKS ORDERED PRINTED

Representative Weber moved to print remarks between Representative Isaac and Representative Callegari.

The motion prevailed.

Amendment No. 1

Representative Callegari offered the following amendment to **HB 3842**:

Amend **HB 3842** (house committee report) as follows:

(1) On page 11, lines 2 through 4, strike "Sec. 3901.115. FIREFIGHTING AND EMERGENCY MEDICAL SERVICES. Subchapter L, Chapter 49, Water Code, applies to the district."

(2) On page 11, line 5, strike "3901.116" and substitute "3901.115".

(3) On page 11, line 13, strike "3901.117" and substitute "3901.116".

(4) On page 11, line 17, strike "3901.118" and substitute "3901.117".

(5) On page 11, line 19, strike "3901.119" and substitute "3901.118".

(6) On page 20, lines 17 through 21, strike "The district may impose a hotel occupancy tax for any district purpose, including to:

(1) maintain and operate the district;

(2) construct or acquire an improvement project; and

(3) provide a service."

and substitute "The district may impose a hotel occupancy tax for any purpose described by Section 351.101 or 352.101, Tax Code."

(7) On page 20, line 23, strike "the maximum rate prescribed by Section 352.003(a), Tax Code" and substitute "the lesser of:

(1) the maximum rate prescribed by Section 352.003(a), Tax Code; or

(2) a rate that, when added to the rates of all hotel occupancy taxes imposed by other political subdivisions with territory in the district and by this state, does not exceed the sum of the rate prescribed by Section 351.0025(b) plus two percent."

Amendment No. 1 was adopted.

HB 3843 (by Thompson), A bill to be entitled An Act relating to excluding certain territory from the Harris County Road Improvement District No. 2.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Hunter requested permission for the Committee on Calendars to meet while the house is in session, at 12 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, 12 p.m. today, 3W.9, for a formal meeting, to set a calendar.

LOCAL, CONSENT, AND RESOLUTIONS CALENDAR
(consideration continued)

HB 3844 (by Aycock), A bill to be entitled An Act relating to the creation of criminal law magistrates for Burnet County.

CSHB 3845 (by Sheffield), A bill to be entitled An Act relating to the powers of the CLL Municipal Utility District No. 1; providing authority to levy an assessment, impose a tax, and issue bonds. (Aycock, Berman, Flynn, Harper-Brown, and V. Taylor recorded voting no.)

CSHB 3845 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE FARRAR: Mr. Sheffield, for clarification, does this bill impose a fee or a tax?

REPRESENTATIVE SHEFFIELD: It's a brand new MUD district. In probably about 15 years down the road—and the people that will be imposed the tax will know the tax is there when they move into it.

FARRAR: Okay, right, so it does?

SHEFFIELD: Yes.

FARRAR: And, hasn't the republican agenda said that there will be no new taxes raised?

SHEFFIELD: I'm not imposing a new tax on anybody.

FARRAR: Well, I'm just saying, doesn't this conflict with that position?

SHEFFIELD: I don't believe it does.

FARRAR: Interesting. Okay, how will the proceeds of this tax be directed?

SHEFFIELD: I'm sure it will be directed for roads and everything else—services—like cities do now.

FARRAR: So, the assessments will pay for services.

REMARKS ORDERED PRINTED

Representative Farrar moved to print remarks between Representative Sheffield and Representative Farrar.

The motion prevailed.

REPRESENTATIVE WEBER: Ralph, this is about local control in a growing area where they elect a board of directors and they decide that they will actually choose their tax rate, is it not?

SHEFFIELD: Yes, it is.

REMARKS ORDERED PRINTED

Representative Weber moved to print remarks between Representative Sheffield and Representative Weber.

The motion prevailed.

REPRESENTATIVE ISAAC: Do you believe these MUD districts that are—again local control, people have 100 percent compliance with knowing their tax—but, a lot of these MUDs, they put in wastewater systems, are you aware of that?

SHEFFIELD: Correct.

ISAAC: Do you believe those wastewater systems are more environmentally friendly than people putting in septic systems?

SHEFFIELD: Most certainly, they are.

REMARKS ORDERED PRINTED

Representative Isaac moved to print remarks between Representative Sheffield and Representative Isaac.

The motion prevailed.

HB 3849 (by L. Taylor), A bill to be entitled An Act relating to the powers and duties of the Galveston County Municipal Utility District No. 6.

HB 3852 (by Pitts), A bill to be entitled An Act relating to the creation of the Midlothian Municipal Management District No. 2; providing authority to impose a tax, levy an assessment, and issue bonds. (Carter and V. Taylor recorded voting no.)

HB 3856 (by Naishtat), A bill to be entitled An Act relating to the proceedings that may be referred to and the powers of a criminal law magistrate in Travis County. (Cain and Landtroop recorded voting no.)

HB 3858 (by Thompson), A bill to be entitled An Act relating to the jurisdiction of a county criminal court at law in Harris County.

HB 3859 (by Laubenberg), A bill to be entitled An Act relating to the creation of the Club Municipal Management District No. 1; providing authority to levy an assessment and issue bonds. (Berman, Flynn, and V. Taylor recorded voting no.)

HB 3861 (by Craddick), A bill to be entitled An Act relating to the creation of the Midland County Utility District; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

Amendment No. 1

Representative Craddick offered the following amendment to **HB 3861**:

Amend **HB 3861** by striking all below the enacting clause and substituting the following:

SECTION 1. Subtitle I, Title 6, Special District Local Laws Code, is amended by adding Chapter 9016 to read as follows:

CHAPTER 9016. MIDLAND COUNTY UTILITY DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9016.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "County" means Midland County.

(4) "Director" means a board member.

(5) "District" means the Midland County Utility District.

(6) "Municipality" means a municipality in whose corporate limits or extraterritorial jurisdiction any part of the district is located.

Sec. 9016.002. NATURE OF DISTRICT. The district is a water control and improvement district created under Section 59, Article XVI, Texas Constitution.

Sec. 9016.003. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. 9016.004. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 9016.003 until each municipality has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district.

Sec. 9016.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a) The district is created to serve a public purpose and benefit.

(b) The district is created to accomplish the purposes of a water control and improvement district as provided by general law and Section 59, Article XVI, Texas Constitution.

Sec. 9016.006. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act enacting this chapter.

(b) The boundaries and field notes contained in Section 2 of the Act enacting this chapter form a closure. A mistake made in the field notes or in copying the field notes in the legislative process does not affect the district's:

(1) organization, existence, or validity;

(2) right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond;

(3) right to impose a tax; or

(4) legality or operation.

[Sections 9016.007-9016.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 9016.051. GOVERNING BODY; TERMS. (a) Except as provided by Subsection (c), the district is governed by a board of five elected directors.

(b) Except as provided by Section 9016.052, directors serve staggered four-year terms.

(c) If the municipality annexes any part of the territory of the district, the municipality shall appoint one ex officio member to the board to serve as a sixth director.

Sec. 9016.052. TEMPORARY DIRECTORS. (a) The temporary board consists of:

(1) Shelton Viney;

(2) Susie Hitchcock-Hall;

(3) Alan Lang;

(4) David Orr; and

(5) Israel Rodriguez.

(b) Temporary directors serve until the earlier of:

(1) the date permanent directors are elected under Section 9016.003; or

(2) September 1, 2015.

(c) If permanent directors have not been elected under Section 9016.003 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

(1) the date permanent directors are elected under Section 9016.003; or

(2) the fourth anniversary of the date of the appointment or reappointment.

(d) If Subsection (c) applies, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as successor temporary directors the five persons named in the petition. The commission shall appoint as successor temporary directors the five persons named in the petition.

Sec. 9016.053. NOTICE OF MEETINGS. The district shall provide the municipality with written notice before a meeting of the board.

[Sections 9016.054-9016.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 9016.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 9016.102. WATER CONTROL AND IMPROVEMENT DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 51, Water Code, applicable to water control and improvement districts created under Section 59, Article XVI, Texas Constitution.

Sec. 9016.103. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR RESOLUTION. The district shall comply with all applicable requirements of any ordinance or resolution that is adopted under Section 42.042, Local Government Code, and Section 9016.004 and that consents to the creation of the district or to the inclusion of land in the district.

Sec. 9016.104. COMPLIANCE WITH MUNICIPAL REGULATIONS. (a) Any water, sanitary sewer, drainage, or other infrastructure or public facilities constructed, acquired, improved, maintained, or operated by the district shall comply with any applicable regulations of the municipality in whose corporate limits or extraterritorial jurisdiction the infrastructure or facilities are located.

(b) Any water system constructed, acquired, improved, maintained, or operated by the district shall:

(1) comply with any applicable regulations of the municipality regarding specifications for rural density; and

(2) contain distribution lines that are:

(A) four inches or more in diameter; and

(B) sufficient to provide fire hydrant service according to the municipality's specifications for rural density.

Sec. 9016.105. COUNTY RIGHT-OF-WAY. The district must obtain the approval of the county's governing body of the plans and specifications of any facilities to be installed on property located in a county right-of-way.

Sec. 9016.106. LIABILITY. (a) Neither the county nor the municipality is liable for any claims arising from the operation of the district's water system or other actions or inactions of the district, including labor, safety, or signage, or contamination or other environmental issues.

(b) Any action taken by the municipality is a governmental function.

Sec. 9016.107. COSTS OF LINE RELOCATION. (a) The district is solely responsible for the expense associated with the relocation of any district water line required by:

(1) the county or a municipality; or

(2) a state or federal highway authority, including the Texas Department of Transportation and the Federal Highway Administration.

(b) The district will not unreasonably delay any requested line relocation.

Sec. 9016.108. SERVICES TO BE PROVIDED BY THE DISTRICT, COUNTY, OR MUNICIPALITY. (a) The district may enter into an interlocal contract with the county or municipality to provide governmental functions, including fire protection, trash collection and disposal, and ambulance service.

(b) Notwithstanding Subsection (a), the municipality is authorized to provide sewer and drainage service in the district. The municipality shall establish the amount of the fees to be charged to recipients of sewer and drainage service under this subsection.

(c) Notwithstanding Subsection (a), the district may not provide any services within the territorial limits of the municipality as those limits exist on September 1, 2011.

Sec. 9016.109. ANNEXATION BY MUNICIPALITY. (a) The municipality may annex a part of the territory of the district without annexing the entire territory of the district.

(b) If the municipality annexes all or part of the district:

(1) the annexed territory is not removed from the district; and

(2) the district is not:

(A) dissolved; or

(B) prevented from providing district services to the annexed

territory.

(c) If any territory inside the district is annexed, the owner of the property shall pay the same rate of ad valorem tax to the municipality as other residents of the municipality.

(d) By annexing territory in the district, the municipality does not assume any debt of the district.

(e) The district may not contest an annexation by the municipality.

Sec. 9016.110. WATER SERVICE DEADLINE. The district must begin operation of a water system serving at least a part of the district not later than the sixth anniversary of the date that district voters approve the issuance of bonds to provide for the development of the water system.

Sec. 9016.111. LIMITATION ON USE OF EMINENT DOMAIN. The district may not exercise the power of eminent domain:

(1) outside the district to acquire a site or easement for a recreational facility as defined by Section 49.462, Water Code; or

(2) in the corporate limits of the municipality as those limits exist on September 1, 2011.

Sec. 9016.112. PROHIBITION ON DIVISION OF DISTRICT. The district may not divide into two or more districts.

[Sections 9016.113-9016.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 9016.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by:

(1) revenue other than ad valorem taxes; or

(2) contract payments described by Section 9016.153.

(b) The district must hold an election in the manner provided by Chapters 49 and 51, Water Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

(c) The district may not issue bonds payable from ad valorem taxes to finance a road project unless the issuance is approved by a vote of a two-thirds majority of the district voters voting at an election held for that purpose.

Sec. 9016.152. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 9016.151, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

(b) The board shall determine the tax rate. The rate may not exceed the rate approved at the election.

Sec. 9016.153. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

(b) A contract approved by the district voters may contain a provision stating that the contract may be modified or amended by the board without further voter approval.

[Sections 9016.154-9016.200 reserved for expansion]

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 9016.201. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

Sec. 9016.202. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Section 51.433, Water Code.

Sec. 9016.203. LIMITATION ON TAX RATE. Notwithstanding any other provision of this chapter, the projected combined operation, maintenance, and debt service tax rates as of the date of the issuance of any bonds, as described by the commission in a commission order approving the issuance of the bonds, may not exceed 65 cents for each \$100 of assessed valuation of property in the district.

Sec. 9016.204. BONDS AND OTHER OBLIGATIONS NOT TO BE PAID BY MUNICIPALITY OR COUNTY. Bonds or other obligations of the district:

(1) may not be paid wholly or partly by taxes imposed by the county or the municipality;

(2) are not debts of the county or municipality; and

(3) do not give rise to a claim against the county or municipality.

SECTION 2. The Midland County Utility District initially includes all the territory contained in the following area:

54,050 Acres of Land

Located in Various Sections and Blocks,

T&P RR Co. Survey, Midland County, Texas.

Boundary Being More Fully Described By Metes and Bounds As Follows:

BEGINNING at (Y= 10,677,038' and X= 1,736,917') a point in the west line of Section 7, Block 39, T2S and a southerly line of Midland city limits and being the most westerly northwest corner of this tract;

THENCE S 14°19' E, a distance of 2685 feet to the southwest corner of said Section 7 and being an ell corner of this tract;

THENCE N 75°10' E with the south right-of-way line of West County Road 120, a distance of 7031 feet to a point in the north line of Section 17 this block for a point of deflection of this tract;

THENCE S 64°46' E, a distance of 4725 feet to a point in the east line of said Section 17 and in the west right-of-way line of South County Road 1210 also being a point of deflection of this tract;

THENCE S 14°23' E with the west right-of-way line of said South County Road 1210, a distance of 6340 feet to a point in the north right-of-way line of West County Road 138 and being an ell corner of this tract;

THENCE S 75°41' W with the north right-of-way line of said West County Road 138, a distance of 3340 feet to a point in the west right-of-way line of South County Road 1216 and being an ell corner of this tract;

THENCE S 14°52' E with the west right-of-way line of said South County Road 1216, a distance of 1272 feet to a point in the north right-of-way line of West County Road 140 and being an ell corner of this tract;

THENCE S 75°29' W with the north right-of-way line of said West County Road 140, a distance of 1974 feet to a point near the northwest corner of Section 29, Block 39, T2S and being an ell corner of this tract;

THENCE S 14°16' E, a distance of 26,411 feet to a point near the southwest corner of Section 6, Block 39, T3S and being the most southerly southwest corner of this tract;

THENCE N 75°59' E, a distance of 15,901 feet to a point in the east right-of-way line of State Highway 349 and being the most southerly southeast corner of this tract;

THENCE N 14°08' W with the east right-of-way line of said State Highway 349, a distance of 18,548 feet to a point near the southwest corner of Condor Aviation Co. Inc. tract and being an ell corner of this tract;

THENCE N 75°17' E, a distance of 5227 feet to a point in the east line of Section 35, Block 39, T2S and being an ell corner of this tract;

THENCE N 14°23' W, a distance of 1604 feet to a point for an ell corner of this tract;

THENCE N 76°20' E, a distance of 5414 feet to a point in the east right-of-way line of Farm to Market Road 715 and being an ell corner of this tract;

THENCE N 14°21' W with the east right-of-way line of said Farm to Market Road 715, a distance of 664 feet to a point for an ell corner of this tract;

THENCE N 75°23' E, a distance of 2628 feet to a point in the west half of Section 24, Block 38, T2S and being an ell corner of this tract;

THENCE S 14°03' E, a distance of 8251 feet to a point for an ell corner of this tract;

THENCE N 76°09' E, a distance of 2658 feet to a point in the east right-of-way line of South County Road 1160 and being an ell corner of this tract;

N 14°22' W with the east right-of-way line of said South County Road 1160, a distance of 3359 feet to a point in the south right-of-way line of East County Road 160 and being an ell corner of this tract;

THENCE N 75°38' E with the south right-of-way line of said East County Road 160, a distance of 10,581 feet to a point near the southeast corner of Section 22, Block 38, T2S and being an ell corner of this tract;

THENCE N 14°07' W with the east line of said Section 22, a distance of 5353 feet to a point near the northeast corner of said Section 22 and being an ell corner of this tract;

THENCE N 75°40' E, a distance of 1381 feet to a point near the southeast corner of George V. Anderson Jr. tract and the southwest corner of Donna Johnson tract also being an ell corner of this tract;

THENCE N 14°03' W with the west line of said Donna Johnson tract and the east line of said George V. Anderson Jr. tract, a distance of 1926 feet to a point near the northwest corner of said Donna Johnson tract and being an ell corner of this tract;

THENCE N 75°43' E, a distance of 1355 feet to a point in the east right-of-way line of South County Road 1136 and being an ell corner this tract;

THENCE N 13°52' W with the east right-of-way line of said South County Road 1136, a distance of 8663 feet to a point in the southwesterly right-of-way of State Highway 158 and the south right-of-way line of East County Road 130 also being an ell corner of this tract;

THENCE N 75°27' E with the south right-of-way line of said East County Road 130, a distance of 3996 feet to a point for an ell corner of this tract;
THENCE N 13°57' W, a distance of 5272 feet to a point in the south right-of-way line of East County Road 120 and being an ell corner of this tract;
THENCE N 75°41' E with the south right-of-way line of said East County road 120, a distance of 14,750 feet to a point for an ell corner of this tract;
THENCE N 14°17' W, a distance of 5276 feet to a point near the northwest corner of Section 51, Block 37, T2S and being an ell corner of this tract;
THENCE N 74°54' E, a distance of 10,567 feet to a point in the east right-of-way line of Farm to Market Road 1379 and being the most easterly southeast corner of this tract;
THENCE N 13°59' W with the east right-of-way line of said Farm to Market Road 1379, a distance of 3955 feet to a point of deflection of this tract;
THENCE N 14°17' W, a distance of 20,565 feet to a point in the southeasterly right-of-way of Interstate Highway 20 and being the most easterly northeast corner of this tract;
THENCE S 59°40' W with the southeasterly right-of-way of said Interstate Highway 20, a distance of 22,345 feet to a point in the projection of North County Road 1120 and being a point of deflection of this tract;
THENCE N 14°09' W, a distance of 8118 feet to a point near the northeast Section 26, Block 38, T1S and being an ell corner of this tract;
THENCE S 75°33' W with the north line of said Section 26, a distance of 2741 feet to a point for an ell corner of this tract;
THENCE N 13°46' W, a distance of 3300 feet to a point for an ell corner of this tract;
THENCE S 75°45' W, a distance of 2696 feet to a point in the west line of Section 23 and the east line of Section 22, Block 38, T1S and being an ell corner of this tract;
THENCE S 14°37' E with the west line of said Section 23 and the east line of said Section 22, a distance of 668 feet to a point for an ell corner of this tract;
THENCE S 75°34' W, a distance of 7949 feet to a point near the middle of Section 21, Block 38, T1S and being an ell corner of this tract;
THENCE N 14°18' W, a distance of 2716 feet to a point in the north line of said Section 21 and being an ell corner of this tract;
THENCE S 75°23' W, a distance of 4294 feet to a point in the north line of Section 20, Block 38, T1S and being a point of deflection of this tract;
THENCE S 66°10' W, a distance of 3034 feet to a point in an easterly line of the Midland city limits and being the most northerly northwest corner of this tract;
THENCE S 14°33' E with said city limits, a distance of 5372 feet to an ell corner of said city limits and being an ell corner of this tract;
THENCE S 75°36' W with said city limits, a distance of 2511 feet to an ell corner of said city limits and being an ell corner of this tract;
THENCE S 14°34' E with said city limits, a distance of 180 feet to an ell corner of said city limits and being an ell corner of this tract;
THENCE S 75°36' W with said city limits, a distance of 835 feet to an ell corner of said city limits and being an ell corner of this tract;

THENCE S 14°34' E with said city limits, a distance of 3832 feet to an ell corner of said city limits and being an ell corner of this tract;

THENCE N 75°36' E with said city limits, a distance of 2208 feet to an ell corner of said city limits and being an ell corner of this tract;

THENCE N 14°34' W with said city limits, a distance of 1204 feet to an ell corner of said city limits and being an ell corner of this tract;

THENCE N 75°36' E with said city limits, a distance of 1138 feet to an ell corner of said city limits and being an ell corner of this tract;

THENCE S 15°14' E with said city limits, a distance of 645 feet to an ell corner of said city limits and being an ell corner of this tract;

THENCE N 75°36' E with said city limits, a distance of 4603 feet to an ell corner of said city limits and being an ell corner of this tract;

THENCE S 14°35' E with said city limits, a distance of 5122 feet to an ell corner of said city limits and being an ell corner of this tract;

THENCE N 75°37' E with said city limits, a distance of 659 feet to an ell corner of said city limits and being an ell corner of this tract;

THENCE S 14°36' E with said city limits, a distance of 2879 feet to a point in the northwesterly right-of-way line of Business Interstate Highway 20 (US Highway 80) and the most easterly southeast corner of said city limits also being a point of deflection of this tract;

THENCE N 59°41' E with the northwesterly right-of-way line of said Business Interstate Highway 20, a distance of 4829 feet to a point near the northwest corner of Section 40, Block 38, T1S and being a point of deflection of this tract;

THENCE S 14°24' E, a distance of 7260 feet to a point in the east line of Section 45, Block 38, T1S and being 1000 feet southerly of the southeasterly right-of-way line of Interstate Highway 20 and being a point of deflection of this tract;

THENCE S 45°05' W 1000 feet southerly and parallel to the southeasterly right-of-way line of said Interstate Highway 20, a distance of 6527 feet to a point in the north line of Section 5, Block 38, T2S and in the south right-of-way line of Farm to Market Road 307 also being a point of deflection of this tract;

THENCE N 76°37' E with the south right-of-way line of said Farm to Market Road 307, a distance of 2882 feet to a point near the northeast corner of a 320 acre City of Midland tract in Section 4, Block 38, T2S and being an ell corner of this tract;

THENCE S 14°25' E with the east line of said 320 acre tract, a distance of 5252 feet to a point in the south line of said Section 4 and the north line of Section 9, Block 38, T2S and being an ell corner of this tract;

THENCE N 75°36' E with the north line of said Section 9, a distance of 2768 feet to a point near the northeast corner of said Section 9 and in the west right-of-way South County Road 1140 also being an ell corner of this tract;

THENCE S 14°36' E with the west right-of-way line of said South County Road 1140, a distance of 5313 feet to a point in the north right-of-way line of East County Road 120 and being an ell corner of this tract;

THENCE S 75°56' W with the north right-of-way line of said East County Road 120, a distance of 5150 to a point in the northeasterly right-of-way line of State Highway 158 and being a point of deflection of this tract;

THENCE N 70°55' W with the northeasterly right-of-way line of said State Highway 158, a distance of 4453 to a point near the most southerly southwest corner of a 365.58 acre City of Midland tract as described in Volume 2308, Page 3, Official Public Records of Midland County and the southeast corner of Ralph H White tract also being a point of deflection of this tract;

THENCE N 15°31' W with the east line of said Ralph H White tract and a west line of said City of Midland Tract, a distance of 732 feet to a point near the northeast corner of said Ralph H White tract and being a point of deflection of this tract;

THENCE N 70°36' W with the north line of said Ralph H White tract, a distance of 171 feet to a point near the northwest corner of said Ralph H White tract and in the east line of a 1.00 acre City of Midland tract as described in Volume 2308, Page 3, Official Public Records of Midland County and being a point of deflection of this tract;

THENCE S 15°31' E with the west line of said Ralph H White tract and the east line of said 1.00 acre City of Midland tract, a distance of 733 feet to a point in the northeasterly right-of-way line of said State Highway 158 and being a point of deflection of this tract;

THENCE N 70°55' W with the south line of said 1.00 acre City of Midland tract and the northeasterly right-of-way line of said State Highway 158, a distance of 415 feet to the southwest corner of said 1.00 acre City of Midland tract and being a point of deflection of this tract;

THENCE N 15°31' W with the west line of said 1.00 acre City of Midland tract, a distance of 1252 feet to the northwest corner of said 1.00 acre City of Midland and being a point of deflection of said 365.58 acre City of Midland tract also being a point of deflection of this tract;

THENCE S 75°57' W with a south line of said 365.58 acre City of Midland tract, a distance of 1419 feet to a point in the west line of Section 8, Block 38, T2S and being an ell corner of this tract;

THENCE N 14°10' W with the west line of said Section 8, a distance of 1274 feet to a point near the northwest corner of said Section 8 and being an ell corner of this tract;

THENCE N 75°49' E with the north line of said Section 8, a distance of 36 feet to a point near the southeast corner of Section 6, Block 38, T2S and being an ell corner of this tract;

THENCE N 14°12' W with the east line of said Section 6, a distance of 2124 feet to a point 1000 feet southerly of the southeasterly right-of-way line of said Interstate Highway 20 and being a point of deflection of this tract;

THENCE S 44°40' W southerly and parallel to the southeasterly right-of-way line of said Interstate Highway 20, a distance of 3968 feet to a point in the Midland city limits and being a point of deflection of this tract;

THENCE S 14°09' E with said city limits, a distance of 611 feet to the most southerly southeast corner of said city limits and being an ell corner of this tract;

THENCE S 75°32' W with the south line of said city limits, a distance of 10,595 feet to an ell corner of said city limits and being an ell corner of this tract;
THENCE S 14°23' E with the said city limits, a distance of 750 feet to an ell corner of said city limits and being an ell corner of this tract;
THENCE S 75°29' W with said city limits, a distance of 677 feet to an ell corner of said city limits and being an ell corner of this tract;
THENCE S 14°32' E with said city limits, a distance of 781 feet to an ell corner of said city limits and being an ell corner of this tract;
THENCE S 75°24' W with said city limits, a distance of 1675 feet to an ell corner of said city limits and being an ell corner of this tract;
THENCE N 14°23' W with said city limits, a distance of 1041 feet to an ell corner of said city limits and being an ell corner of this tract;
THENCE S 75°29' W with said city limits, a distance of 1000 feet to an ell corner of said city limits and being an ell corner of this tract;
THENCE N 14°23' W said city limits, a distance of 500 feet to an ell corner of said city limits and being an ell corner of this tract;
THENCE S 75°37' W with said city limits, a distance of 3137 feet to an ell corner of said city limits and being an ell corner of this tract;
THENCE S 14°18' E with said city limits, a distance of 570 feet to an ell corner of said city limits and being an ell corner of this tract;
THENCE S 75°42' W with said city limits, a distance of 1660 feet to an ell corner of said city limits and being an ell corner of this tract;
THENCE N 14°18' W with said city limits, a distance of 567 feet to an ell corner of said city limits and being an ell corner of this tract;
THENCE S 75°37' W with said city limits, a distance of 3390 feet to an ell corner of said city limits and being an ell corner of this tract;
THENCE S 15°02' E with said city limits, a distance of 709 feet to an ell corner of said city limits and being an ell corner of this tract;
THENCE S 74°54' W with said city limits, a distance of 1040 feet to an ell corner of said city limits and being an ell corner of this tract;
THENCE S 15°03' E with said city limits, a distance of 90 feet to an ell corner of said city limits and being an ell corner of this tract;
THENCE S 75°34' W with said city limits, a distance of 1064 feet to an ell corner of said city limits and being an ell corner of this tract;
THENCE N 14°40' W with said city limits, a distance of 817 feet to an ell corner of said city limits and being an ell corner of this tract;
THENCE S 75°44' W with said city limits, a distance of 559 feet to a point of curvature of said city limits and this tract;
THENCE around a curve to the left in a southwesterly direction and with said city limits, said curve having a radius length of 10,509 feet, a delta angle of 16°04', an arc length of 2947 feet and a chord length of 2937 feet bearing S 67°42" W to a point of tangency of said city limits and this tract;
THENCE S 59°40' W with said city limits, a distance of 6362 feet to the Point of Beginning, containing approximately 54,050 acres of land, more or less.
Bearings, distances and coordinates are relative to the Texas Coordinate System, 1983 NAD, Central Zone based on City of Midland's G.I.S Digital Map.

SECTION 3. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 4. (a) Section 9016.111, Special District Local Laws Code, as added by Section 1 of this Act, takes effect only if this Act receives a two-thirds vote of all the members elected to each house.

(b) If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 9016, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 9016.111 to read as follows:

Sec. 9016.111. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

(c) This section is not intended to be an expression of a legislative interpretation of the requirements of Section 17(c), Article I, Texas Constitution.

SECTION 5. Except as provided by Section 4 of this Act, this Act takes effect September 1, 2011.

Amendment No. 1 was adopted.

HB 3862 (by W. Smith), A bill to be entitled An Act relating to temporary directors and the continuation in existence of the Harris County Municipal Utility District No. 510. (V. Taylor recorded voting no.)

HB 3862 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE CALLEGARI: Mr. Smith, a couple of questions, I know you're quite familiar with water districts, MUD districts, management districts—could you explain very briefly how they work and the tax implications of those? For instance, are you aware that in every MUD district there is a board of directors that functions very much like a city council that makes decisions as to any issues related to tax or other issues in that district?

REPRESENTATIVE W. SMITH: Yes, I am aware of that.

CALLEGARI: And are you aware also that the citizens of that district are able to elect people to that board of directors, just as they would a mayor or city council of a city, and that those people duly represent the people just like we do?

W. SMITH: That's correct. There's customarily five, I think, on the water boards and they are elected by the people that are in that water district.

CALLEGARI: And are you aware that local—that water districts are probably the best example of local control of any other governmental entity that we have? The fact that the people on the board see and talk to their neighbors on a day-to-day basis—

W. SMITH: The people that are on the board are users. It's generally a more compact area that they represent, but they're the water users and the sewer users, and the rate payers, and they hire the folks that operate the plant, the folks that design the plant, the folks that assess the taxes—I mean, it's as local as you can get—it's like a small city.

CALLEGARI: And are you aware that the people who live in the district know, when they buy a home or a piece of property, that they live in the district, and there will be a tax—just like if they move into the city, they know that there will be a tax.

W. SMITH: That's right.

HCR 55 (by Flynn), Designating Canton as the official Home of the World Famous First Monday Trade Days.

HCR 83 (by Pitts), Redesignating the Lake Whitney area as the Getaway Capital of Texas.

CSHCR 84 (by Cain, White, et al.), Designating 42 as the official State Game of Texas.

HCR 117 (by Parker), Designating Roanoke as the Unique Dining Capital of Texas.

HCR 130 (by Button, Madden, and Carter), Designating the city of Richardson as the official International Business Capital of North Texas.

HR 243 (by C. Howard), Expressing opposition to **HR 3424** and to any other tax proposal that would limit the use of reinsurance by non-U.S.-based insurance companies.

HR 680 (by Landtroop and Veasey), Recognizing **SB 481**, 81st Texas Legislature, Regular Session, 2009, as the Justin Little Rail Crew Safe Transportation Act.

HR 930 (by C. Howard), Endorsing Taiwan's participation as an observer in the International Civil Aviation Organization and the United Nations Framework Convention on Climate Change. (Simpson recorded voting no.)

HB 3422 (by Lozano), A bill to be entitled An Act relating to the use of auction proceeds from the sale of abandoned motor vehicles, watercraft, or outboard motors to compensate certain property owners. (Harper-Brown recorded voting no.)

Amendment No. 1

On behalf of Representative Lozano, Representative Guillen offered the following amendment to **HB 3422**:

Amend **HB 3422** by striking the following SECTION and renumbering SECTIONS of the bill accordingly:

~~SECTION 2. Section 683.015(g), Transportation Code, is repealed.~~

Amendment No. 1 was adopted.

SB 1806 (S. Miller - House Sponsor), in lieu of **HB 3799**, A bill to be entitled An Act relating to timely filing of a surplus lines policy; providing penalties. (Carter and V. Taylor recorded voting no.)

Representative S. Miller moved to lay **HB 3799** on the table subject to call, and the motion prevailed.

HR 1981 - ADOPTED

(by Raymond)

Representative Raymond moved to suspend all necessary rules to take up and consider at this time **HR 1981**.

The motion prevailed.

The following resolution was laid before the house:

HR 1981, Congratulating Destiny Dawn Bailey of John B. Alexander High School in Laredo on her selection as the 2011 Youth of the Year by the United States Border Patrol.

HR 1981 was adopted.

On motion of Representative Guillen, the names of all the members of the house were added to **HR 1981** as signers thereof.

REMARKS ORDERED PRINTED

Representative Callegari moved to print remarks between Representative W. Smith and Representative Callegari on **HB 3862**.

The motion prevailed.

HR 1563 - PREVIOUSLY ADOPTED

(by Phillips)

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

HR 1563, Honoring Texas Department of Transportation executive director Amadeo Saenz, Jr., for his service.

On motion of Representatives Gallego, McClendon, and Y. Davis, the names of all the members of the house were added to **HR 1563** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Phillips who introduced Amadeo Saenz, Jr., and his wife, Geraldine.

COMMITTEE GRANTED PERMISSION TO MEET

Representative J. Davis requested permission for the Committee on Economic and Small Business Development to meet while the house is in session, at 2 p.m. today, in 3W.9, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Economic and Small Business Development, 2 p.m. today, 3W.9, for a formal meeting, to consider pending business.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Phillips requested permission for the Committee on Transportation to meet while the house is in session, at 2 p.m. today, in 3W.15, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Transportation, 2 p.m. today, 3W.15, for a formal meeting, to consider pending business.

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. 28).

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Land and Resource Management, upon first adjournment today, Desk 58, for a formal meeting, to consider **SB 1922**.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Pickett requested permission for the Committee on Defense and Veterans' Affairs to meet while the house is in session, at 1 p.m. today, in 3W.15, to consider **SB 1766** and pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Defense and Veterans' Affairs, 1 p.m. today, 3W.15, for a formal meeting, to consider **SB 1766** and pending business.

ADJOURNMENT

Representative Frullo moved that the house adjourn until 12:35 p.m. today.

The motion prevailed.

The house accordingly, at 12:22 p.m., adjourned until 12:35 p.m. today.

ADDENDUM

SIGNED BY THE SPEAKER

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

House List No. 28

HB 11, HB 734, HB 965, HB 1064, HB 1300, HB 1889, HB 1901, HB 1952, HB 1953, HB 2131, HB 2503, HB 2831

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

Friday, May 13, 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:

HCR 161

Taylor, Larry

SPONSOR: Hegar

Recalling **HB 1951** from the senate to the house.

Respectfully,

Patsy Spaw

Secretary of the Senate

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SEVENTY-SIXTH DAY — FRIDAY, MAY 13, 2011

The house met at 12:35 p.m. and, at the request of the speaker, was called to order by Representative Geren.

The roll of the house was called and a quorum was announced present (Record 1043).

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; Lucio; Lyne; Madden; Mallory Caraway; Margo; 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; 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 — Lozano; Marquez.

Absent — Scott.

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. 29).

COMMITTEE GRANTED PERMISSION TO MEET

Representative Jackson requested permission for the Committee on Judiciary and Civil Jurisprudence to meet while the house is in session, at 2:30 p.m. today, in 3W.9, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Judiciary and Civil Jurisprudence, 2:30 p.m. today, 3W.9, for a formal meeting, to consider pending business.

LEAVES OF ABSENCE GRANTED

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

Veasey on motion of Walle.

(Speaker pro tempore in the chair)

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

Gutierrez on motion of Burnam.

On motion of Representative Thompson and by unanimous consent, all members who were granted leaves of absence on the previous legislative day were granted leaves for this legislative day.

RULES SUSPENDED

Representative Thompson moved to suspend all necessary rules to take up and consider at this time, on third reading and final passage, the bills on the local, consent, and resolutions calendar which were considered on the previous legislative day.

The motion prevailed.

MOTION FOR ONE RECORD VOTE

On motion of Representative Thompson and by unanimous consent, the house agreed to use the first record vote taken for all those bills on the local, consent, and resolutions calendar that require a record vote on third reading and final passage, with the understanding that a member may record an individual vote on any bill with the journal clerk.

(Scott now present)

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

The following bills which were considered on second reading on the previous legislative day on the local, consent, and resolutions calendar were laid before the house, read third time, and passed by the following record vote (members registering votes and the results of the vote are shown following bill number).

(Record 1044): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman;

Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; 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; Lucio; Madden; Mallory Caraway; Margo; 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; Villarreal; Vo; Walle; Weber; White; Woolley(C); Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused — Gutierrez; Lozano; Marquez; Veasey.

Absent — Lyne.

STATEMENT OF VOTE

When Record No. 1044 was taken, I was temporarily out of the house chamber. I would have voted yes.

Lyne

HB 142 (C. Anderson, R. Anderson, Bonnen, Brown, Chisum, Christian, Cook, J. Davis, Eissler, Hancock, Harless, Hilderbran, Hopson, Huberty, Hunter, Keffer, Kuempel, Phillips, T. Smith, Solomons, Truitt, and White - no) (122 - 22 - 1)

HB 161 (Aycock, Beck, Harper-Brown, Landtroop, Laubenberg, Madden, Paxton, Perry, Sheets, Sheffield, and Zedler - no) (133 - 11 - 1)

HB 167 (Cain - no) (143 - 1 - 1)

HB 427 (Berman, Carter, Craddick, Darby, Flynn, Frullo, Geren, Hamilton, P. King, Legler, Parker, Shelton, V. Taylor, and Zerwas - no) (130 - 14 - 1)

HB 695 (R. Anderson, Aycock, Bonnen, Brown, Carter, Chisum, Christian, Cook, J. Davis, Eissler, Hancock, Harless, Harper-Brown, Hilderbran, Hopson, Huberty, Hunter, Keffer, Kolkhorst, Kuempel, Landtroop, Laubenberg, Paxton, Perry, Phillips, Simpson, T. Smith, Solomons, Truitt, and Zedler - no) (114-30-1)

HB 737

SB 604

HB 995 (Beck and Sheffield - no) (142 - 2 - 1)

HB 1119 (C. Anderson, R. Anderson, Bonnen, Brown, Burkett, Cain, Carter, Chisum, Christian, Cook, J. Davis, Eissler, Frullo, Geren, Hancock, Harless, Harper-Brown, Hilderbran, Hopson, Huberty, Hunter, Keffer, Kolkhorst, Kuempel, Laubenberg, Paxton, Phillips, Simpson, T. Smith, Solomons, Truitt, and Zedler - no) (112 - 32 - 1)

SB 564

HB 1234 (Berman, Burkett, Carter, Flynn, Frullo, Madden, Sheffield, and White - no) (136 - 8 - 1)

HB 1241

SB 248 (White - no) (143 - 1 - 1)

SB 1121 (Carter, Frullo, Simpson, and White - no) (140 - 4 - 1)

SB 628

HB 1544

HB 1563 (C. Anderson, R. Anderson, Bonnen, Brown, Chisum, Christian, Cook, J. Davis, Eissler, Geren, Hancock, Hilderbran, Hopson, Huberty, Hunter, Keffer, Kolkhorst, Kuempel, T. Smith, and Solomons - no) (124 - 20 - 1)

SB 810

HB 1646 (R. Anderson, Beck, Bonnen, Brown, Chisum, Christian, Cook, J. Davis, Eissler, Hancock, Harless, Harper-Brown, Hilderbran, Hopson, Huberty, Hunter, Keffer, Kolkhorst, Kuempel, Landtroop, Laubenberg, Paxton, Perry, Phillips, T. Smith, Solomons, and Truitt - no) (117 - 27 - 1)

HB 1745 (Harper-Brown, Simpson, and White - no) (141 - 3 - 1)

HB 1897

HB 1921 (C. Anderson, R. Anderson, Bonnen, Brown, Chisum, Christian, Cook, J. Davis, Eissler, Hancock, Harless, Huberty, Hunter, Keffer, Kolkhorst, Kuempel, T. Smith, Solomons, Truitt, and Zedler - no) (124 - 20 - 1)

SB 1492

HB 1969 (Chisum, J. Davis, Harless, Harper-Brown, Hilderbran, Hopson, Hunter, Kolkhorst, T. Smith, Solomons, Truitt, and Zedler - no) (132 - 12 - 1)

SB 533

SB 1356

SB 1357

HB 2089

HB 2093 (C. Anderson, R. Anderson, Aycock, Beck, Bonnen, Brown, Chisum, Christian, Cook, Craddick, Darby, J. Davis, Eissler, Geren, Hamilton, Hancock, Harless, Hilderbran, Hopson, Huberty, Hunter, Isaac, Keffer, P. King, Kleinschmidt, Kolkhorst, Landtroop, Laubenberg, Legler, Parker, Paxton, Perry, Phillips, Shelton, Simpson, T. Smith, Solomons, Truitt, White, Zedler, and Zerwas - no) (103 - 41 - 1)

HB 2104

HB 2169 (Berman, Bohac, Fletcher, Flynn, Harper-Brown, Laubenberg, Madden, Paxton, Riddle, Schwertner, Sheffield, Simpson, and V. Taylor - no) (131 - 13 - 1)

SB 1385**SB 1496****HB 2338**

HB 2369 (Kuempel - no) (143 - 1 - 1)

HB 2417

HB 2446 (R. Anderson, Craddick, Darby, Frullo, Geren, Hamilton, P. King, Legler, Parker, Price, Shelton, and Zerwas - no) (132 - 12 - 1)

SB 1150 (White - no) (143 - 1 - 1)

HB 2688 (Laubenberg and Paxton - no) (142 - 2 - 1)

HB 2729**HB 2788****HB 2819****SB 1433**

HB 2917 (C. Anderson, R. Anderson, Berman, Bohac, Bonnen, Branch, Brown, Cain, Carter, Chisum, Christian, Cook, Craddick, Darby, J. Davis, Eissler, Fletcher, Flynn, Frullo, Geren, Hamilton, Hancock, Harless, Harper-Brown, Hilderbran, Hopson, Huberty, Hunter, Keffer, P. King, Kleinschmidt, Kolkhorst, Kuempel, Laubenberg, Landtloop, Legler, Madden, Murphy, Parker, Paxton, Perry, Phillips, Riddle, Sheets, Sheffield, Shelton, T. Smith, Solomons, Truitt, White, Zedler, and Zerwas - no) (92 - 52 - 1)

SB 1608 (Alonzo, C. Anderson, R. Anderson, Bonnen, Brown, Chisum, Christian, Cook, J. Davis, Eissler, Geren, Hancock, Hilderbran, Hopson, Huberty, Hunter, Keffer, Kolkhorst, Kuempel, Phillips, T. Smith, Solomons, and Zedler - no) (121 - 23 - 1)

HB 3123**HB 3172****HB 3199****HB 3324****HB 3352****HB 3371**

HB 3410 (Cain - no) (143 - 1 - 1)

HB 3422 (Harper-Brown - no) (143 - 1 - 1)

HB 3423

SB 1241

SB 1242

HB 3453 (C. Anderson - no) (143 - 1 - 1)

SB 1229

HB 3462

HB 3486 (Sheffield - no) (143 - 1 - 1)

HB 3488

SB 816

HB 3578

HB 3579

HB 3580

HB 3589

SB 1327

HB 3597 (Simpson - no) (143 - 1 - 1)

HB 3611 (C. Anderson, R. Anderson, Bonnen, Brown, Chisum, Christian, Cook, J. Davis, Eissler, Geren, Hancock, Hilderbran, Hopson, Huberty, Hunter, Keffer, Kolkhorst, Kuempel, Laubenberg, Paxton, Phillips, T. Smith, Solomons, and Zedler - no) (120 - 24 - 1)

HB 3696 (Price - no) (143 - 1 - 1)

HB 3812 (Berman, Flynn, and Harper-Brown - no) (141 - 3 - 1)

HB 3813

SB 1886

HB 3829

HB 3837

HB 3840

HB 3841

HB 3842 (Berman, Flynn, Harper-Brown, and V. Taylor - no) (140 - 4 - 1)

HB 3843

HB 3844

HB 3845 (Aycock, Berman, Flynn, Harper-Brown, and V. Taylor - no) (139 - 5 - 1)

HB 3849

HB 3852 (Carter and V. Taylor - no) (142 - 2 - 1)

HB 3856 (Cain and Landtroop - no) (142 - 2 - 1)

HB 3858

HB 3859 (Berman, Flynn, and V. Taylor - no) (141 - 3 - 1)

HB 3861

HB 3862 (V. Taylor - no) (143 - 1 - 1)

SB 1806 (Carter and V. Taylor - no) (142 - 2 - 1)

The following resolutions which were laid out on the previous legislative day on the local, consent, and resolutions calendar were adopted by the above referenced vote (Record 1044): 144 Yeas, 0 Nays, 1 Present, not voting (members registering votes and the results of the vote are shown following bill number).

HCR 55

HCR 83

HCR 84

HCR 117

HCR 130

HR 243

HR 680

HR 930 (Simpson - no) (143 - 1 - 1)

FIVE-DAY POSTING RULE SUSPENDED

Representative Truitt moved to suspend the five-day posting rule to allow the Committee on Pensions, Investments, and Financial Services to consider **SB 812**, **SB 1664**, and **SB 1671** at 8 a.m. Tuesday, May 17 in E2.014.

The motion prevailed.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Kleinschmidt requested permission for the Committee on Land and Resource Management to meet while the house is in session, at 2:30 p.m. today, in 3W.15, to consider **SB 1922**.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Pensions, Investments, and Financial Services, 8 a.m. Tuesday, May 17, E2.014, for a public hearing, to consider **SB 812**, **SB 1664**, and **SB 1671**.

Land and Resource Management, 2:30 p.m. today, 3W.15, for a formal meeting, to consider **SB 1922**.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Dutton requested permission for the Committee on Urban Affairs to meet while the house is in session, at 2:30 p.m. today, in 3W.15, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Urban Affairs, 2:30 p.m. today, 3W.15, for a formal meeting, to consider pending business.

**HR 1854 - ADOPTED
(by Kolkhorst)**

Representative Kolkhorst moved to suspend all necessary rules to take up and consider at this time **HR 1854**.

The motion prevailed.

The following resolution was laid before the house:

HR 1854, Recognizing May 8-14, 2011, as National Hospital Week in Texas.

HR 1854 was adopted.

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, at 2:30 p.m. today, in 1W.14, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Border and Intergovernmental Affairs, 2:30 p.m. today, 1W.14, for a formal meeting, to consider pending business.

LEAVE OF ABSENCE GRANTED

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

S. King on motion of Rodriguez.

**CSHB 2931 ON SECOND READING
(by Woolley)
RULES SUSPENDED**

Representative Thompson moved to suspend all necessary rules to take up and consider at this time **CSHB 2931**.

The motion prevailed.

The chair laid before the house, on its second reading and passage to engrossment,

CSHB 2931, A bill to be entitled An Act relating to certain debt cancellation agreements made in connection with retail installment contracts.

CSHB 2931 was read second time and was passed to engrossment. (Thompson recorded voting no.)

HB 2931 ON THIRD READING
(by Woolley)
RULES SUSPENDED

Representative Thompson moved to suspend all necessary rules to take up and consider, on its third reading and final passage, **HB 2931**.

The motion prevailed.

The chair laid before the house, on its third reading and final passage,

HB 2931, A bill to be entitled An Act relating to certain debt cancellation agreements made in connection with retail installment contracts.

HB 2931 was read third time and was passed by (Record 1045): 137 Yeas, 5 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alvarado; 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; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; 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, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; 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; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Villarreal; Vo; Walle; Weber; White; Workman; Zedler; Zerwas.

Nays — Alonzo; Anchia; Farias; Orr; Strama.

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

Absent, Excused — Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent — Otto.

STATEMENT OF VOTE

I was shown voting yes on Record No. 1045. I intended to vote no.

Thompson

(Speaker in the chair)

MAJOR STATE CALENDAR
HOUSE BILLS
THIRD READING

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

HB 9 ON THIRD READING**(by Branch, Pitts, L. Taylor, Patrick, Villarreal, et al.)**

HB 9, A bill to be entitled An Act relating to student success-based funding for public institutions of higher education.

HB 9 was passed by (Record 1046): 118 Yeas, 22 Nays, 1 Present, not voting.

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

Nays — Allen; Burnam; Coleman; Deshotel; Dukes; Dutton; Farrar; Giddings; Gonzales, V.; Hernandez Luna; Howard, D.; Mallory Caraway; Martinez; Martinez Fischer; McClendon; Miles; Muñoz; Naishtat; Rodriguez; Thompson; Turner; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent — Eiland; Lucio; Oliveira; Scott.

HB 2594 ON THIRD READING**(by Truitt, Rodriguez, Harless, Farias, McClendon, et al.)**

HB 2594, A bill to be entitled An Act relating to the licensing and regulation of certain credit services organizations and the regulation of certain extensions of consumer credit obtained by those organizations or with regard to which the organizations provide assistance; providing an administrative penalty.

(Scott in the chair)

HB 2594 was passed by (Record 1047): 84 Yeas, 50 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Aycock; Bohac; Branch; Brown; Burnam; Castro; Chisum; Cook; Davis, J.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Eissler; Farias; Farrar; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Hancock; Harless; Harper-Brown; Hernandez Luna; Hochberg; Hopson; Howard, D.; Hunter; Jackson; Johnson;

Keffer; Kleinschmidt; Kolkhorst; Kuempel; Larson; Lavender; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Patrick; Peña; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Schwertner; Sheets; Shelton; Smith, T.; Smithee; Strama; Thompson; Torres; Truitt; Turner; Villarreal; Vo; Walle.

Nays — Aliseda; Anderson, R.; Beck; Berman; Bonnen; Burkett; Cain; Callegari; Carter; Christian; Craddick; Creighton; Darby; Davis, S.; Driver; Elkins; Fletcher; Flynn; Frullo; Gallego; Hamilton; Hardcastle; Hartnett; Howard, C.; Huberty; Hughes; Isaac; King, P.; Landtroop; Laubenberg; Legler; Lewis; Lyne; Miller, S.; Parker; Paxton; Perry; Phillips; Riddle; Sheffield; Simpson; Smith, W.; Solomons; Taylor, V.; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent — Button; Coleman; Crownover; Garza; Hilderbran; King, T.; Lucio; Miller, D.; Taylor, L.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1047. I intended to vote no.

Bohac

I was shown voting no on Record No. 1047. I intended to vote yes.

Callegari

I was shown voting no on Record No. 1047. I intended to vote yes.

Carter

When Record No. 1047 was taken, I was in the house but away from my desk. I would have voted yes.

Crownover

When Record No. 1047 was taken, I was in the house but away from my desk. I would have voted no.

Hilderbran

When Record No. 1047 was taken, I was in the house but away from my desk. I would have voted no.

L. Taylor

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today to attend a meeting of the Conference Committee on **HB 1**:

Otto on motion of L. Gonzales.

**CONSTITUTIONAL AMENDMENTS CALENDAR
HOUSE JOINT RESOLUTIONS
THIRD READING**

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

HJR 135 ON THIRD READING

(by Phillips, Callegari, Hancock, Fletcher, Aliseda, et al.)

HJR 135, A joint resolution proposing a constitutional amendment relating to an individual's or a religious organization's freedom of religion.

HJR 135 failed of adoption (not receiving the necessary two-thirds vote) by (Record 1048): 82 Yeas, 32 Nays, 8 Present, not voting.

Yeas — Aliseda; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Cook; Craddick; Creighton; Crownover; Darby; Deshotel; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Gonzales, L.; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hochberg; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; King, P.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lewis; Madden; Margo; Miller, S.; Morrison; Murphy; Nash; Orr; Parker; Patrick; Paxton; Peña; Perry; Phillips; Price; Riddle; Sheets; Shelton; Simpson; Smith, T.; Smithee; Solomons; Taylor, L.; Taylor, V.; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Anderson, C.; Burnam; Davis, Y.; Farias; Gallego; Geren; Giddings; Gonzales, V.; Gonzalez; Hernandez Luna; Hopson; Howard, D.; Johnson; King, T.; Lucio; Lyne; Mallory Caraway; Martinez; McClendon; Pickett; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Sheffield; Smith, W.; Strama; Walle.

Present, not voting — Mr. Speaker; Alvarado; Eiland; Menendez; Scott(C); Thompson; Turner; Villarreal.

Absent, Excused — Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto.

Absent — Castro; Christian; Coleman; Davis, J.; Davis, S.; Dukes; Dutton; Farrar; Garza; Keffer; Lavender; Legler; Martinez Fischer; Miles; Miller, D.; Muñoz; Naishtat; Oliveira; Pitts; Schwertner; Torres; Vo.

STATEMENTS OF VOTE

When Record No. 1048 was taken, I was in the house but away from my desk. I would have voted yes.

S. Davis

When Record No. 1048 was taken, I was in the house but away from my desk. I would have voted no.

Dukes

When Record No. 1048 was taken, I was in the house but away from my desk. I would have voted no.

Martinez Fischer

When Record No. 1048 was taken, I was temporarily out of the house chamber. I would have voted no.

Naishtat

When Record No. 1048 was taken, my vote failed to register. I would have voted yes.

Schwertner

When Record No. 1048 was taken, I was temporarily out of the house chamber. I would have voted yes.

Torres

HJR 135 - REASON FOR VOTE

While I support the goal and concept of placing the statutory language into the constitution, Representative Geren raised some very legitimate concerns in his comments yesterday. The statutory language has been well litigated and is understood and working well. The proposed constitutional language deviates from the statutory language and, therefore, may subject the language to further litigation. Please see Mr. Geren's comments which further express my concerns.

Eiland

(Kuempel in the chair)

FIVE-DAY POSTING RULE SUSPENDED

Representative Gallego moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Criminal Jurisprudence to consider all bills previously posted for Tuesday, May 17 at 9 a.m. Monday, May 16 in JHR 120.

The motion prevailed.

Representative S. Miller moved to suspend the five-day posting rule to allow the Committee on Homeland Security and Public Safety to consider **SB 1529** at 8:30 a.m. Tuesday, May 17 in E1.026.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Criminal Jurisprudence, 9 a.m. Monday, May 16, JHR 120, for a public hearing, to consider bills posted for Tuesday's previously scheduled meeting.

Homeland Security and Public Safety, 8:30 a.m. Tuesday, May 17, E1.026, for a public hearing, to consider **SB 1529** and pending business.

SB 252 - RECOMMITTED

Representative Guillen moved to recommit **SB 252** to the Committee on Culture, Recreation, and Tourism.

The motion prevailed.

(Speaker in the chair)

**GENERAL STATE CALENDAR
HOUSE BILLS
THIRD READING**

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

HB 359 ON THIRD READING

(by Allen, Nash, Shelton, Patrick, and Torres)

HB 359, A bill to be entitled An Act relating to the use of corporal punishment in public schools.

(Solomons in the chair)

HB 359 was passed by (Record 1049): 84 Yeas, 55 Nays, 4 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Berman; Branch; Brown; Burkett; Burnam; Carter; Castro; Chisum; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Harless; Hernandez Luna; Hochberg; Howard, C.; Howard, D.; Huberty; Hughes; Isaac; Johnson; Keffer; Kleinschmidt; Kolkhorst; Lewis; Lucio; Madden; Mallory Caraway; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Murphy; Naishtat; Nash; Oliveira; Patrick; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Strama; Taylor, V.; Thompson; Torres; Truitt; Turner; Villarreal; Vo; Walle; Weber; Woolley; Workman; Zerwas.

Nays — Anderson, C.; Anderson, R.; Aycock; Beck; Bohac; Bonnen; Button; Cain; Callegari; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Fletcher; Flynn; Frullo; Hamilton; Hancock; Hardcastle; Harper-Brown; Hartnett; Hopson; Hunter; Jackson; King, P.; King, T.; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lyne; Miller, D.; Miller, S.; Morrison; Orr; Parker; Paxton; Peña; Perry; Phillips; Price; Riddle; Schwertner; Scott; Smithee; Taylor, L.; White; Zedler.

Present, not voting — Mr. Speaker; Hilderbran; Margo; Solomons(C).

Absent, Excused — Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto.

Absent — Garza.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1049. I intended to vote no.

Brown

I was shown voting no on Record No. 1049. I intended to vote yes.

S. Davis

I was shown voting yes on Record No. 1049. I intended to vote no.

Madden

I was shown voting yes on Record No. 1049. I intended to vote no.

Patrick

HB 1244 ON THIRD READING

(by Castro)

HB 1244, A bill to be entitled An Act relating to developmental education courses and the assessment of student readiness under the Texas Success Initiative for public institutions of higher education.

(Bonnen in the chair)

HB 1244 was passed by (Record 1050): 125 Yeas, 11 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Aycock; Beck; Branch; Brown; Burkett; Burnam; Button; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Frullo; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hunter; Isaac; Jackson; Johnson; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lucio; Lyne; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Parker; Patrick; Peña; Perry; Phillips; 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; Villarreal; Vo; Walle; Weber; Woolley; Workman; Zerwas.

Nays — Anderson, C.; Berman; Cain; Flynn; Hughes; King, P.; Miller, S.; Paxton; Taylor, V.; White; Zedler.

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

Absent, Excused — Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto.

Absent — Bohac; Creighton; Garza; Keffer; Madden; Sheffield.

STATEMENT OF VOTE

I was shown voting no on Record No. 1050. I intended to vote yes.

P. King

HB 882 ON THIRD READING

(by Alvarado, Harless, et al.)

HB 882, A bill to be entitled An Act relating to the creation of an offense prohibiting certain transactions involving malt liquor containing certain stimulants.

HB 882 was passed by (Record 1051): 118 Yeas, 17 Nays, 2 Present, not voting.

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

Nays — Anderson, R.; Bohac; Cain; Callegari; Carter; Creighton; Flynn; Howard, C.; Hughes; Landtroop; Laubenberg; Madden; Perry; Schwertner; Sheffield; Simpson; White.

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

Absent, Excused — Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto.

Absent — Berman; Garza; Lewis; Patrick; Pitts; Reynolds; Zedler.

STATEMENTS OF VOTE

When Record No. 1051 was taken, my vote failed to register. I would have voted no.

Berman

I was shown voting no on Record No. 1051. I intended to vote yes.

Bohac

I was shown voting no on Record No. 1051. I intended to vote yes.

Callegari

I was shown voting yes on Record No. 1051. I intended to vote no.

Fletcher

I was shown voting yes on Record No. 1051. I intended to vote no.

Geren

When Record No. 1051 was taken, I was in the house but away from my desk. I would have voted yes.

Patrick

HB 51 ON THIRD READING

(by Lucio, Cook, et al.)

HB 51, A bill to be entitled An Act relating to energy efficiency standards for certain buildings and to high-performance design, construction, and renovation standards for certain government buildings and facilities.

Amendment No. 1

Representative Hancock offered the following amendment to **HB 51**:

Amend Floor Amendment No. 1 to **HB 51** on third reading as follows:

(1) On page 2, strike lines 7-8, and insert the following:

"(A) meet the American Society of Heating, Refrigerating, and Air-Conditioning Engineers energy standards in effect on September 1, 2011, or the International Energy Conservation Code in effect on September 1, 2011, or an updated version of those standards or that code adopted by the State Energy Conservation Office, if applicable; and"

(2) On page 2, line 9, strike ":".

(3) On page 2, line 10, strike "(i)".

(4) On page 2, line 24, after the word "revised", strike ":" and insert "through a nationally recognized consensus-based process or by a municipally owned utility in this state;".

(5) On page 2, strike lines 25-31.

(6) On page 3, strike line 1.

(7) On page 5, line 31, strike ":".

(8) On page 6, line 1, strike "(A)".

(9) On page 6, line 2, strike "; and" and insert ":".

(10) On page 6, strike lines 3-4.

(11) On page 6, line 11, after the word "program", strike all new language on lines 11-16.

Amendment No. 1 was adopted.

HB 51 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE ISAAC: Does this legislation have anything to do with the UN Agenda 21?

REPRESENTATIVE LUCIO: No.

ISAAC: None of this language has been adopted from any of their sustainability programs or what they refer to as "smart growth?"

LUCIO: No, sir.

REMARKS ORDERED PRINTED

Representative Isaac moved to print remarks between Representative Lucio and Representative Isaac.

The motion prevailed.

HB 51, as amended, was passed by (Record 1052): 97 Yeas, 33 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Bohac; Burkett; Burnam; Button; Carter; Castro; Chisum; Christian; Coleman; Cook; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Farias; Farrar; Fletcher; Frullo; Gallego; Garza; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Guillen; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Hernandez Luna; Hochberg; Hopson; Howard, D.; Huberty; Hunter; Isaac; Jackson; Johnson; Keffer; King, T.; Kleinschmidt; Kuempel; Larson; Legler; Lewis; Lucio; Lyne; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Muñoz; Naishtat; Nash; Orr; Peña; Pickett; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheffield; Shelton; Solomons; Strama; Taylor, L.; Thompson; Truitt; Turner; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Nays — Anderson, C.; Anderson, R.; Aycok; Beck; Brown; Cain; Craddick; Davis, S.; Flynn; Gooden; Harper-Brown; Howard, C.; Hughes; Kolkhorst; Landtroop; Laubenberg; Lavender; Madden; Miller, S.; Murphy; Parker; Patrick; Paxton; Phillips; Sheets; Simpson; Smith, T.; Smith, W.; Taylor, V.; Torres; White; Workman; Zedler.

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

Absent, Excused — Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto.

Absent — Berman; Branch; Callegari; Elkins; Geren; Hilderbran; King, P.; Morrison; Oliveira; Perry; Pitts; Smithee.

STATEMENTS OF VOTE

When Record No. 1052 was taken, I was in the house but away from my desk. I would have voted no.

Berman

When Record No. 1052 was taken, my vote failed to register. I would have voted no.

Branch

I was shown voting yes on Record No. 1052. I intended to vote no.

Christian

I was shown voting yes on Record No. 1052. I intended to vote no.

Driver

When Record No. 1052 was taken, I was in the house but away from my desk. I would have voted no.

Geren

When Record No. 1052 was taken, my vote failed to register. I would have voted no.

Hilderbran

When Record No. 1052 was taken, I was in the house but away from my desk. I would have voted yes.

P. King

When Record No. 1052 was taken, I was in the house but away from my desk. I would have voted yes.

Morrison

I was shown voting yes on Record No. 1052. I intended to vote no.

Orr

I was shown voting yes on Record No. 1052. I intended to vote no.

Sheffield

HB 278 ON THIRD READING

(by Alonzo)

HB 278, A bill to be entitled An Act relating to pretrial hearings in criminal cases.

HB 278 was passed by (Record 1053): 105 Yeas, 35 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Carer; Castro; Chisum; Coleman; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Farias; Farrar; Flynn; Gallego; Garza; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Hancock; Hardcastle; Harless; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, T.; Kleinschmidt; Kolkhorst; Landtroop; Larson; Laubenberg; Lavender; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Patrick; Peña; Perry; Pickett; Quintanilla; Reynolds; Ritter; Rodriguez; Scott; Sheets; Simpson; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Thompson; Torres; Truitt; Turner; Villarreal; Vo; Walle; Weber; Woolley; Workman; Zedler; Zerwas.

Nays — Anderson, C.; Anderson, R.; Aycock; Beck; Bonnen(C); Callegari; Christian; Cook; Craddick; Creighton; Crownover; Darby; Fletcher; Frullo; Geren; Hamilton; Harper-Brown; Huberty; Kuempel; Legler; Lewis; Miller, S.; Parker; Paxton; Phillips; Price; Riddle; Schwertner; Sheffield; Shelton; Smith, T.; Taylor, V.; White.

Present, not voting — Mr. Speaker.

Absent, Excused — Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto.

Absent — Elkins; Hartnett; Morrison; Pitts; Raymond.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1053. I intended to vote no.

Hilderbran

When Record No. 1053 was taken, I was in the house but away from my desk. I would have voted no.

Morrison

HB 550 ON THIRD READING (by Dutton)

HB 550, A bill to be entitled An Act relating to an exemption to the requirement for a fishing license for residents of a certain age.

Amendment No. 1

Representative Dutton offered the following amendment to **HB 550**:

Amend **HB 550** on third reading in Section 46.002(a)(1), Parks and Wildlife Code, as amended on second reading by the Dutton amendment, by striking "75" and substituting "70".

Amendment No. 1 was withdrawn.

HB 550 was passed by (Record 1054): 132 Yeas, 7 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; 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; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; 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, T.; Kleinschmidt; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts;

Quintanilla; Reynolds; Riddle; Ritter; Rodriguez; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zerwas.

Nays — Bonnen(C); Cain; Kolkhorst; Kuempel; Price; Schwertner; Zedler.

Present, not voting — Mr. Speaker.

Absent, Excused — Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto.

Absent — Anderson, C.; Frullo; Guillen; Raymond.

STATEMENT OF VOTE

When Record No. 1054 was taken, I was in the house but away from my desk. I would have voted no.

Frullo

HB 940 ON THIRD READING (by Dukes and Zedler)

HB 940, A bill to be entitled An Act relating to persons subject to prosecution for improper relationship between educator and student.

Amendment No. 1

Representative Y. Davis offered the following amendment to **HB 940**:

Amend **HB 940** on third reading (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 21.006, Education Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) A superintendent or director of a school district shall complete an investigation of an educator that is based on reasonable cause to believe the educator may have engaged in misconduct described by Subsection (b)(2)(A), despite the educator's resignation from district employment before completion of the investigation.

SECTION _____. Section 21.006(b-1), Education Code, as added by this Act, applies to an investigation of possible public school educator misconduct begun on or after the effective date of this Act, regardless of whether the alleged misconduct occurred before, on, or after the effective date of this Act.

Amendment No. 1 was adopted.

HB 940, as amended, was passed by (Record 1055): 138 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; 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; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; 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, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Laubenberg; Lavender; Legler; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; 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; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Eiland.

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

Absent, Excused — Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto.

Absent — Gallego; Larson; Lewis.

STATEMENTS OF VOTE

I was shown voting no on Record No. 1055. I intended to vote yes.

Eiland

When Record No. 1055 was taken, I was in the house but away from my desk. I would have voted yes.

Gallego

LEAVES OF ABSENCE GRANTED

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

Giddings on motion of Brown.

The following member was granted leave of absence for the remainder of today to attend a meeting of the Conference Committee on **HB 1**:

Turner on motion of Brown.

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).

HB 159 ON THIRD READING (by Raymond)

HB 159, A bill to be entitled An Act relating to the resumption of employment by certain retirees within the Texas Municipal Retirement System.

HB 159 was passed by (Record 1056): 91 Yeas, 49 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anderson, C.; Bohac; Brown; Burnam; Castro; Chisum; Coleman; Cook; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Farias; Farrar; Fletcher; Frullo; Gallego; Garza; Geren; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Hancock; Hardcastle; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Hunter; Jackson; Johnson; Keffer; King, T.; Kleinschmidt; Kuempel; Larson; Lewis; Lucio; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Nash; Oliveira; Orr; Patrick; Peña; Perry; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Scott; Shelton; Smith, T.; Smithee; Strama; Taylor, L.; Thompson; Torres; Truitt; Villarreal; Vo; Walle; Woolley; Workman.

Nays — Aliseda; Anderson, R.; Aycock; Beck; Berman; Bonnen(C); Branch; Burkett; Button; Cain; Callegari; Carter; Christian; Craddick; Elkins; Flynn; Hamilton; Harless; Harper-Brown; Huberty; Hughes; Isaac; King, P.; Kolkhorst; Landtroop; Laubenberg; Lavender; Legler; Lyne; Madden; Miller, D.; Miller, S.; Morrison; Murphy; Parker; Paxton; Phillips; Price; Schwertner; Sheets; Sheffield; Simpson; Smith, W.; Solomons; Taylor, V.; Weber; White; Zedler; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused — Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Anchia.

STATEMENTS OF VOTE

When Record No. 1056 was taken, I was in the house but away from my desk. I would have voted yes.

Anchia

I was shown voting yes on Record No. 1056. I intended to vote no.

Bohac

I was shown voting yes on Record No. 1056. I intended to vote no.

Brown

I was shown voting yes on Record No. 1056. I intended to vote no.

Driver

I was shown voting yes on Record No. 1056. I intended to vote no.

Geren

I was shown voting yes on Record No. 1056. I intended to vote no.

Nash

I was shown voting yes on Record No. 1056. I intended to vote no.

Patrick

HB 1476 ON THIRD READING
(by Riddle)

HB 1476, A bill to be entitled An Act relating to the grounds for revocation of an emergency medical services personnel certification.

HB 1476 was passed by (Record 1057): 139 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Beran; Bohac; 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; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; 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, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; 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; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Allen.

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

Absent, Excused — Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

HB 1608 ON THIRD READING
(by Strama)

HB 1608, A bill to be entitled An Act relating to participation in and contributions to the state employee charitable campaign by retired state employees.

LEAVE OF ABSENCE GRANTED

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

Geren on motion of Ritter.

HB 1608 - (consideration continued)

HB 1608 was passed by (Record 1058): 134 Yeas, 4 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; 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, T.; Kleinschmidt; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; 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; Villarreal; Vo; Walle; White; Woolley; Workman; Zedler; Zerwas.

Nays — Anderson, C.; Callegari; Miller, S.; Weber.

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

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Kolkhorst.

STATEMENT OF VOTE

When Record No. 1058 was taken, I was in the house but away from my desk. I would have voted yes.

Kolkhorst

**HB 1677 ON THIRD READING
(by Rodriguez)**

HB 1677, A bill to be entitled An Act relating to the administration and funding of retirement systems for firefighters in certain municipalities.

HB 1677 failed to pass by (Record 1059): 54 Yeas, 84 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Chisum; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Gonzales, V.; Gonzalez; Guillen; Harless; Hernandez Luna; Hochberg; Howard, D.; Huberty; Hunter; Johnson; Keffer; King, T.; Lucio; Mallory Caraway;

Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Scott; Smith, T.; Solomons; Strama; Thompson; Truitt; Villarreal; Vo; Walle; Workman.

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

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

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Garza.

STATEMENTS OF VOTE

When Record No. 1059 was taken, I was excused because of important business in the district. I would have voted no.

Geren

I was shown voting yes on Record No. 1059. I intended to vote no.

Harless

I was shown voting no on Record No. 1059. I intended to vote yes.

Hilderbran

I was shown voting yes on Record No. 1059. I intended to vote no.

Huberty

I was shown voting yes on Record No. 1059. I intended to vote no.

T. Smith

I was shown voting yes on Record No. 1059. I intended to vote no.

Solomons

HB 1793 ON THIRD READING (by Gutierrez)

HB 1793, A bill to be entitled An Act relating to the practice of cosmetology.

HB 1793 was passed by (Record 1060): 135 Yeas, 3 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; 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; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; 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, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; 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; Villarreal; Vo; Walle; Weber; Woolley; Workman; Zedler; Zerwas.

Nays — Cain; Callegari; White.

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

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Garza.

HB 3542 ON THIRD READING

(by L. Gonzales, Huberty, McClendon, Strama, Veasey, et al.)

HB 3542, A bill to be entitled An Act relating to a supplemental payment for retirees of the Teacher Retirement System of Texas and the unfunded actuarial liabilities allowed under that system.

HB 3542 was passed by (Record 1061): 136 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; 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; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; 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; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Cain.

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

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Hochberg; Johnson.

STATEMENTS OF VOTE

I was shown voting no on Record No. 1061. I intended to vote yes.

Cain

I was shown voting yes on Record No. 1061. I intended to vote no.

Chisum

When Record No. 1061 was taken, my vote failed to register. I would have voted yes.

Johnson

I was shown voting yes on Record No. 1061. I intended to vote no.

Weber

HB 3064 ON THIRD READING

(by P. King and Torres)

HB 3064, A bill to be entitled An Act relating to preventing the fraudulent issuance and use of disabled parking placards; providing a civil penalty.

Amendment No. 1

Representative Shelton offered the following amendment to **HB 3064**:

Amend **HB 3064** on third reading by striking page 2, line 6 through page 3, line 9, and renumbering subsequent SECTIONS accordingly.

Amendment No. 1 was adopted.

HB 3064, as amended, was passed by (Record 1062): 136 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; 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; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; 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, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Orr; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Guillen; Oliveira; Raymond.

HB 25 ON THIRD READING

(by Guillen, Flynn, Peña, V. Gonzales, and White)

HB 25, A bill to be entitled An Act relating to the carrying of certain weapons in a watercraft.

HB 25 was passed by (Record 1063): 137 Yeas, 0 Nays, 3 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; 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; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Isaac; Jackson; Johnson; Keffer; King, P.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lucio; Lyne; Madden; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; 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; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Bonnen(C); Mallory Caraway.

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Hunter.

STATEMENT OF VOTE

When Record No. 1063 was taken, I was in the house but away from my desk. I would have voted yes.

Hunter

HB 254 ON THIRD READING (by Hilderbran and R. Anderson)

HB 254, A bill to be entitled An Act relating to establishing the Texas Derbies.

HB 254 was passed by (Record 1064): 101 Yeas, 34 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Bohac; Branch; Burkett; Cain; Callegari; Castro; Coleman; Crownover; Darby; Davis, J.; Davis, S.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Gallego; Garza; Gonzales, L.; Gonzales, V.; Gonzalez; Guillen; Hamilton; Hardcastle; Harless; Harper-Brown; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Hunter; Isaac; Jackson; Johnson; King, P.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Legler; Lewis; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Peña; Pitts; Price; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Scott; Sheets; Sheffield; Smith, W.; Smithee; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Villarreal; Vo; Walle; White; Woolley; Zerwas.

Nays — Beck; Berman; Brown; Button; Carter; Chisum; Christian; Cook; Craddick; Creighton; Flynn; Frullo; Gooden; Hancock; Hartnett; Huberty; Hughes; Keffer; Landtroop; Laubenberg; Lavender; Parker; Patrick; Paxton; Perry; Phillips; Schwertner; Shelton; Simpson; Smith, T.; Solomons; Weber; Workman; Zedler.

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

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Burnam; Davis, Y.; Pickett; Reynolds.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1064. I intended to vote no.

Burkett

I was shown voting no on Record No. 1064. I intended to vote yes.

Hughes

I was shown voting no on Record No. 1064. I intended to vote yes.

Zedler

HB 2119 ON THIRD READING
(by **Madden**)

HB 2119, A bill to be entitled An Act relating to the requirement that the Texas Correctional Office on Offenders with Medical or Mental Impairments provide certain services and programs.

HB 2119 was passed by (Record 1065): 134 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Cook; Craddock; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; 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, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Laubenberg; Lavender; Legler; Lewis; Lucio; Lyne; Madden; Mallory Caraway; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Parker; Patrick; Paxton; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Coleman; Landtroop; Margo; Peña; Strama.

STATEMENT OF VOTE

When Record No. 1065 was taken, I was in the house but away from my desk. I would have voted yes.

Strama

HB 2357 ON THIRD READING
(by **Pickett**)

HB 2357, A bill to be entitled An Act relating to motor vehicles; providing penalties.

Amendment No. 1

Representative Pickett offered the following amendment to **HB 2357**:

Amend **HB 2357** (second reading engrossment) on third reading as follows:

(1) Strike the first added Subsection (d) in redesignated Section 501.1001, Transportation Code (page 50, line 20 through page 51, line 2).

(2) In added Section 501.176(c), Transportation Code (page 82, line 13), after "accordance", add "with".

(3) In added Section 502.191(d), Transportation Code (page 136, line 18), between "accordance" and "Section", add "with".

(4) Strike SECTION 186 of the bill, amending Section 504.3011(a), Transportation Code (page 203, lines 4 through 12), and renumber subsequent SECTIONS of the bill accordingly.

(5) In SECTION 187 of the bill, in amended Section 504.3011, Transportation Code (page 203), strike lines 22 through 27 and substitute the following:

~~[(e)]~~ The department shall design military license plates that:

(1) bear a color depiction of the emblem of the appropriate branch of the United States armed forces or a color depiction of the appropriate medal as provided by the United States Department of Defense; and

(2) include the words "Honorably Discharged" for license plates issued to former members of the United States armed forces ~~[to which this section applies in consultation with veterans organizations].~~

(6) In SECTION 254 of the bill, repealing Section 19, Chapter 1136, Acts of the 81st Legislature, Regular Session, 2009 (page 244, lines 20), between the period and "Section" insert "(a)".

(7) In SECTION 254 of the bill, repealing Section 19, Chapter 1136, Acts of the 81st Legislature, Regular Session, 2009 (page 244, between lines 21 and 22), insert the following:

(b) This section takes effect August 31, 2011.

(8) In SECTION 260 of the bill, the effective date (page 246, line 1), strike "This" and substitute "Except as otherwise provided by this Act, this".

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

SECTION _____. (a) Section 502.161, Transportation Code, is amended by adding subsection (a-1) to read as follows:

(a-1) For purposes of Subsection (a), a light truck that weighs 6,000 pounds or less is considered a passenger car.

(b) This section takes effect August 31, 2011.

Amendment No. 1 was adopted.

HB 2357, as amended, was passed by (Record 1066): 132 Yeas, 4 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Cook; Craddick;

Creighton; Crownover; Darby; Davis, J.; Davis, S.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; 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, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lucio; Lyne; Madden; Mallory Caraway; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Naishtat; Nash; Oliveira; Orr; 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.; Torres; Truitt; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Davis, Y.; Murphy; Taylor, V.; Thompson.

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

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Coleman; Margo; Reynolds.

STATEMENTS OF VOTE

- I was shown voting yes on Record No. 1066. I intended to vote no. Branch
- I was shown voting yes on Record No. 1066. I intended to vote no. Gooden
- I was shown voting yes on Record No. 1066. I intended to vote no. Harless
- I was shown voting yes on Record No. 1066. I intended to vote no. Huberty
- I was shown voting yes on Record No. 1066. I intended to vote no. Parker

**HB 2507 ON THIRD READING
(by Chisum)**

HB 2507, A bill to be entitled An Act relating to the offense of installing an irrigation system without a license.

Representative Phillips moved to postpone consideration of **HB 2507** until the end of today's calendar.

The motion prevailed.

HB 3461 ON THIRD READING**(by Margo)**

HB 3461, A bill to be entitled An Act relating to transferring adult education and literacy programs to the Texas Higher Education Coordinating Board from the Texas Education Agency.

HB 3461 was passed by (Record 1067): 99 Yeas, 37 Nays, 3 Present, not voting.

Yeas — Aliseda; Allen; Alvarado; Anchia; Anderson, R.; Aycock; Beck; Bonnen(C); Burkett; Burnam; Cain; Carter; Castro; Chisum; Coleman; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Deshotel; Driver; Dukes; Eiland; Elkins; Farias; Fletcher; Gallego; Garza; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Hamilton; Hardcastle; Harless; Harper-Brown; Hernandez Luna; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isaac; Jackson; Keffer; Kleinschmidt; Kolkhorst; Landtroop; Larson; Lavender; Lewis; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; McClendon; Menendez; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Parker; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Ritter; Rodriguez; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Villarreal; Vo; Walle; Workman; Zerwas.

Nays — Alonzo; Anderson, C.; Berman; Bohac; Brown; Button; Callegari; Christian; Cook; Davis, Y.; Dutton; Eissler; Farrar; Flynn; Frullo; Hancock; Hilderbran; Hochberg; Huberty; Johnson; King, P.; King, T.; Kuempel; Laubenberg; Legler; Miles; Miller, D.; Miller, S.; Patrick; Paxton; Reynolds; Riddle; Schwertner; Weber; White; Woolley; Zedler.

Present, not voting — Mr. Speaker; Hartnett; Solomons.

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Branch; Martinez Fischer.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1067. I would have voted no.

Aliseda

When Record No. 1067 was taken, I was in the house but away from my desk. I would have voted yes.

Branch

I was shown voting yes on Record No. 1067. I intended to vote no.

Creighton

I was shown voting no on Record No. 1067. I intended to vote yes.

Huberty

I was shown voting no on Record No. 1067. I intended to vote yes.

Johnson

When Record No. 1067 was taken, I was in the house but away from my desk. I would have voted yes.

Martinez Fischer

I was shown voting yes on Record No. 1067. I intended to vote no.

Orr

I was shown voting yes on Record No. 1067. I intended to vote no.

Phillips

HB 3691 ON THIRD READING (by Gallego)

HB 3691, A bill to be entitled An Act relating to the provision of certain programs and services by a community supervision and corrections department.

Amendment No. 1

Representative Allen offered the following amendment to **HB 3691**:

Amend **HB 3691** on third reading by adding the following appropriately numbered SECTIONS to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION _____. Chapter 76, Government Code, is amended by adding Section 76.0021 to read as follows:

Sec. 76.0021. SYSTEM OF PROGRESSIVE INTERMEDIATE SANCTIONS. (a) In addition to performing the duties delegated under Section 76.002, the judges described by that section shall, for the district courts and county courts at law in the judicial district that try criminal cases:

(1) adopt a single system of progressive intermediate sanctions for violations of conditions of community supervision that includes:

(A) sanctions for a failure to report, to participate in a program or service, to refrain from the use of alcohol or a controlled substance, or to pay fines, fees, and costs; and

(B) sanctions targeted for special cases or high risk offenders; and

(2) establish a review process to follow in considering a reduction in or early termination of community supervision.

(b) In adopting a system of progressive intermediate sanctions under this section, the judges described by Section 76.002 shall consider and may adopt the model list of intermediate sanctions established under Section 509.017, Government Code.

SECTION _____. Section 10, Article 42.12, Code of Criminal Procedure, is amended by amending Subsections (a), (d), and (e) and adding Subsections (d-1) and (d-2) to read as follows:

(a) Only the court in which the defendant was tried may grant community supervision, impose conditions, revoke the community supervision, or discharge the defendant, unless the judge has transferred jurisdiction of the case to another

court with the latter's consent. Except as provided by Subsections [Subsection] (d) and (d-1) of this section, only the judge may alter conditions of community supervision. In a felony case, only the judge who originally sentenced the defendant may suspend execution thereof and place the defendant under community supervision pursuant to Section 6 of this article. If the judge who originally sentenced the defendant is deceased or disabled or if the office is vacant and the judge who originally sentenced the defendant is deceased or disabled or if the office is vacant and a motion is filed in accordance with Section 6 of this article, the clerk of the court shall promptly forward a copy of the motion to the presiding judge of the administrative judicial district for that court, who may deny the motion without a hearing or appoint a judge to hold a hearing on the motion.

(d) A judge that places a defendant on community supervision may authorize the supervision officer supervising the defendant ~~[or a magistrate appointed by the district courts in the county that give preference to criminal cases]~~ to modify the conditions of community supervision for the limited purpose of imposing an intermediate sanction under Subsection (d-1) [transferring the defendant to different programs within the community supervision continuum of programs and sanctions]. Before imposing an intermediate sanction, a supervision officer shall provide written notice to the defendant of the nature of the violation or violations involved, the date on which each violation occurred, and the intermediate sanction to be imposed.

(d-1) The imposition of an intermediate sanction under this section must conform with the system of progressive intermediate sanctions adopted under Section 76.0021, Government Code. On receipt of notice under Subsection (d), the defendant shall immediately accept or object to the imposition of the intermediate sanction. A defendant who objects to the imposition of the intermediate sanction is entitled to an administrative review to be conducted by the community supervision and corrections department supervising the defendant not later than the fifth day after the date the defendant received the notice. At the conclusion of the administrative review, the director of the community supervision and corrections department, or the director's designee, shall dismiss or affirm the imposition of the intermediate sanction. If the director or director's designee, as applicable, affirms the imposition of the intermediate sanction, the intermediate sanction becomes effective immediately. On successful completion of an intermediate sanction, the court may not revoke community supervision, proceed to an adjudication in the case, or impose any other sanction based on the violation for which the intermediate sanction was imposed.

(d-2) A supervision officer may not:

(1) impose an intermediate sanction under Subsection (d) or (d-1) in response to a violation of the terms of community supervision if the violation is based on the commission of a felony offense; or

(2) impose as an intermediate sanction under Subsection (d) or (d-1) any condition extending the term of community supervision, increasing a fine, or placing a defendant in a correctional facility, as defined by Section 1.07, Penal Code.

(e) A ~~[If a]~~ supervision officer who ~~[or magistrate]~~ modifies the conditions of community supervision by imposing an intermediate sanction~~[, the officer or magistrate]~~ shall:

(1) deliver a copy of the modified conditions to the defendant;
 (2) ~~[, shall]~~ file a copy of the modified conditions with the sentencing court; ~~;~~ and

(3) ~~[shall]~~ note the date of delivery of the copy in the defendant's file. ~~[If the defendant agrees to the modification in writing, the officer or magistrate shall file a copy of the modified conditions with the district clerk and the conditions shall be enforced as modified. If the defendant does not agree to the modification in writing, the supervision officer or magistrate shall refer the case to the judge of the court for modification in the manner provided by Section 22 of this article.]~~

SECTION _____. Section 11(a), Article 42.12, Code of Criminal Procedure, is amended to read as follows:

(a) The judge of the court having jurisdiction of the case shall determine the conditions of community supervision and may, at any time during the period of community supervision, alter or modify the conditions. The judge may impose any reasonable condition that is designed to protect or restore the community, protect or restore the victim, or punish, rehabilitate, or reform the defendant. Conditions of community supervision may include, but shall not be limited to, the conditions that the defendant shall:

(1) Commit no offense against the laws of this State or of any other State or of the United States;

(2) Avoid injurious or vicious habits;

(3) Avoid persons or places of disreputable or harmful character, including any person, other than a family member of the defendant, who is an active member of a criminal street gang;

(4) Report to the supervision officer as directed by the judge or supervision officer, ~~[and]~~ obey all rules and regulations of the community supervision and corrections department, and comply with any intermediate sanction imposed by the supervision officer under Section 10, unless the condition is dismissed by the director of the community supervision and corrections department or by the director's designee;

(5) Permit the supervision officer to visit the defendant at the defendant's home or elsewhere;

(6) Work faithfully at suitable employment as far as possible;

(7) Remain within a specified place;

(8) Pay the defendant's fine, if one is assessed, and all court costs whether a fine is assessed or not, in one or several sums;

(9) Support the defendant's dependents;

(10) Participate, for a time specified by the judge, in any community-based program, including a community-service work program under Section 16 of this article;

(11) Reimburse the county in which the prosecution was instituted for compensation paid to appointed counsel for defending the defendant in the case, if counsel was appointed, or if the defendant was represented by a county-paid public defender, in an amount that would have been paid to an appointed attorney had the county not had a public defender;

(12) Remain under custodial supervision in a community corrections facility, obey all rules and regulations of the facility, and pay a percentage of the defendant's income to the facility for room and board;

(13) Pay a percentage of the defendant's income to the defendant's dependents for their support while under custodial supervision in a community corrections facility;

(14) Submit to testing for alcohol or controlled substances;

(15) Attend counseling sessions for substance abusers or participate in substance abuse treatment services in a program or facility approved or licensed by the Texas Commission on Alcohol and Drug Abuse;

(16) With the consent of the victim of a misdemeanor offense or of any offense under Title 7, Penal Code, participate in victim-defendant mediation;

(17) Submit to electronic monitoring;

(18) Reimburse the compensation to victims of crime fund for any amounts paid from that fund to or on behalf of a victim, as defined by Article 56.32, of the defendant's offense or if no reimbursement is required, make one payment to the compensation to victims of crime fund in an amount not to exceed \$50 if the offense is a misdemeanor or not to exceed \$100 if the offense is a felony;

(19) Reimburse a law enforcement agency for the analysis, storage, or disposal of raw materials, controlled substances, chemical precursors, drug paraphernalia, or other materials seized in connection with the offense;

(20) Pay all or part of the reasonable and necessary costs incurred by the victim for psychological counseling made necessary by the offense or for counseling and education relating to acquired immune deficiency syndrome or human immunodeficiency virus made necessary by the offense;

(21) Make one payment in an amount not to exceed \$50 to a crime stoppers organization as defined by Section 414.001, Government Code, and as certified by the Texas Crime Stoppers Council;

(22) Submit a DNA sample to the Department of Public Safety under Subchapter G, Chapter 411, Government Code, for the purpose of creating a DNA record of the defendant;

(23) In any manner required by the judge, provide public notice of the offense for which the defendant was placed on community supervision in the county in which the offense was committed; and

(24) Reimburse the county in which the prosecution was instituted for compensation paid to any interpreter in the case.

SECTION _____. Chapter 509, Government Code, is amended by adding Section 509.017 to read as follows:

Sec. 509.017. MODEL LIST OF PROGRESSIVE INTERMEDIATE SANCTIONS. The division shall establish a model list of progressive intermediate sanctions that may be adopted in a judicial district under Section 76.0021.

SECTION _____. (a) The judges described by Section 76.002, Government Code, shall adopt the system and establish the review process required by Section 76.0021, Government Code, as added by this Act, not later than January 1, 2012.

(b) The community justice assistance division of the Texas Department of Criminal Justice shall adopt the model list of progressive intermediate sanctions as required by Section 509.017, Government Code, as added by this Act, not later than November 1, 2011.

Amendment No. 1 was adopted.

HB 3691, as amended, was passed by (Record 1068): 131 Yeas, 3 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; 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, T.; Kleinschmidt; Kuempel; Larson; Laubenberg; Lavender; Legler; Lewis; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Price; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Landtroop; Miller, S.; Perry.

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

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Darby; Davis, S.; Kolkhorst; Quintanilla; Schwertner.

STATEMENTS OF VOTE

When Record No. 1068 was taken, I was in the house but away from my desk. I would have voted yes.

Kolkhorst

When Record No. 1068 was taken, my vote failed to register. I would have voted yes.

Schwertner

HB 804 ON THIRD READING

(by Lewis, Aliseda, Branch, Harless, Peña, et al.)

HB 804, A bill to be entitled An Act relating to the offense of illegal voting by a person who is not a United States citizen.

HB 804 was passed by (Record 1069): 110 Yeas, 16 Nays, 9 Present, not voting.

Yeas — Aliseda; Allen; Anderson, C.; Aycocock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Deshotel; Driver; Eiland; Eissler; Fletcher; Flynn; Frullo; Garza; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hochberg; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, T.; Kleinschmidt; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Martinez; Martinez Fischer; Menendez; Miller, D.; Miller, S.; Morrison; Murphy; Naishtat; Nash; Oliveira; Orr; 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; Villarreal; Vo; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Davis, Y.; Dukes; Dutton; Farias; Farrar; Gallego; Lucio; Mallory Caraway; McClendon; Miles; Reynolds; Rodriguez; Thompson; Walle.

Present, not voting — Mr. Speaker; Anchia; Bonnen(C); Castro; Gonzales, V.; Gonzalez; Hernandez Luna; Howard, D.; Strama.

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Anderson, R.; Elkins; Gonzales, L.; Kolkhorst; Muñoz; Truitt.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1069. I intended to vote no.

Burnam

I was shown voting yes on Record No. 1069. I intended to vote no.

Hochberg

When Record No. 1069 was taken, I was in the house but away from my desk. I would have voted yes.

Kolkhorst

When Record No. 1069 was taken, I was in the house but away from my desk. I would have voted present, not voting.

Muñoz

I was shown voting yes on Record No. 1069. I intended to vote no.

Raymond

REASONS FOR VOTE

I and several of my colleagues voted no on **HB 804** because the penalty is now too severe and for related reasons. The penalty is now equal to the penalties for aggravated assault, sexual assault, and other second degree felonies.

Gallego

The reason I voted present, not voting was due to the fact that this legislation created a "false choice." It was clear during the debate that this legislation was a direct attempt at discouraging voter turnout, especially amongst U.S. citizens of Hispanic origin, and aimed at suppressing minority involvement in general. Under current law, there are already penalties and enforcement tools in place to address the issue.

Muñoz

HB 2884 ON THIRD READING (by Solomons)

HB 2884, A bill to be entitled An Act relating to coordinated county transportation authorities; creating an offense.

HB 2884 was passed by (Record 1070): 133 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; 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; Garza; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; 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, T.; Kleinschmidt; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lucio; Lync; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Orr; 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.; Thompson; Torres; Truitt; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Taylor, V.

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

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Allen; Carter; Coleman; Kolkhorst; Oliveira.

STATEMENTS OF VOTE

When Record No. 1070 was taken, my vote failed to register. I would have voted yes.

Carter

When Record No. 1070 was taken, I was in the house but away from my desk. I would have voted yes.

Kolkhorst

I was shown voting yes on Record No. 1070. I intended to vote no.

Paxton

HB 189 ON THIRD READING

(by T. Smith, Martinez Fischer, Harless, et al.)

HB 189, A bill to be entitled An Act relating to the criminal and civil consequences for certain intoxication offenses and to certain fees associated with the enforcement and administration of certain of those consequences.

Amendment No. 1

Representative Gallego offered the following amendment to **HB 189**:

Amend **HB 189** on third reading as follows:

(1) On page 2, line 17, between "by" and "adding" insert "amending Subsection (i) and".

(2) On page 2, between lines 17 and 18, insert:

(i) If a person convicted of an offense under Sections 49.04-49.08, Penal Code, is placed on community supervision, the court may require as a condition of community supervision that the defendant have a device installed, on the motor vehicle owned by the defendant or on the vehicle most regularly driven by the defendant, that uses a deep-lung breath analysis mechanism to make impractical the operation of the motor vehicle if ethyl alcohol is detected in the breath of the operator and that the defendant not operate any motor vehicle that is not equipped with that device. The deep-lung breath analysis mechanism described by this subsection must have technology to provide continuous monitoring of the operator of the motor vehicle to prevent fraudulent manipulation or circumvention of the device that would allow operation of the motor vehicle by a person who has recently consumed ethyl alcohol. If it is shown on the trial of the offense that an analysis of a specimen of the person's blood, breath, or urine showed an alcohol concentration level of 0.15 or more at the time the analysis was performed, or if the person is convicted of an offense under Sections 49.04-49.06, Penal Code, and punished under Section 49.09(a) or

(b), Penal Code, or of a second or subsequent offense under Section 49.07 or 49.08, Penal Code, and the person after conviction of either offense is placed on community supervision, the court shall require as a condition of community supervision that the defendant have the device installed on the appropriate vehicle and that the defendant not operate any motor vehicle unless the vehicle is equipped with that device. Before placing on community supervision a person convicted of an offense under Sections 49.04-49.08, Penal Code, the court shall determine from criminal history record information maintained by the Department of Public Safety whether the person has one or more previous convictions under Sections 49.04-49.08, Penal Code, or has one previous conviction under Sections 49.04-49.07, Penal Code, or one previous conviction under Section 49.08, Penal Code. If it is shown on the trial of the offense that an analysis of a specimen of the person's blood, breath, or urine showed an alcohol concentration level of 0.15 or more at the time the analysis was performed, or if the court determines that the person has one or more such previous convictions, the court shall require as a condition of community supervision that the defendant have that device installed on the motor vehicle owned by the defendant or on the vehicle most regularly driven by the defendant and that the defendant not operate any motor vehicle unless the vehicle is equipped with the device described in this subsection. The court shall require the defendant to obtain the device at the defendant's own cost before the 30th day after the date of conviction unless the court finds that to do so would not be in the best interest of justice and enters its findings on record. The court shall require the defendant to provide evidence to the court within the 30-day period that the device has been installed on the appropriate vehicle and order the device to remain installed on that vehicle for a period not less than 50 percent of the supervision period. If the court determines the offender is unable to pay for the device, the court may impose a reasonable payment schedule not to exceed twice the period of the court's order. The Department of Public Safety shall approve devices for use under this subsection. Section 521.247, Transportation Code, applies to the approval of a device under this subsection and the consequences of that approval. Notwithstanding the provisions of this section, if a person is required to operate a motor vehicle in the course and scope of the person's employment and if the vehicle is owned by the employer, the person may operate that vehicle without installation of an approved ignition interlock device if the employer has been notified of that driving privilege restriction and if proof of that notification is with the vehicle. This employment exemption does not apply, however, if the business entity that owns the vehicle is owned or controlled by the person whose driving privilege has been restricted. A previous conviction may not be used for purposes of restricting a person to the operation of a motor vehicle equipped with an interlock ignition device under this subsection if:

(1) the previous conviction was a final conviction under Section 49.04, 49.045, 49.05, 49.06, 49.07, or 49.08, Penal Code, and was for an offense committed more than 10 years before the instant offense for which the person was convicted and placed on community supervision; and

(2) the person has not been convicted of an offense under Section 49.04, 49.045, 49.05, 49.06, 49.07, or 49.08 of that code, committed within 10 years before the date on which the instant offense for which the person was convicted and placed on community supervision.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Gallego offered the following amendment to **HB 189**:

Amend **HB 189** on third reading by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter F, Chapter 521, Transportation Code, is amended by adding Section 521.127 to read as follows:

Sec. 521.127. DRIVER'S LICENSE FOR PERSONS CONVICTED OF CERTAIN INTOXICATED DRIVING OFFENSES. (a) In this section, "offense relating to the operating of a motor vehicle while intoxicated" has the meaning assigned by Section 49.09, Penal Code.

(b) Notwithstanding Section 521.347, a court in which a person is convicted of an offense relating to the operating of a motor vehicle while intoxicated shall require the person to surrender to the court the person's driver's license. This section applies to a person who has been convicted of four or more offenses relating to the operation of a motor vehicle while intoxicated.

(c) A court that requires a person to surrender the person's driver's license under Subsection (b) shall send to the department:

(1) a record of the person's conviction; and

(2) an indication that the driver's license issued to the person is subject to the requirements of this section.

(d) A person who is required to surrender the person's driver's license to the court under Subsection (b) may apply to the department for the issuance of a new or duplicate license provided that any applicable suspension period has expired.

(e) On the payment of all required fees, the department shall issue to a person who applies for a new or duplicate license under Subsection (d) a driver's license that includes a distinctive symbol or marking on the face of the license identifying the license holder as a person who has been convicted of an offense relating to the operating of a motor vehicle while intoxicated. The department by rule shall specify the symbol or marking required by this subsection.

(f) A driver's license issued under this section must include the symbol or marking required by Subsection (e) for the following time periods:

(1) if the person to whom the license is issued has been convicted four times of an offense relating to the operating of a motor vehicle while intoxicated, until the fifth anniversary of the later of:

(A) the date of that conviction; or

(B) the expiration of the period of suspension of the person's license as a result of the conviction;

(2) if the person to whom the license is issued has been convicted five times of an offense relating to the operating of a motor vehicle while intoxicated, until the tenth anniversary of the later of:

(A) the date of the person's most recent conviction of an offense relating to the operating of a motor vehicle while intoxicated; or

(B) the expiration of the period of suspension of the person's license as a result of that conviction; or

(3) if the person to whom the license is issued has been convicted six or more times of an offense relating to the operating of a motor vehicle while intoxicated, permanently.

(g) The symbol or marking required by Subsection (e) is in addition to any other information on the person's driver's license required by this chapter or the department.

(h) On or after the expiration of the time period specified by Subsection (f)(1) or (2), as applicable, a person issued a driver's license under Subsection (e) may apply to the department for a license that does not include the distinctive symbol or marking.

SECTION ____ . Subchapter I, Chapter 545, Transportation Code, is amended by adding Section 545.429 to read as follows:

Sec. 545.429. CONVICTION FOR DRIVING WHILE INTOXICATED; IMPOUNDMENT OR IMMOBILIZATION OF VEHICLE. (a) A court that convicts a person for a third or subsequent offense under Section 49.04, Penal Code, may order the sheriff of the county in which the court has jurisdiction to impound or immobilize the motor vehicle operated by the person at the time of the offense for a period not to exceed seven days beginning on the day after the date the court enters the conviction if the person:

(1) was an owner of the motor vehicle at the time of the offense;

(2) is an owner of the motor vehicle on the date the court enters the conviction; and

(3) is the primary operator of the motor vehicle on the date the court enters the conviction.

(b) A sheriff acting under a court order issued under Subsection (a) may require that the motor vehicle, prior to immobilization, be taken to:

(1) a garage or other place of safety; or

(2) a garage designated or maintained by the county.

(c) Subsection (b) shall not apply if the owner of the vehicle:

(1) designates, with permission of the sheriff, the location where such vehicle shall be garaged or stored; and

(2) agrees to hold the sheriff and the county free of any and all liability for any damage to the vehicle while such vehicle is immobilized.

(d) Notwithstanding Article 18.23, Code of Criminal Procedure, the person convicted of a third or subsequent offense under Section 49.04, Penal Code, is liable for all removal and storage fees incurred as a result of the impoundment or immobilization of the motor vehicle and is not entitled to take possession of the vehicle until those fees are paid.

SECTION _____. Sections 521.127 and 545.429, Transportation Code, as added by this Act, apply only to a person who is convicted of an offense on or after the effective date of this Act. A person who was convicted of an offense before the effective date of this Act is governed by the law in effect when the person was convicted, and the former law is continued in effect for that purpose.

Amendment No. 2 was adopted. (Dutton recorded voting no.)

HB 189, as amended, was passed by (Record 1071): 125 Yeas, 11 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; 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; Garza; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Hamilton; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; Kolkhorst; Kuempel; Larson; Laubenberg; Lavender; Legler; Lewis; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Parker; Patrick; Paxton; Peña; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Thompson; Torres; Truitt; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Anderson, C.; Carter; King, T.; Kleinschmidt; Landtroop; Miller, S.; Perry; Phillips; Schwertner; Simpson; Taylor, V.

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

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Callegari; Coleman; Hancock.

STATEMENTS OF VOTE

When Record No. 1071 was taken, I was in the house but away from my desk. I would have voted yes.

Callegari

I was shown voting yes on Record No. 1071. I intended to vote no.

Madden

I was shown voting yes on Record No. 1071. I intended to vote no.

Paxton

I was shown voting yes on Record No. 1071. I intended to vote no.

Sheffield

HB 31 ON THIRD READING
(by Guillen)

HB 31, A bill to be entitled An Act relating to the period of license suspension after moving violations for a holder of a provisional driver's license.

Amendment No. 1

Representative Guillen offered the following amendment to **HB 31**:

Amend **HB 31** on third reading as follows:

(1) Strike SECTION 1 of the bill amending Section 521.025, Transportation Code (second reading engrossment, page 1 line 8, through page 3, line 4).

(2) Strike SECTIONS 3, 4, 5, 6, and 7 of the bill amending the heading to Subchapter J, Chapter 601, Transportation Code, and Sections 601.291, 601.293(b), 601.296, and 708.104(a), Transportation Code (second reading engrossment, page 3 line 17, through page 5, line 5).

(3) Strike SECTION 8 of the bill repealing Section 521.021, Transportation Code (second reading engrossment, page 5, lines 6-7).

(4) Strike SECTION 9 of the bill (second reading engrossment, page 5 lines 8-15).

Amendment No. 1 was adopted.

HB 31, as amended, was passed by (Record 1072): 138 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen(C); 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; Garza; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; 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, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; 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; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Alonzo.

Present, not voting — Mr. Speaker.

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Coleman.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1072. I intended to vote no.

Burnam

I was shown voting yes on Record No. 1072. I intended to vote no.

Madden

I was shown voting yes on Record No. 1072. I intended to vote no.

Sheffield

HB 3275 ON THIRD READING (by Coleman)

HB 3275, A bill to be entitled An Act relating to the operation and governance of tax increment financing reinvestment zones.

HB 3275 was passed by (Record 1073): 134 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; 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; Gonzales, L.; Gonzalez; Gooden; Guillen; 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, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Laubenberg; Lavender; Legler; Lucio; Lyne; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; 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; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Miller, S.

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

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Gonzales, V.; Larson; Lewis; Madden.

HB 2408 ON THIRD READING**(by Darby, et al.)**

HB 2408, A bill to be entitled An Act relating to the regulation of the title insurance industry.

Amendment No. 1

Representative Darby offered the following amendment to **HB 2408**:

Amend **HB 2408** on third reading by striking all below the enacting clause and substituting the following:

SECTION 1. Section 2502.055(a), Insurance Code, is amended to read as follows:

(a) The activities described in this section are not rebates. Nothing in this subchapter prohibits a title insurance company or a title insurance agent from:

(1) engaging in [~~legal~~] promotional and educational activities that are not conditioned on the referral of title insurance business;

(2) purchasing advertising promoting the title insurance company or the title insurance agent at market rates from any person in any publication, event, or media;

(3) delivering to a party in the transaction or the party's representative legal documents or funds which are directly or indirectly related to a transaction closed by the title insurance company or title insurance agent; [~~or~~]

(4) participating in an association of attorneys, builders, developers, realtors, or other real estate practitioners provided that the level of such participation does not exceed normal participation of a volunteer member of the association and is not activity that would ordinarily be performed by paid staff of an association; or

(5) providing continuing education courses at market rates, regardless of whether participants receive credit hours.

SECTION 2. Section 2651.007, Insurance Code, is amended by adding Subsections (d), (e), (f), and (g) to read as follows:

(d) Not later than the 20th business day after the date the department receives a renewal application, the department shall notify the applicant in writing of any deficiencies in the application that render the renewal application incomplete.

(e) Not later than the fifth business day after the date the renewal application is complete, the department shall notify the applicant in writing of the date that the renewal application is complete.

(f) A renewal application is automatically approved on the 30th business day after the date the renewal application is complete, unless on or before that date the department notifies the applicant in writing of the factual grounds on which the department proposes to deny the license under Section 2651.301.

(g) The department may provide a notice required under this section by e-mail.

SECTION 3. Section 2651.009, Insurance Code, is amended by amending Subsection (c) and adding Subsections (c-1), (c-2), and (c-3) to read as follows:

(c) Not later than the 20th business day after the date the department receives a notice under Subsection (b), the department shall notify the title insurance agent and appointing title insurance company in writing of any deficiencies in the notice that render the notice incomplete. A notice under Subsection (b) is considered complete on the date the department receives the notice, unless the department provides notice of the deficiencies under this section.

(c-1) Not later than the fifth business day after the date the notice under Subsection (b) is complete, the department shall notify the title insurance agent and appointing title insurance company in writing of the date that the notice under Subsection (b) is complete.

(c-2) The appointment is effective on the eighth business day following the date ~~[the department receives]~~ the ~~[completed]~~ notice of appointment is complete and the department receives the fee, unless the department proposes to reject ~~[rejects]~~ the appointment. If the department proposes to reject ~~[rejects]~~ the appointment, the department shall notify the title insurance agent and the appointing title insurance company ~~[state]~~ in writing of the factual grounds on which the department proposes to reject the appointment ~~[reasons for rejection]~~ not later than the seventh business day after the date on which the ~~[department receives the completed]~~ notice of appointment is complete.

(c-3) The department may provide a notice required under this section by e-mail.

SECTION 4. Subchapter G, Chapter 2651, Insurance Code, is amended by adding Sections 2651.3015 and 2651.303 to read as follows:

Sec. 2651.3015. PROHIBITED GROUNDS FOR REJECTION, DELAY, OR DENIAL. (a) The department may not reject or delay a notice of appointment under Section 2651.009 based wholly or partly on a pending department audit or complaint investigation or a pending disciplinary action against a title insurance agent or appointing title insurance company that has not been closed or finally adjudicated on or before the date on which the notice is received by the department.

(b) The department may not delay or deny a license application under Section 2651.002 or a renewal application under Section 2651.007 based wholly or partly on a department audit or complaint investigation of, or disciplinary or enforcement action against, an applicant or license holder that is pending and has not been finally closed or adjudicated on or before the date on which the application is filed.

Sec. 2651.303. NOTICE OF DISCIPLINARY OR ENFORCEMENT ACTION; AUTOMATIC DISMISSAL. (a) The department shall notify a license holder in writing of a disciplinary or enforcement action against the license holder not later than the 60th business day after the date the department assigns a file number to the action.

(b) A notice required by Subsection (a) may be provided by e-mail and must provide a license holder fair notice of the alleged facts known by the department on the date of the notice that constitute grounds for the action.

(c) A disciplinary or enforcement action is automatically dismissed with prejudice, unless the department serves a notice of hearing on the license holder not later than the 60th business day after the date the department receives a hearing request from the license holder.

(d) This section does not apply to an action:

(1) that is the subject of a pending criminal investigation or prosecution; or

(2) about which the deputy commissioner of the title division of the department has made a good faith determination, based on credible suspicion, that a person who is the subject of the action is committing ongoing acts of fraud.

SECTION 5. Subchapter B, Chapter 2652, Insurance Code, is amended by adding Section 2652.059 to read as follows:

Sec. 2652.059. DENIAL OF LICENSE APPLICATION OR LICENSE RENEWAL; APPROVAL. (a) Not later than the 20th business day after the date the department receives a license application or a license renewal under this chapter, the department shall notify the applicant or license holder in writing of any deficiencies in the application that render the application incomplete.

(b) Not later than the fifth business day after the date the application is complete, the department shall notify the applicant or license holder in writing of the date that the license application or license renewal is complete.

(c) An application is automatically approved on the 30th business day after the date the application is complete, unless on or before that date the department notifies the applicant or license holder in writing of the factual grounds on which the department proposes to deny the application.

(d) The department may provide a notice required under this section by e-mail.

SECTION 6. Subchapter E, Chapter 2652, Insurance Code, is amended by adding Sections 2652.2015 and 2652.203 to read as follows:

Sec. 2652.2015. PROHIBITED GROUNDS FOR DELAY OR DENIAL. The department may not delay or deny a license application or a license renewal based wholly or partly on a department audit or complaint investigation of, or disciplinary or enforcement action against, a license holder or applicant that is pending and has not been closed or finally adjudicated on or before the date on which the initial or renewal application is filed.

Sec. 2652.203. NOTICE OF DISCIPLINARY OR ENFORCEMENT ACTION; AUTOMATIC DISMISSAL. (a) The department shall notify a license holder of a disciplinary action or enforcement action against the license holder not later than the 60th business day after the date the department assigns a file number to the action.

(b) A notice required by Subsection (a) must provide a license holder fair notice of the alleged facts known by the department on the date of the notice that constitute grounds for the action.

(c) A disciplinary or enforcement action is automatically dismissed with prejudice, unless the department serves a notice of hearing on the license holder not later than the 60th business day after the date the department receives a hearing request from the license holder.

(d) This section does not apply to an action:

(1) that is the subject of a pending criminal investigation or prosecution; or

(2) about which the deputy commissioner of the title division of the department has made a good faith determination, based on credible suspicion, that a person who is the subject of the action is committing ongoing acts of fraud.

SECTION 7. Section 2703.153, Insurance Code, is amended by amending Subsection (d) and adding Subsections (h) and (i) to read as follows:

(d) A title insurance company or a title insurance agent aggrieved by a department requirement concerning the submission of information may bring a suit in a district court in Travis County alleging that the request for information:

(1) is unduly burdensome; or

(2) is not a request for information material to fixing and promulgating premium rates or another matter that may be the subject of the ~~periodic~~ ~~biennial~~ hearing and is not a request reasonably designed to lead to the discovery of that information.

(h) The contents of the statistical report, including any amendments to the statistical report, must be established in a rulemaking hearing under Subchapter B, Chapter 2001, Government Code.

(i) An amendment to the contents of the statistical report may not apply retroactively.

SECTION 8. Section 2703.202, Insurance Code, is amended by amending Subsections (b) and (d) and adding Subsections (g), (h), (i), (j), (k), (l), (m), (n), and (o) to read as follows:

(b) The commissioner shall order a public hearing to consider changing a premium rate, including fixing a new premium rate, in response to a written [At the] request of:

(1) a title insurance company;

(2) an association composed of at least 50 percent of the number of title insurance agents and title insurance companies licensed or authorized by the department;

(3) an association composed of at least 20 percent of the number of title insurance agents licensed or authorized by the department; or

(4) the office of public insurance counsel[~~, the commissioner shall order a public hearing to consider changing a premium rate.~~].

(d) Notwithstanding Subsection (c), [at the request of a title insurance company or the public insurance counsel,] a public hearing held under Subsection (a) or under Section 2703.206 must be conducted by the commissioner as a contested case hearing under Subchapters C through H and Subchapter Z, Chapter 2001, Government Code, at the request of:

(1) a title insurance company;

(2) an association composed of at least 50 percent of the number of title insurance agents and title insurance companies licensed or authorized by the department;

(3) an association composed of at least 20 percent of the number of title insurance agents licensed or authorized by the department; or

(4) the office of public insurance counsel.

(g) If a hearing held under Subsection (a) is not conducted as a contested case hearing, the commissioner shall render a decision and issue a final order not later than the 120th day after the date the commissioner receives a written request under Subsection (b).

(h) If a hearing held under Subsection (a) is conducted as a contested case hearing:

(1) not later than the 30th day after the date the commissioner receives a request for a public hearing under Subsection (b), the commissioner shall issue a notice of call for items to be considered at the hearing;

(2) the commissioner may not require responses to the notice of call before the 60th day after the date the commissioner issues the notice of call;

(3) the commissioner shall issue a notice of public hearing requested under Subsection (d) not later than the 30th day after the date responses to the notice of call are required under Subdivision (2);

(4) the commissioner shall commence the public hearing not earlier than the 120th day after the date the commissioner issues a notice of hearing under Subdivision (3);

(5) the commissioner shall close the public hearing not later than the 150th day after the date the commissioner issues the notice of hearing under Subdivision (3); and

(6) the commissioner shall render a decision and issue a final order not later than the 60th day after the record made in the public hearing is closed under Subdivision (5).

(i) A party's presentation of relevant, admissible oral testimony in a hearing under this section may not be limited.

(j) The commissioner shall consider each matter presented in a hearing under this section and announce in a public hearing all decisions on all matters considered.

(k) A party described by Subsection (b) may petition a district court in Travis County to enter an order requiring the commissioner to comply with the deadlines described by this section if the commissioner fails to meet a requirement in Subsection (g) or (h).

(l) Subject to Subsection (m), if the commissioner fails to comply with the requirements under Subsection (g) or (h)(6), a combination of at least three associations, persons, or entities listed in Subsection (b) may jointly petition a district court of Travis County to adopt a rate based on the record made in the hearing before the commissioner under this section.

(m) If the record made in the hearing before the commissioner is not complete before the request for the court to adopt a premium rate under Subsection (l), the court shall hold an evidentiary hearing to establish a record before adopting the premium rate.

(n) After a petition has been filed under Subsection (l), the commissioner may not issue findings or an order related to the subject matter of the petition until after the date the court enters a final judgment.

(o) A district court may appoint a magistrate to adopt a rate under this section.

SECTION 9. Section 2703.203, Insurance Code, is amended to read as follows:

Sec. 2703.203. PERIODIC ~~[BIENNIAL]~~ HEARING. The commissioner shall hold a ~~[biennial]~~ public hearing not earlier than July 1 after the fifth anniversary of the closing of a hearing held under this chapter ~~[of each even numbered year]~~ to consider adoption of premium rates and other matters relating to regulating the business of title insurance that an association, title insurance company, title insurance agent, or member of the public admitted as a party under Section 2703.204 requests to be considered or that the commissioner determines necessary to consider.

SECTION 10. Section 2703.204, Insurance Code, is amended to read as follows:

Sec. 2703.204. ADMISSION AS PARTY TO PERIODIC ~~[BIENNIAL]~~ HEARING. (a) Subject to this section, a trade association whose membership is composed of at least 20 percent of the members of an industry or group represented by a trade association, an association, a person or entity described by Section 2703.202(b), or department staff ~~[an individual or association or other entity recommending adoption of a premium rate or another matter relating to regulating the business of title insurance]~~ shall be admitted as a party to the periodic ~~[biennial]~~ hearing under Section 2703.203.

(b) A party to any portion of the periodic ~~[the ratemaking phase of the biennial]~~ hearing relating to ratemaking may request that the commissioner remove any other party to that portion of ~~[the ratemaking phase of]~~ the hearing on the grounds that the other party does not have a substantial interest in title insurance. A decision of the commission to deny or grant the request is final and subject to appeal in accordance with Section 36.202.

SECTION 11. Section 2703.207, Insurance Code, is amended to read as follows:

Sec. 2703.207. NOTICE OF CERTAIN HEARINGS. Not later than the 60th day before the date of a hearing under Section 2703.202, 2703.203, or 2703.206, notice of the hearing and of each item to be considered at the hearing shall be:

(1) sent directly to all parties to the previous hearing conducted under Section 2703.202, 2703.203, or 2703.206, if the hearing was conducted as a contested case hearing ~~[title insurance companies and title insurance agents]; and~~

(2) published in the Texas Register and on the department's Internet website ~~[provided to the public in a manner that gives fair notice concerning the hearing].~~

SECTION 12. Section 2703.205, Insurance Code, is repealed.

SECTION 13. This Act takes effect immediately if it 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 Act takes effect September 1, 2011.

Amendment No. 1 was adopted.

HB 2408 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE DARBY: For legislative intent purposes, I would like to state for the record that it is not the intent of this bill to change the longstanding meaning of Section 2502.055(a)(1).

REMARKS ORDERED PRINTED

Representative Darby moved to print his remarks on **HB 2408**.

The motion prevailed.

HB 2408, as amended, was passed by (Record 1074): 134 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; 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; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; 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, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Parker; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Villarreal; Vo; Walle; Weber; White; Workman; Zedler; Zerwas.

Nays — Simpson.

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

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Allen; Dutton; Patrick; Woolley.

HB 963 ON THIRD READING
(by Hartnett)

HB 963, A bill to be entitled An Act relating to the costs associated with proceedings regarding cruelly treated animals.

HB 963 was passed by (Record 1075): 122 Yeas, 15 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Callegari; Carter; Castro; Chisum; Christian; Cook; Creighton; Crownover;

Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Gallego; Garza; Gonzales, L.; Gonzales, V.; Gonzalez; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Laubenberg; Legler; Lewis; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Parker; Patrick; Peña; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Villarreal; Vo; Walle; Weber; Woolley; Workman; Zedler; Zerwas.

Nays — Aycock; Beck; Cain; Craddick; Flynn; Frullo; Gooden; Hughes; Landtroop; Lavender; Paxton; Perry; Phillips; Simpson; White.

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

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Coleman; Pickett.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1075. I intended to vote no.

Berman

I was shown voting yes on Record No. 1075. I intended to vote no.

Callegari

I was shown voting yes on Record No. 1075. I intended to vote no.

Driver

I was shown voting yes on Record No. 1075. I intended to vote no.

S. Miller

I was shown voting yes on Record No. 1075. I intended to vote no.

Orr

HB 2060 ON THIRD READING

(by Peña, Aliseda, Torres, L. Gonzales, and Garza)

HB 2060, A bill to be entitled An Act relating to the confidentiality of certain information regarding state election inspectors.

HB 2060 was passed by (Record 1076): 130 Yeas, 7 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anderscn, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; 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; Gonzales, L.; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hilderbran; Hochberg; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Nash; Orr; 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.; Torres; Truitt; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Anchia; Gonzales, V.; Gonzalez; Hernandez Luna; Howard, D.; Naishtat; Thompson.

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

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Hartnett; Oliveira.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1076. I intended to vote no.

Burnam

I was shown voting yes on Record No. 1076. I intended to vote no.

Martinez Fischer

I was shown voting yes on Record No. 1076. I intended to vote no.

Rodriguez

When Record No. 1076 was taken, I was excused because of a meeting of the Conference Committee on **HB 1**. I would have voted no.

Turner

HB 2722 ON THIRD READING (by Perry)

HB 2722, A bill to be entitled An Act relating to the state Medicaid program as the payor of last resort.

HB 2722 was passed by (Record 1077): 121 Yeas, 10 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Chisum; Christian; Coleman; Cook; Craddick; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dutton; Eiland; Eissler; Elkins; Fletcher; Flynn; Frullo; Gallego; Garza; Gonzales, L.; Gonzales, V.; Gooden; Guillen; 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, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lucio; Lyne; Margo; Martinez; Martinez Fischer; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Orr; Parker; Patrick; Paxton; Peña; Perry; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Shelton; Simpson; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Castro; Creighton; Farrar; Gonzalez; Madden; Mallory Caraway; Sheffield; Smith, T.; Thompson; Vo.

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

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Allen; Dukes; Farias; McClendon; Oliveira; Phillips; Villarreal; Walle.

STATEMENTS OF VOTE

When Record No. 1077 was taken, I was in the house but away from my desk. I would have voted no.

Dukes

When Record No. 1077 was taken, I was in the house but away from my desk. I would have voted no.

McClendon

I was shown voting no on Record No. 1077. I intended to vote yes.

Thompson

HB 677 ON THIRD READING (by Lucio, et al.)

HB 677, A bill to be entitled An Act relating to cognitive-linguistic or neurocognitive assessments of participants in extracurricular athletic activities sponsored or sanctioned by the University Interscholastic League.

HB 677 was passed by (Record 1078): 94 Yeas, 42 Nays, 1 Present, not voting.

Yeas — Alonzo; Alvarado; Anchia; Bohac; Branch; Burkett; Burnam; Callegari; Carter; Castro; Christian; Coleman; Cook; Creighton; Crownover; Darby; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Gallego; Garza; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Hancock; Hardcastle; Harless; Harper-Brown; Hernandez Luna; Hochberg; Hopson; Howard, D.; Huberty; Hunter; Isaac; Jackson; Johnson; Keffer; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Murphy; Naishtat; Oliveira; Orr; Patrick; Peña; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Scott; Sheets; Sheffield; Smithee; Strama; Taylor, L.; Thompson; Torres; Villarreal; Vo; Walle; Weber; White; Workman.

Nays — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen(C); Brown; Button; Cain; Chisum; Craddick; Davis, J.; Flynn; Frullo; Hamilton; Hilderbran; Howard, C.; King, P.; Landtroop; Laubenberg; Lavender; Legler; Lewis; Miller, D.; Miller, S.; Morrison; Nash; Parker; Paxton; Perry; Phillips; Schwertner; Simpson; Smith, T.; Smith, W.; Solomons; Taylor, V.; Truitt; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Allen; Hartnett; Hughes; Shelton.

HB 197 ON THIRD READING (by Solomons, et al.)

HB 197, A bill to be entitled An Act relating to the provision of certain documentation before a person may engage in a licensed occupation; providing a criminal penalty.

HB 197 was passed by (Record 1079): 111 Yeas, 21 Nays, 2 Present, not voting.

Yeas — Aliseda; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Eiland; Eissler; Elkins; Fletcher; Flynn; Frullo; Gallego; Gonzales, L.; Gonzalez; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hochberg; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lucio; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla;

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

Nays — Alonzo; Alvarado; Burnam; Castro; Coleman; Dutton; Farias; Farrar; Gonzales, V.; Hernandez Luna; Howard, D.; Johnson; Menendez; Miles; Muñoz; Naishtat; Rodriguez; Simpson; Thompson; Vo; Walle.

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

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Allen; Garza; Hilderbran; King, T.; Lyne; Oliveira; Villarreal.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1079. I intended to vote no.

Anchia

I was shown voting yes on Record No. 1079. I intended to vote no.

Martinez Fischer

I was shown voting yes on Record No. 1079. I intended to vote no.

Paxton

HB 2560 ON THIRD READING (by Sheffield, Driver, Legler, et al.)

HB 2560, A bill to be entitled An Act relating to transporting a foster child in a vehicle where a handgun is in the possession of a foster parent licensed to carry a concealed handgun.

HB 2560 was passed by (Record 1080): 134 Yeas, 2 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; 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, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; 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; Vo; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Davis, Y.; Walle.

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

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Allen; Garza; Villarreal.

MESSAGE FROM THE SENATE

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

HB 2990 ON THIRD READING

(by Deshotel)

HB 2990, A bill to be entitled An Act relating to the electronic storage of personal identification information obtained from driver's licenses or personal identification certificates.

HB 2990 was passed by (Record 1081): 114 Yeas, 22 Nays, 1 Present, not voting.

Yeas — Alonzo; Alvarado; Anchia; Aycock; Beck; Bohac; Branch; Brown; Burkett; Burnam; Button; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Farias; Farrar; Fletcher; Frullo; Gallego; Gonzales, L.; Gonzales, V.; Gonzalez; Guillen; Hamilton; Hardcastle; Harless; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Lavender; Legler; Lewis; Lucio; Madden; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Parker; Patrick; Peña; Phillips; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Vo; Walle; White; Woolley; Workman; Zedler; Zerwas.

Nays — Aliseda; Anderson, C.; Anderson, R.; Berman; Bonnen(C); Cain; Elkins; Flynn; Gooden; Hancock; Hughes; Landtroop; Laubenberg; Lyne; Mallory Caraway; Miller, S.; Paxton; Perry; Price; Simpson; Solomons; Weber.

Present, not voting — Mr. Speaker.

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Allen; Garza; Harper-Brown; Villarreal.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1081. I intended to vote no.

Creighton

I was shown voting yes on Record No. 1081. I intended to vote no.

Frullo

When Record No. 1081 was taken, I was excused because of important business in the district. I would have voted no.

Geren

When Record No. 1081 was taken, I was in the house but away from my desk. I would have voted no.

Harper-Brown

I was shown voting yes on Record No. 1081. I intended to vote no.

Kolkhorst

I was shown voting yes on Record No. 1081. I intended to vote no.

White

I was shown voting yes on Record No. 1081. I intended to vote no.

Zedler

HB 3030 ON THIRD READING

(by McClendon)

HB 3030, A bill to be entitled An Act relating to the funding of projects in the boundaries of an intermunicipal commuter rail district.

Amendment No. 1

Representative McClendon offered the following amendment to **HB 3030**:

Amend **HB 3030** on third reading as follows:

(1) Strike page 1, lines 9-10, and substitute:

SECTION 2. Section 173.256, Transportation Code, is amended by amending Subsections (b) and (d) and adding Subsection (d-1) to read as follows:

(2) Strike page 1, line 16, through page 2, line 12, and substitute:

(d) The agreement may establish one or more transportation infrastructure zones. The district and the local government may agree that, at one or more specified times, the local government will pay to the district an amount that is calculated on the basis of increased ad valorem tax collections in a zone that are attributable to increased values of property located in the zone resulting from an infrastructure project. Except as provided by Subsection (d-1), the [The] amount may not exceed an amount that is equal to 30 percent of the increase in ad valorem tax collections for the specified period.

(d-1) A transportation infrastructure zone of a district established before January 1, 2005, may consist of a contiguous or noncontiguous geographic area in the territory of one or more local governments and must include a commuter rail facility or the site of a proposed commuter rail facility. The amount paid by a local government under Subsection (d) to a district established before January 1, 2005, may not exceed an amount that is equal to the increase in ad valorem tax collections in the zone for the specified period.

(3) On page 2, strike line 17 and substitute:

INFRASTRUCTURE ZONE IN CERTAIN DISTRICTS. A district established before January 1, 2005, that creates a transportation infrastructure zone shall establish a tax increment

(4) On page 2, strike line 25 and substitute:

GOVERNMENT MEMBER IN CERTAIN DISTRICTS. (a) This section applies only to a district created before January 1, 2005.

(b) A local government member of a district

(5) On page 3, line 6, strike "(b)" and substitute "(c)".

(6) On page 3, line 17, strike "(c)" and substitute "(d)".

(7) On page 3, line 22, strike "(d)" and substitute "(e)".

(8) On page 4, line 3, strike "(e)" and substitute "(f)".

Amendment No. 1 was adopted.

HB 3030, as amended, was passed by (Record 1082): 84 Yeas, 50 Nays, 1 Present, not voting.

Yeas — Alonzo; Alvarado; Anchia; Anderson, R.; Branch; Burnam; Button; Castro; Coleman; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Farias; Farrar; Gallego; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, D.; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, T.; Kleinschmidt; Kolkhorst; Larson; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Patrick; Peña; Phillips; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Scott; Sheets; Smithee; Strama; Taylor, L.; Thompson; Torres; Truitt; Vo; Walle; Workman.

Nays — Aliseda; Anderson, C.; Aycock; Beck; Berman; Bohac; Bonnen(C); Brown; Burkett; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Darby; Davis, S.; Elkins; Fletcher; Flynn; Frullo; Hamilton; Hancock; Howard, C.; Huberty; Kuempel; Landtroop; Laubenberg; Lavender; Legler; Lewis; Miller, S.; Parker; Paxton; Perry; Price; Riddle; Schwertner; Sheffield; Shelton; Simpson; Smith, T.; Taylor, V.; Weber; White; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Allen; Crownover; Garza; Smith, W.; Solomons; Villarreal.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1082. I intended to vote no.

Driver

I was shown voting yes on Record No. 1082. I intended to vote no.

Orr

When Record No. 1082 was taken, I was in the house but away from my desk. I would have voted no.

Solomons

HB 3237 ON THIRD READING (by Hernandez Luna, Alvarado, and Gonzalez)

HB 3237, A bill to be entitled An Act relating to the establishment and operation of the Texas Women Veterans Program.

HB 3237 was passed by (Record 1083): 116 Yeas, 17 Nays, 1 Present, not voting.

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

Nays — Anderson, C.; Beck; Bonnen(C); Button; Cain; Callegari; Carter; Craddick; Darby; Frullo; Isaac; Lavender; Miller, D.; Miller, S.; Price; Schwertner; Simpson.

Present, not voting — Mr. Speaker.

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Allen; Brown; Garza; Harper-Brown; Pickett; Taylor, L.; Villarreal.

STATEMENTS OF VOTE

When Record No. 1083 was taken, I was in the house but away from my desk. I would have voted yes.

Brown

When Record No. 1083 was taken, I was in the house but away from my desk. I would have voted yes.

Harper-Brown

I was shown voting yes on Record No. 1083. I intended to vote no.

Hilderbran

When Record No. 1083 was taken, I was in the house but away from my desk. I would have voted yes.

L. Taylor

HB 3439 ON THIRD READING
(by Raymond)

HB 3439, A bill to be entitled An Act relating to missing children; providing a criminal penalty.

HB 3439 was passed by (Record 1084): 134 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; 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; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; 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, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; 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; Solomcns; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Allen; Dukes; Garza; McClendon; Villarreal.

STATEMENTS OF VOTE

When Record No. 1084 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

When Record No. 1084 was taken, I was in the house but away from my desk. I would have voted yes.

McClendon

HB 3474 ON THIRD READING (by Gallego)

HB 3474, A bill to be entitled An Act relating to criminal offenses regarding the possession or consumption of alcoholic beverages by a minor and providing alcoholic beverages to a minor.

Amendment No. 1

Representative Gallego offered the following amendment to **HB 3474**:

Amend **HB 3474** on third reading as follows:

(1) In SECTION 1 of the bill, in added Section 106.04(e), Alcoholic Beverage Code, strike "It is an exception to the application of Subsection (a) that the minor" and substitute "Subsection (a) does not apply to a minor who".

(2) In SECTION 2 of the bill, in added Section 106.05(d), Alcoholic Beverage Code, strike "It is an exception to the application of Subsection (a) that the minor" and substitute "Subsection (a) does not apply to a minor who".

Amendment No. 1 was adopted.

HB 3474, as amended, was passed by (Record 1085): 136 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; 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; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; 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, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; 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; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Allen; Garza; Villarreal.

HB 3624 ON THIRD READING
(by Hochberg)

HB 3624, A bill to be entitled An Act relating to the eligibility of educational aides for tuition exemptions at public institutions of higher education.

HB 3624 was passed by (Record 1086): 134 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; 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; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Hughes; Isaac; Jackson; Johnson; Keffer; King, P.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; 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; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Allen; Anchia; Huberty; Hunter; Villarreal.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1086. I intended to vote no.

Fletcher

When Record No. 1086 was taken, I was excused because of important business in the district. I would have voted no.

Geren

When Record No. 1086 was taken, I was in the house but away from my desk. I would have voted yes.

Huberty

I was shown voting yes on Record No. 1086. I intended to vote no.

Kolkhorst

HB 19 ON THIRD READING
(by Riddle, Murphy, Fletcher, et al.)

HB 19, A bill to be entitled An Act relating to the prosecution and punishment of a person operating a motor vehicle without a license.

HB 19 was passed by (Record 1087): 115 Yeas, 20 Nays, 2 Present, not voting.

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

Nays — Alonzo; Anchia; Burnam; Castro; Coleman; Dukes; Farias; Gonzales, V.; Hernandez Luna; Howard, D.; Isaac; Johnson; Mallory Caraway; Martinez Fischer; McClendon; Muñoz; Naishtat; Strama; Vo; Walle.

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

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Allen; Guillen; Raymond; Villarreal.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1087. I intended to vote no.

Alvarado

I was shown voting yes on Record No. 1087. I intended to vote no.

Rodriguez

HB 3018 ON THIRD READING
(by Gutierrez and Hartnett)

HB 3018, A bill to be entitled An Act relating to a policy of a school district concerning possession of a telecommunications device by a student.

Amendment No. 1

Representative Workman offered the following amendment to **HB 3018**:

Amend **HB 3018** on third reading as follows:

(1) In amended Section 37.082(a), Education Code (second reading engrossment, page 1, line 9), strike "prohibiting a student from possessing" and substitute "relating to the possession or use by a student of [~~prohibiting a student from possessing~~]".

(2) In amended Section 37.082(a), Education Code (second reading engrossment, page 1, line 13), strike "prohibition" and substitute "policy [~~prohibition~~]".

(3) In amended Section 37.082(b), Education Code (second reading engrossment, page 1, line 21), strike "and any [~~the~~] company whose name and address or telephone number appear on the device" and substitute "[and the company whose name and address or telephone number appear on the device]".

(4) In amended Section 37.082(b), Education Code (second reading engrossment, page 1, line 24), strike "this section" and substitute "district policy".

(5) In amended Section 37.082, Education Code (second reading engrossment, page 2, lines 2-12), strike Subsection (b-1).

(6) In proposed Section 37.082(b-2), Education Code (second reading engrossment, page 2, line 13), strike "(b-2) A school district may [~~and (2)~~]" and substitute "(b-1) A school district may [~~The notice shall include the serial number of the device and may be made by telephone, telegraph, or in writing; and (2)~~]".

(7) In proposed Section 37.082(b-2), Education Code (second reading engrossment, page 2, line 15), strike "not to exceed \$15 before the district [~~#~~] releases the device" and substitute " [~~not to exceed \$15 before it releases the device~~]".

Amendment No. 1 was adopted.

HB 3018, as amended, was passed by (Record 1088): 134 Yeas, 2 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; 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; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; 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, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lucio; Lyne; Mallory Caraway; Margo; Martinez; Martinez

Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Vo; Walle; White; Woolley; Workman; Zedler; Zerwas.

Nays — Simpson; Weber.

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

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Allen; Madden; Villarreal.

HB 2365 ON THIRD READING
(by Eissler)

HB 2365, A bill to be entitled An Act relating to certain responsibilities of education research centers and to a joint advisory board for education research centers.

HB 2365 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE KOLKHORST: Chairman Eissler, just a couple of questions. I know we've been working on this bill a little bit, and for the body to understand, how long have we had these ERCs?

REPRESENTATIVE EISSLER: I think '06? ERCs—Education Resource Centers.

KOLKHORST: Two years, I think.

EISSLER: No, it's been a little longer than that. They've been operating about two years; I think we put them in **HB 1** in—

KOLKHORST: So, there are three that are going to operate, am I correct?

EISSLER: They've been operating, yes. UT Dallas, A&M, and here at UT Austin.

KOLKHORST: So, here's the main question, or concern that we have is that the information—I know it goes from agency to agency, from TEA to Higher Education Coordinating Board, and then to ERCs, and then the concern would be that as that information is aggregated, who uses that information after that?

EISSLER: It's used in projects by people in research, and there's a board that decides what projects are to be used, so they allow the data to be used. And it has to be stored in Texas; there's no access outside other than some of the reciprocal agreements for higher ed. For example, Texas kids are in California, and they will let Texas use that and vice versa.

KOLKHORST: Let me ask you a couple of questions. People that get that information, is it for sale?

EISSLER: No.

KOLKHORST: Okay. Help me with that; expound on that a little bit.

EISSLER: The ERCs have to be self-sufficient, so they do get paid to provide data for certain research projects. That's how they stay in business at no cost to the state. They don't sell data. They have access to data.

KOLKHORST: Do companies, like, maybe companies that are going to create tests that we pay hundreds of millions of dollars for, are they able to get that information?

EISSLER: No, not really. You mean like Pearson, people like that? I mean, why do they need that?

KOLKHORST: I don't know. We just want to make sure, and I think there's a couple of people behind me.

EISSLER: Pearson is the ones that has it, they're the ones giving the test.

KOLKHORST: So, the real question is, and I think Representative Hochberg, if you want to address some of my questions, as we had that conversation, is the people that are getting this are purely research and that it's not for sale?

EISSLER: Correct.

REMARKS ORDERED PRINTED

Representative Kolkhorst moved to print remarks between Representative Eissler and Representative Kolkhorst.

The motion prevailed.

Amendment No. 1

Representatives Kolkhorst and Strama offered the following amendment to **HB 2365**:

Amend **HB 2365** on third reading as follows:

(1) On page 1 of the 2nd reading engrossment, line 6 and 7, strike "(l) and (m)" and substitute "(g-1), (l), and (m)".

(2) On page 2, between lines 5 and 6, insert the following:

(g-1) Confidential information provided to a center by the Texas Education Agency or the coordinating board must be protected by procedures to ensure that any unique identifying number is not traceable to any individual. The procedures must be maintained as confidential by the Texas Education Agency and the coordinating board. The procedures may not be shared with a center or used for any purpose other than for purposes of this section. Social security numbers, names, and birthdates may not be accessed for the purpose of research at a center.

Amendment No. 1 was adopted.

HB 2365, as amended, was passed by (Record 1089): 115 Yeas, 19 Nays, 3 Present, not voting.

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

Nays — Anderson, C.; Berman; Brown; Cain; Craddick; Flynn; Frullo; Hamilton; Hughes; Isaac; Landtroop; Laubenberg; Paxton; Perry; Phillips; Price; Simpson; Taylor, V.; White.

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

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Allen; Creighton; Garza; Villarreal.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1089. I intended to vote no.

Aliseda

When Record No. 1089 was taken, I was in the house but away from my desk. I would have voted yes.

Creighton

When Record No. 1089 was taken, I was excused because of important business in the district. I would have voted no.

Geren

I was shown voting yes on Record No. 1089. I intended to vote no.

Kolkhorst

I was shown voting present, not voting on Record No. 1089. I intended to vote yes.

Patrick

HB 59 ON THIRD READING
(by Martinez)

HB 59, A bill to be entitled An Act relating to recipients of financial assistance administered by the Texas Department of Housing and Community Affairs.

Amendment No. 1

Representative Menendez offered the following amendment to **HB 59**:

Amend **HB 59** by adding the following section and renumbering the sections accordingly:

SECTION 1. Subchapter K, Chapter 2306, Government Code, is amended by adding Section 2306.2585 to read as follows:

Sec. 2306.2585. HOMELESS HOUSING AND SERVICES PROGRAM.

(a) The department may administer a homeless housing and services program in each municipality in this state with a population of 285,500 or more to:

(1) provide for the construction, development, or procurement of housing for homeless persons; and

(2) provide local programs to prevent and eliminate homelessness.

(b) If the department implements the homeless housing and services program under Subsection (a), the department shall adopt rules to govern the program, including rules that:

(1) provide for the allocation of any available funding; and

(2) provide detailed guidelines as to the scope of the local programs in the municipalities described by Subsection (a).

(c) The department may use any available revenue, including legislative appropriations, and shall solicit and accept gifts and grants for the purposes of this section. The department shall use gifts and grants received for the purposes of this section before using any other revenue.

Amendment No. 1 was adopted.

HB 59, as amended, failed to pass by (Record 1090): 60 Yeas, 77 Nays, 2 Present, not voting.

Yeas — Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Farias; Farrar; Gallego; Gonzales, V.; Gonzalez; Guillen; Hardcastle; Hartnett; Hernandez Luna; Hochberg; Hopson; Howard, D.; Hunter; Jackson; Johnson; King, T.; Larson; Lewis; Lucio; Lyne; Mallory Caraway; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Patrick; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Scott; Simpson; Smith, W.; Strama; Thompson; Torres; Villarreal; Vo; Walle.

Nays — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, S.; Elkins; Fletcher; Flynn; Frullo; Gonzales, L.; Gooden; Hamilton; Hancock; Harless; Harper-Brown; Hilderbran; Howard, C.; Huberty; Hughes; Isaac; Keffer; King,

P.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Laubenberg; Lavender; Legler; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Parker; Paxton; Peña; Perry; Phillips; Price; Riddle; Schwertner; Sheets; Sheffield; Shelton; Smith, T.; Smithee; Solomons; Taylor, L.; Taylor, V.; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Allen; Garza.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1090. I intended to vote no.

Driver

I was shown voting yes on Record No. 1090. I intended to vote no.

Hunter

I was shown voting yes on Record No. 1090. I intended to vote no.

Patrick

HB 773 ON THIRD READING (by Anchia)

HB 773, A bill to be entitled An Act relating to creating an energy efficiency council to coordinate administration of energy efficiency programs.

Amendment No. 1

Representative Anchia offered the following amendment to **HB 773**:

Amend **HB 773** on third reading on page 7, between lines 21 and 22 by inserting the following:

Sec. 470.014. EXPIRATION OF CHAPTER. This chapter expires August 31, 2013.

Amendment No. 1 was adopted.

HB 773, as amended, failed to pass by (Record 1091): 65 Yeas, 70 Nays, 2 Present, not voting.

Yeas — Alonzo; Alvarado; Anchia; Burnam; Carter; Castro; Chisum; Christian; Coleman; Crownover; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Farias; Farrar; Gallego; Gonzales, V.; Gonzalez; Guillen; Harless; Hartnett; Hernandez Luna; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hunter; Johnson; Keffer; King, T.; Kolkhorst; Lewis; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Scott; Sheets; Smith, W.; Smithee; Strama; Thompson; Torres; Villarreal; Vo; Walle.

Nays — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Button; Cain; Callegari; Cook; Craddick; Creighton; Darby; Davis, S.; Elkins; Fletcher; Flynn; Frullo; Gonzales, L.; Gooden; Hamilton; Hancock; Hilderbran; Hughes; Isaac; Jackson; King, P.; Kleinschmidt; Kuempel; Landroop; Larson; Laubenberg; Lavender; Legler; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Parker; Patrick; Paxton; Peña; Perry; Phillips; Price; Riddle; Schwertner; Sheffield; Shelton; Simpson; Smith, T.; Solomons; Taylor, L.; Taylor, V.; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Allen; Garza; Hardcastle; Harper-Brown.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1091. I intended to vote no.

Driver

When Record No. 1091 was taken, I was excused because of important business in the district. I would have voted no.

Geren

I was shown voting yes on Record No. 1091. I intended to vote no.

Harless

When Record No. 1091 was taken, I was in the house but away from my desk. I would have voted no.

Harper-Brown

I was shown voting yes on Record No. 1091. I intended to vote no.

Huberty

I was shown voting yes on Record No. 1091. I intended to vote no.

Kolkhorst

I was shown voting yes on Record No. 1091. I intended to vote no.

Lewis

I was shown voting yes on Record No. 1091. I intended to vote no.

W. Smith

HB 892 ON THIRD READING

(by C. Howard, et al.)

HB 892, A bill to be entitled An Act relating to the creation of the offense of unlawful transport of an illegal alien.

HB 892 was passed by (Record 1092): 122 Yeas, 12 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; 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; Farrar; Fletcher; Flynn; Frullo; Gallego; Gonzales, L.; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hochberg; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Mallory Caraway; Margo; Martinez; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Nash; Oliveira; Orr; 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; Vo; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Anchia; Burnam; Gonzales, V.; Gonzalez; Hernandez Luna; Howard, D.; Lucio; Martinez Fischer; Naishtat; Walle.

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

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Allen; Coleman; Farias; Garza; Villarreal.

STATEMENT OF VOTE

I was shown voting yes on Record No. 1092. I intended to vote no.

Rodriguez

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. 4).

HB 1046 ON THIRD READING (by Fletcher)

HB 1046, A bill to be entitled An Act relating to the confidentiality of certain personal information concerning current and former employees of certain divisions of the office of attorney general.

HB 1046 was passed by (Record 1093): 131 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Deshotel; Driver; Dukes; Dutton; Eiland;

Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; 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, T.; Kleinschmidt; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lucio; Lyne; Madden; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Nash; Oliveira; Orr; 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; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Castro.

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

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Allen; Davis, Y.; Garza; Kolkhorst; Mallory Caraway; Naishtat; Villarreal.

STATEMENTS OF VOTE

When Record No. 1093 was taken, I was in the house but away from my desk. I would have voted yes.

Kolkhorst

When Record No. 1093 was taken, I was in the house but away from my desk. I would have voted yes.

Naishtat

HB 1429 ON THIRD READING (by Deshotel)

HB 1429, A bill to be entitled An Act relating to rights and remedies of certain residential tenants and landlords; providing civil penalties.

HB 1429 was passed by (Record 1094): 117 Yeas, 18 Nays, 2 Present, not voting.

Yeas — Alonzo; Alvarado; Anchia; Aycock; Beck; Bohac; Branch; Burkett; Burnam; Button; Callegari; Castro; Chisum; Christian; Coleman; Cook; Craddick; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Frullo; Gallego; Gonzales, L.; Gonzales, V.; Gonzalez; Guillen; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, T.; Kolkhorst; Landtroop; Larson; Lavender; Legler; Lewis; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon;

Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Villarreal; Vo; Walle; Woolley; Workman; Zerwas.

Nays — Anderson, C.; Anderson, R.; Berman; Brown; Cain; Carter; Creighton; Flynn; Gooden; Kleinschmidt; Kuempel; Laubenberg; Sheets; Sheffield; Simpson; Weber; White; Zedler.

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

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Aliseda; Allen; Garza; Harper-Brown.

STATEMENT OF VOTE

When Record No. 1094 was taken, I was in the house but away from my desk. I would have voted no.

Harper-Brown

HB 875 ON THIRD READING

(by C. Howard, et al.)

HB 875, A bill to be entitled An Act relating to the identification of certain defendants as foreign nationals who were not lawfully admitted to the United States or whose lawful status has expired and to their release on bail.

HB 875 was passed by (Record 1095): 124 Yeas, 6 Nays, 2 Present, not voting.

Yeas — Aliseda; Alvarado; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dutton; Eiland; Eissler; Elkins; Farrar; Fletcher; Flynn; Frullo; Gallego; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; 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, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Murphy; Naishtat; Nash; Oliveira; Orr; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Vo; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Alonzo; Anchia; Burnam; Coleman; Farias; McClendon.

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

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Allen; Dukes; Garza; Martinez Fischer; Muñoz; Quintanilla; Sheffield; Villarreal; Walle.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1095. I intended to vote no.

Castro

When Record No. 1095 was taken, I was in the house but away from my desk. I would have voted no.

Dukes

When Record No. 1095 was taken, I was in the house but away from my desk. I would have voted no.

Martinez Fischer

I was shown voting yes on Record No. 1095. I intended to vote no.

Rodriguez

When Record No. 1095 was taken, I was in the house but away from my desk. I would have voted yes.

Sheffield

HB 1386 ON THIRD READING (by Coleman, Farrar, Marquez, et al.)

HB 1386, A bill to be entitled An Act relating to the public health threat presented by youth suicide and to the prevention of associated discrimination, harassment, and bullying.

Amendment No. 1

Representative Coleman offered the following amendment to **HB 1386**:

Amend **HB 1386** on third reading as follows:

Strike SECTION 5, SECTION 6, SECTION 7, SECTION 8, SECTION 9, SECTION 10.

Amendment No. 1 was adopted.

HB 1386, as amended, was passed by (Record 1096): 107 Yeas, 29 Nays, 3 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, R.; Aycock; Beck; Bohac; Branch; Brown; Burkett; Burnam; Castro; Christian; Coleman; Cook; Craddick; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Farias; Farrar; Frullo; Gallego; Garza; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Hamilton; Hancock; Hardcastle;

Harless; Harper-Brown; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hunter; Isaac; Jackson; Johnson; King, P.; King, T.; Kolkhorst; Kuempel; Landtroop; Larson; Lavender; Legler; Lewis; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Morrison; Muñoz; Murphy; Naishat; Nash; Oliveira; Orr; Parker; Peña; Perry; Phillips; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Scott; Shelton; Simpson; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Thompson; Torres; Truitt; Villarreal; Vo; Walle; Woolley; Zerwas.

Nays — Anderson, C.; Berman; Button; Cain; Carter; Chisum; Creighton; Elkins; Fletcher; Flynn; Hartnett; Hughes; Keffer; Kleinschmidt; Laubenberg; Miller, D.; Miller, S.; Paxton; Price; Riddle; Schwertner; Sheets; Sheffield; Smith, T.; Taylor, V.; Weber; White; Workman; Zedler.

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

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Allen; Callegari.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1096. I intended to vote no.

Brown

I was shown voting no on Record No. 1096. I intended to vote yes.

Carter

I was shown voting yes on Record No. 1096. I intended to vote no.

Harper-Brown

I was shown voting yes on Record No. 1096. I intended to vote no.

C. Howard

I was shown voting yes on Record No. 1096. I intended to vote no.

Madden

I was shown voting yes on Record No. 1096. I intended to vote no.

Orr

I was shown voting present, not voting on Record No. 1096. I intended to vote no.

Patrick

I was shown voting yes on Record No. 1096. I intended to vote no.

Phillips

I was shown voting no on Record No. 1096. I intended to vote yes.

Sheets

HB 2449 ON THIRD READING**(by Aliseda, Peña, et al.)**

HB 2449, A bill to be entitled An Act relating to the illegal possession of another person's ballot to be voted by mail.

HB 2449 was passed by (Record 1097): 112 Yeas, 16 Nays, 2 Present, not voting.

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

Nays — Alonzo; Anchia; Castro; Farias; Gonzales, V.; Gonzalez; Hernandez Luna; Howard, D.; Lucio; Mallory Caraway; Menendez; Naishtat; Pickett; Strama; Thompson; Walle.

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

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Allen; Alvarado; Anderson, C.; Carter; Coleman; Deshotel; Hochberg; Hopson; Muñoz; Phillips; Villarreal.

STATEMENTS OF VOTE

When Record No. 1097 was taken, I was in the house but away from my desk. I would have voted no.

Alvarado

When Record No. 1097 was taken, I was in the house but away from my desk. I would have voted yes.

C. Anderson

I was shown voting yes on Record No. 1097. I intended to vote no.

Burnam

When Record No. 1097 was taken, my vote failed to register. I would have voted yes.

Carter

When Record No. 1097 was taken, I was in the house but away from my desk. I would have voted yes.

Deshotel

I was shown voting yes on Record No. 1097. I intended to vote no.

Farrar

When Record No. 1097 was taken, I was temporarily out of the house chamber. I would have voted yes.

Hopson

I was shown voting yes on Record No. 1097. I intended to vote no.

Martinez Fischer

When Record No. 1097 was taken, my vote failed to register. I would have voted no.

Phillips

I was shown voting yes on Record No. 1097. I intended to vote no.

Rodriguez

HB 3736 ON THIRD READING

(by Martinez)

HB 3736, A bill to be entitled An Act relating to appointment of a department head of a fire or police department in certain municipalities.

HB 3736 failed to pass by (Record 1098): 36 Yeas, 78 Nays, 17 Present, not voting.

Yeas — Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Dutton; Farias; Farrar; Gallego; Gonzales, V.; Hernandez Luna; Hochberg; Howard, D.; Johnson; Lucio; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Phillips; Quintanilla; Reynolds; Ritter; Rodriguez; Smithee; Strama; Thompson; Villarreal; Vo; Walle.

Nays — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Elkins; Fletcher; Flynn; Frullo; Gonzales, L.; Hamilton; Hancock; Hartnett; Hopson; Howard, C.; Hughes; Jackson; Keffer; King, P.; Kleinschmidt; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Parker; Patrick; Paxton; Peña; Perry; Pitts; Price; Riddle; Schwertner; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Solomons; Taylor, L.; Taylor, V.; Torres; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Bonnen(C); Cook; Eiland; Eissler; Gonzalez; Gooden; Hardcastle; Harless; Hilderbran; Huberty; Hunter; Isaac; King, T.; Scott; Simpson; Truitt.

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Allen; Deshotel; Dukes; Garza; Guillen; Harper-Brown; Kolkhorst; Mallory Caraway; Pickett; Raymond.

STATEMENTS OF VOTE

When Record No. 1098 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

When Record No. 1098 was taken, I was excused because of important business in the district. I would have voted no.

Geren

When Record No. 1098 was taken, I was in the house but away from my desk. I would have voted no.

Kolkhorst

GENERAL STATE CALENDAR SENATE BILLS THIRD READING

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

SB 141 ON THIRD READING (Anchia - House Sponsor)

SB 141, A bill to be entitled An Act relating to debt management services and the regulation of debt management services providers.

SB 141 was passed by (Record 1099): 114 Yeas, 18 Nays, 2 Present, not voting.

Yeas — Alonzo; Alvarado; Anderson, C.; Aycock; Beck; Bohac; Branch; Burkett; Burnam; Button; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Frullo; Gallego; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Johnson; Keffer; King, P.; King, T.; Kleinschmidt; Kuempel; Landtroop; Larson; Lavender; Legler; Lewis; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; McClendon; Menendez; Miles; Miller, D.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Parker; Patrick; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Schwertner; Scott; Sheets;

Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Thompson; Torres; Truitt; Villarreal; Vo; Walle; White; Woolley; Workman; Zerwas.

Nays — Aliseda; Anderson, R.; Berman; Brown; Cain; Callegari; Carter; Flynn; Harper-Brown; Laubenberg; Martinez Fischer; Miller, S.; Paxton; Riddle; Simpson; Taylor, V.; Weber; Zedler.

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

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Allen; Anchia; Crownover; Garza; Jackson; Kolkhorst; Sheffield.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1099. I intended to vote no.

C. Anderson

I was shown voting no on Record No. 1099. I intended to vote yes.

Berman

I was shown voting yes on Record No. 1099. I intended to vote no.

Bohac

When Record No. 1099 was taken, I was excused because of important business in the district. I would have voted no.

Geren

I was shown voting yes on Record No. 1099. I intended to vote no.

Gooden

I was shown voting yes on Record No. 1099. I intended to vote no.

Harless

When Record No. 1099 was taken, I was in the house but away from my desk. I would have voted no.

Kolkhorst

I was shown voting yes on Record No. 1099. I intended to vote no.

Lewis

I was shown voting yes on Record No. 1099. I intended to vote no.

Parker

I was shown voting yes on Record No. 1099. I intended to vote no.

Phillips

When Record No. 1099 was taken, I was in the house but away from my desk. I would have voted no.

Sheffield

I was shown voting yes on Record No. 1099. I intended to vote no.

White

**SB 1431 ON THIRD READING
(Smithee - House Sponsor)**

SB 1431, A bill to be entitled An Act relating to the functions of insurance holding company systems.

Amendment No. 1

Representative Smithee offered the following amendment to **SB 1431**:

Amend **SB 1431** on third reading by striking all below the enacting clause and substituting the following:

SECTION 1. Section 823.002, Insurance Code, is amended by adding Subdivisions (3-a), (3-b), and (4-a) and amending Subdivision (6) to read as follows:

(3-a) "Divesting person" means a person who has control of a domestic insurer and who intends to divest control of the domestic insurer.

(3-b) "Divestiture" means an abandonment of control of a domestic insurer by a divesting person that does not result in the transfer of control to another person.

(4-a) "Enterprise risk" means any activity, circumstance, event, or series of events involving one or more affiliates of an insurer that, if not remedied promptly, is likely to have a material adverse effect on the financial condition or liquidity of the insurer or its insurance holding company system as a whole, including anything:

(A) that would cause the insurer's risk-based capital to fall into company action level; or

(B) that would cause the insurer to be in hazardous financial condition.

(6) "Insurer" means any insurance company organized under the laws of this state, a commercially domiciled insurer, or an insurer authorized to engage in the business of insurance in this state. The term includes a capital stock company, mutual company, farm mutual insurance company, title insurance company, fraternal benefit society, local mutual aid association, statewide mutual assessment company, county mutual insurance company, Lloyd's plan, reciprocal or interinsurance exchange, stipulated premium insurance company, and group hospital service corporation. The term does not include an agency, authority, or instrumentality of the United States, its possessions and territories, the Commonwealth of Puerto Rico, the District of Columbia, or a state, ~~or an agency, authority, instrumentality,~~ or political subdivision of a state.

SECTION 2. Section 823.010, Insurance Code, is amended by amending Subsections (c) and (d) and adding Subsections (e), (f), (g), and (h) to read as follows:

(c) Except as provided by Subsection (d), [After] the disclaimer shall be deemed to have been allowed unless, not later than 60 days after the receipt of a complete disclaimer, [is filed:

[~~(1) the insurer is not required to register or report under Subchapter B because of a duty that arises out of the insurer's relationship with the person unless~~] the commissioner notifies the filing party that [~~disallows~~] the disclaimer is disallowed[~~, in which event the duty to register or report begins on the date of the disallowance; and~~

[~~(2) the person is not required to comply with Sections 823.154, 823.155, 823.159, and 823.160 unless the commissioner disallows the disclaimer~~].

(d) Notwithstanding Subsection (c), if the commissioner at any time determines that the information disclosed in the disclaimer is incomplete or inaccurate or is no longer accurate, the [~~The~~] commissioner may disallow the disclaimer [only after:

[~~(1) providing to each party in interest notice of and the opportunity to be heard on the disallowance; and~~

[~~(2) making specific findings of fact to support the disallowance~~].

(e) If the commissioner disallows a disclaimer, the party who filed the disclaimer may request an administrative hearing. The commissioner shall grant the request for the hearing.

(f) Except as provided by Subsection (h), if the commissioner allows a disclaimer:

(1) the insurer is not required to register or report under Subchapter B due to a duty arising from the insurer's relationship with the party who filed the disclaimer; and

(2) the party who filed the disclaimer is not required to comply with Section 823.154, 823.155, 823.159, or 823.160.

(g) If the commissioner allows a disclaimer, the commissioner at the same time may also waive another provision of this chapter with relation to the party who filed the disclaimer. The commissioner may require reasonable controls and safeguards that are consistent with the purposes of this chapter in granting a waiver under this subsection.

(h) If the commissioner disallows a disclaimer under Subsection (d):

(1) effective on the date of the disallowance, the insurer shall register and report as required by Subchapter B; and

(2) the party who filed the disclaimer shall comply with Sections 823.154, 823.155, 823.159, and 823.160.

SECTION 3. Section 823.011, Insurance Code, is amended by amending Subsections (a), (b) and (d) and adding Subsections (e), (f), (g), (h), and (i) to read as follows:

(a) This section applies only to information, including documents and copies of documents, that is:

(1) reported under Subchapter B; [✗]

(2) disclosed to the commissioner under Section 823.010; or

(3) obtained by or disclosed to the commissioner or another person in the course of an examination or investigation under Subchapter H.

(b) The information shall be confidential and privileged for all purposes [~~treated confidentially and is not subject to subpoena~~]. Except as provided by Subsections (c) and (d), the information may not be disclosed without the prior written consent of the insurer to which it pertains.

(d) Except as provided by Subsection (e), if the recipient of documents or other information agrees in writing to maintain the confidential and privileged status of the documents or other information, and verifies in writing the legal authority to maintain the confidential and privileged status of the documents or information, the [The] commissioner or another person may disclose the information to any of the following entities functioning in an official capacity:

(1) a commissioner of insurance or an insurance department of another state;

(2) an authorized law enforcement official;

(3) a district attorney of this state;

(4) the attorney general; [✗]

(5) a grand jury;

(6) members of a supervisory college described by Section 823.0145;

or

(7) the National Association of Insurance Commissioners and its affiliates and subsidiaries.

(e) Notwithstanding Subsection (d), the commissioner may share confidential and privileged information reported under Section 823.0595 only with the commissioner of insurance of a state that has a statute or rule substantially similar to Subsection (d) who agrees in writing not to disclose the information.

(f) Information described by Subsection (a), including information in the possession of the National Association of Insurance Commissioners under this section, is confidential and privileged for all purposes, including for purposes of:

(1) Chapter 552, Government Code;

(2) a response to a subpoena; or

(3) discovery or admissibility in evidence in a civil action.

(g) The commissioner shall enter into written agreements with the National Association of Insurance Commissioners that comply with the requirements of Subsection (d) regarding the sharing and use of information provided under this chapter. An agreement entered into under this subsection must:

(1) specify procedures and protocols regarding the confidentiality and security of information shared with the National Association of Insurance Commissioners and its affiliates and subsidiaries under this chapter, including procedures and protocols for sharing by the National Association of Insurance Commissioners with other state, federal, or international regulators;

(2) specify that ownership of information shared with the National Association of Insurance Commissioners and its affiliates and subsidiaries under this chapter remains with the commissioner, and that use of the information by the National Association of Insurance Commissioners is subject to the direction of the commissioner;

(3) require prompt notice to an insurer whose confidential information is in the possession of the National Association of Insurance Commissioners under this chapter that the information is subject to a request or subpoena to the National Association of Insurance Commissioners for disclosure or production; and

(4) require the National Association of Insurance Commissioners and its affiliates and subsidiaries to give consent to intervention by an insurer in any judicial or administrative action in which the National Association of Insurance Commissioners and its affiliates and subsidiaries may be required to disclose confidential information about the insurer shared with the National Association of Insurance Commissioners and its affiliates and subsidiaries under this chapter.

(h) This section may not be construed to prevent the commissioner from using information described by Subsection (a) for any purpose with respect to which the commissioner or the attorney general is otherwise authorized to act, including a regulatory or other legal action.

(i) The commissioner remains solely responsible for the administration, execution, and enforcement of this chapter, and the commissioner's sharing of information does not constitute a delegation of regulatory or rulemaking authority.

SECTION 4. Subchapter A, Chapter 823, Insurance Code, is amended by adding Section 823.0145 to read as follows:

Sec. 823.0145. SUPERVISORY COLLEGES. (a) With respect to any insurer registered under Subchapter B, and in accordance with Subsection (c), the commissioner may participate in a supervisory college for a domestic insurer that is part of an insurance holding company system with international operations in order to determine the insurer's compliance with this chapter. The commissioner may:

(1) initiate the establishment of a supervisory college;

(2) clarify the membership and participation of other entities in the supervisory college;

(3) clarify the functions of the supervisory college and the role of other entities in the supervisory college;

(4) establish a group-wide supervisor;

(5) coordinate the ongoing activities of the supervisory college, including meetings, regulatory activities, and processes for information sharing; and

(6) establish a crisis management plan.

(b) In order to assess the business strategy, financial position, legal and regulatory position, risk exposure, risk management and governance processes, and as part of the examination of individual insurers under Subchapter H, the commissioner may participate in a supervisory college with other entities that

regulate the insurer or its affiliates, including other state, federal, and international regulatory entities. The commissioner may enter into agreements under Section 823.011 to cooperate with other regulatory entities. Nothing in this section shall be construed as delegating to the supervisory college the commissioner's authority to regulate the insurer or its affiliates.

(c) A registered insurer subject to this section shall pay the reasonable expenses, including reasonable travel expenses, of the commissioner's participation in a supervisory college under Subsection (b). For purposes of this section, a supervisory college may be convened as either a temporary or permanent forum for communication and cooperation between the entities that regulate the insurer or its affiliates, and the commissioner may establish a regular assessment to the insurer for the payment of expenses related to the regulation of the insurer.

SECTION 5. Section 823.052, Insurance Code, is amended by amending Subsections (b) and (c) and adding Subsections (c-1) and (c-2) to read as follows:

(b) The registration statement must be in a format prescribed by the National Association of Insurance Commissioners or adopted by rule of the commissioner and contain current information about:

(1) the identity and relationship of each affiliate in the insurance holding company system of which the insurer is a part;

(2) the capital structure, general financial condition, and ownership and management of the insurer, the insurer's holding company, the insurer's subsidiaries, and, if the commissioner considers the information necessary, any of the insurer's other affiliates; and

(3) any pledge of stock of the insurer or a subsidiary or controlling affiliate of the insurer for a loan made to a member of the insurer's insurance holding company system.

(c) The registration statement must also contain information about:

(1) each outstanding loan the insurer makes to an affiliate of the insurer or an affiliate makes to the insurer;

(2) each purchase, sale, or exchange of securities or other investment between the insurer and an affiliate of the insurer;

(3) each purchase, sale, or exchange of assets between the insurer and an affiliate of the insurer;

(4) each management and service contract or cost-sharing arrangement between the insurer and an affiliate of the insurer;

(5) each reinsurance agreement between the insurer and an affiliate of the insurer that covers one or more lines of insurance of the ceding company;

(6) each agreement between the insurer and an affiliate of the insurer to consolidate federal income tax returns;

(7) each transaction between the insurer and an affiliated financial institution;

(8) each transaction between the insurer and an affiliate of the insurer that is not in the ordinary course of business;

(9) each guarantee or undertaking, other than an insurance contract entered into in the ordinary course of the insurer's business, for the benefit of an affiliate of the insurer that results in a contingent exposure of the insurer's assets to liability;

(10) each dividend or distribution to the insurer's shareholders; ~~and~~

(11) each transaction between the insurer and an affiliate of the insurer not specified by this subsection that is subject to Section 823.102, 823.103, or 823.104;

(12) the corporate governance and internal control responsibilities of the insurer's board of directors, including a statement that:

(A) the insurer's senior management or officers have approved and implemented, and continue to maintain and monitor, corporate governance and internal control procedures; and

(B) the insurer's board of directors oversees corporate governance and internal controls; and

(13) any other information that the commissioner requires by rule.

(c-1) On request of the commissioner, an insurer shall include with the statement a copy of all financial statements for the insurance holding company system and all affiliates of the holding company system, including annual audited financial statements filed with the United States Securities and Exchange Commission pursuant to the Securities Act of 1933 (15 U.S.C. Section 77a et seq.) or the Securities Exchange Act of 1934 (15 U.S.C. Section 78a et seq.). An insurer may not be required to submit financial statements for an affiliate that is privately owned by not more than five security holders, each of whom is an individual, unless the commissioner determines that the operations of the affiliate may materially affect the operations, management, or financial condition of an insurer in a holding company system. An affiliate may seek judicial review of a request for financial statements under this subsection.

(c-2) An insurer required by the commissioner to submit financial statements under this section, Section 823.201, or Section 823.351 may satisfy the requirement by submitting to the commissioner:

(1) the financial statements that the insurer's parent corporation most recently filed with the Securities and Exchange Commission; and

(2) if the insurer is required to submit financial statements for an affiliate, the financial statements that the affiliate most recently filed with an agency that regulates the affiliate.

SECTION 6. Subchapter B, Chapter 823, Insurance Code, is amended by adding Section 823.0595 to read as follows:

Sec. 823.0595. ENTERPRISE RISK REPORT. (a) Except as provided by Subsections (d) and (f), the ultimate controlling person, as defined by Section 823.055, of each insurer required to file an annual registration shall file with the registration an annual enterprise risk report. The report must, to the best of the ultimate controlling person's knowledge, identify the material risks within the insurance holding company system that may pose enterprise risk to the insurer. The report must be filed with the lead state commissioner of the insurance

holding company system, as determined by the commissioner. In determining the lead state commissioner, the commissioner shall consider the procedures adopted by the National Association of Insurance Commissioners.

(b) The ultimate controlling person of an insurer shall file the first enterprise risk report required by this section with the first annual registration statement due after:

(1) January 1, 2013, if the total direct or assumed annual premiums of the insurer were \$5 billion or more during the preceding 12-month period;

(2) January 1, 2014, if the total direct or assumed annual premiums of the insurer were more than \$1 billion but less than \$5 billion during the preceding 12-month period;

(3) January 1, 2015, if the total direct or assumed annual premiums of the insurer were more than \$500 million but less than \$1 billion during the preceding 12-month period; or

(4) January 1, 2016, if the total direct or assumed annual premiums of the insurer were \$300 million or more but less than \$500 million during the preceding 12-month period.

(c) Subsection (b) and this subsection expire January 2, 2015.

(d) Except as provided by Subsection (e), the ultimate controlling person of an insurer with total direct or assumed annual premiums of less than \$300 million is not required to submit an enterprise risk report under Subsection (a).

(e) Regardless of total direct or assumed annual premium, the ultimate controlling person of an insurer that is not in compliance with applicable risk-based capital standards or that is otherwise in hazardous condition, as determined by the commissioner, shall file an enterprise risk report required by Subsection (a) as directed by the commissioner.

(f) An insurer or health maintenance organization that in the preceding calendar year had direct written and assumed premiums of more than \$300 million but less than \$500 million may request an exemption from the reporting requirements of Subsection (a) by filing with the commissioner a written statement describing the undue financial or organizational hardship the insurer or health maintenance organization would suffer as a result of complying with Subsection (a). The commissioner may grant the exemption if the commissioner finds that compliance with Subsection (a) would impose an undue financial or organizational hardship on the insurer or health maintenance organization.

(g) The ultimate controlling person of an insurance holding company system is not required to submit an enterprise risk report under Subsection (a) if:

(1) the ultimate controlling person:

(A) has owned a controlling interest in the voting securities of an insurer described by Subdivision (2) since September 1, 1991, or before;

(B) is a charitable foundation, trust, or both; and

(C) has not filed or received a disclaimer under Section 823.010;

and

(2) the insurer in which the ultimate controlling person owns a controlling interest:

(A) was organized under the laws of this state before January 1, 1910;

(B) is registered under Subchapter B;

(C) has issued equity shares of stock registered under Section 12, Securities Exchange Act of 1934 (15 U.S.C. Section 781);

(D) on September 1, 2011, owns or controls an insurance company subsidiary that is party of the same insurance holding company system as the insurer; and

(E) files with the commissioner all registration statements and information relating to material changes of the insurance holding company system required under Subchapter B, including the financial statements of the ultimate controlling person described by Subdivision (1).

(h) An exemption under Subsection (g) applies only for the period during which the ultimate controlling person described by Subsection (g)(1) satisfies the requirements of Subsection (g) and expires on the date of a change in control of the insurer described by Subsection (g)(2) involving at least 50 percent of the voting securities of the insurer. An insurance holding company system may reapply for an exemption under Subsection (g) after the change in control if the system continues to meet the requirements of Subsection (g).

(i) An ultimate controlling person described by Subsection (g)(1) and an insurer described by Subsection (g)(2) shall respond to reasonable inquiries from the department related to the administration of Chapter 404.

SECTION 7. Section 823.060, Insurance Code, is amended to read as follows:

Sec. 823.060. VIOLATION OF SUBCHAPTER. The failure to file a registration statement or an amendment to a registration statement, or an enterprise risk report, within the time specified for filing the statement, ~~or~~ amendment, or report, as required by this subchapter, is a violation of this subchapter.

SECTION 8. The heading to Section 823.101, Insurance Code, is amended to read as follows:

Sec. 823.101. STANDARDS FOR TRANSACTION WITHIN AN INSURANCE HOLDING COMPANY SYSTEM ~~[WITH AFFILIATE]~~.

SECTION 9. Section 823.101, Insurance Code, is amended by amending Subsection (a) and adding Subsection (b-1) to read as follows:

(a) This section applies only to a material transaction within an insurance holding company system to which an ~~[between a registered insurer and an affiliate of the]~~ insurer subject to a registration under Section 843.052 is a party.

(b-1) An agreement, including an agreement for cost-sharing, services, or management, must include all provisions required by rule of the commissioner.

SECTION 10. Section 823.102, Insurance Code, is amended by amending Subsection (a) and adding Subsections (d) and (e) to read as follows:

(a) This section applies only to a sale, purchase, exchange, loan or other extension of credit, or investment between a domestic insurer and any person in the insurer's insurance holding company system, including an amendment or modification of an affiliate agreement previously filed under this section, that

involves more than the lesser of 5 percent of the insurer's admitted assets or 25 percent of the insurer's surplus, as of December 31 of the year preceding the year in which the transaction occurs.

(d) The notice described by Subsection (c) must include:

- (1) the reasons for entering into or changing the transaction; and
- (2) the financial impact of the transaction on the domestic insurer.

(e) Not later than the 30th day after the termination of a previously filed agreement, the domestic insurer shall give notice of the termination to the commissioner.

SECTION 11. Section 823.103, Insurance Code, is amended by amending Subsection (a) and adding Subsections (e) and (f) to read as follows:

(a) This section applies only to:

(1) a sale, purchase, exchange, loan or other extension of credit, or investment between a domestic insurer and any person in the insurer's insurance holding company system, including an amendment or modification of an affiliate agreement previously filed under this section:

(A) that involves more than the lesser of one-half of one percent of the insurer's admitted assets or five percent of the insurer's surplus, as of December 31 of the year preceding the year in which the transaction occurs; and

(B) the approval of which is not required under Section 823.102;

(2) a reinsurance agreement, including a reinsurance treaty or pooling agreement, or an amendment or modification of an agreement previously filed under this section, between a domestic insurer and any person in the insurer's holding company system ~~[or a modification of such an agreement];~~

(3) a rendering of services between a domestic insurer and any person in the insurer's holding company system on a regular or systematic basis, including a tax-allocation agreement, or an amendment or modification of an agreement previously filed under this section; or

(4) any material transaction between a domestic insurer and any person in the insurer's holding company system that is specified by rule and that the commissioner determines may adversely affect the interests of the insurer's policyholders or of the public, including an amendment or modification of an agreement previously filed under this section.

(e) The notice described by Subsection (c) must include:

- (1) the reasons for entering into or changing the transaction; and
- (2) the financial impact of the transaction on the domestic insurer.

(f) Not later than the 30th day after the termination of a previously filed agreement, the domestic insurer shall give notice of the termination to the commissioner.

SECTION 12. Section 823.154, Insurance Code, is amended to read as follows:

Sec. 823.154. REQUIREMENTS FOR ACQUISITION OR EXERCISE OF CONTROL OR DIVESTITURE OF DOMESTIC INSURER. (a) Before a person who directly or indirectly controls, or after the acquisition would directly or indirectly control, a domestic insurer may in any manner acquire a voting

security of a domestic insurer or before a person may otherwise acquire control of a domestic insurer or exercise any control over a domestic insurer, or before a person may initiate a divestiture of control of a domestic insurer:

(1) the acquiring person shall file with the commissioner a statement that satisfies the requirements of Subchapter E; ~~and~~

(2) the acquisition or divestiture of control must be approved by the commissioner in accordance with this subchapter; and

(3) if the person is initiating a divestiture of control, the divesting person shall file with the commissioner a notice of divestiture on a form adopted by the National Association of Insurance Commissioners or adopted by the commissioner by rule.

(b) The acquiring person or divesting person shall send a copy of the statement filed under this section to the domestic insurer.

(c) A statement or notice filed under this section must be filed not later than the 60th day before the proposed effective date of the acquisition or change of control or divestiture and is subject to public inspection at the office of the commissioner.

(d) Notwithstanding Subsection (a), a divesting person is not required to provide the commissioner with notice of divestiture required by Subsection (a)(3) if an acquiring person submits the statement required by Subsection (a)(1) and that acquisition is approved by the commissioner.

SECTION 13. Section 823.157, Insurance Code, is amended to read as follows:

Sec. 823.157. APPROVAL OF ACQUISITION, CHANGE, OR DIVESTITURE OF CONTROL. (a) The commissioner shall approve or deny an acquisition, ~~or~~ change, or divestiture of control for which a statement or notice is filed under Section 823.154 not later than the 60th day after the date the statement required by that section is filed. The 60-day period may be waived by the person filing the statement or notice required by Section 823.154 and the domestic insurer. On the request of either the person filing the statement or notice required by Section 823.154, or the domestic insurer, the commissioner shall hold a hearing on a denial.

(b) In considering whether to approve or deny, the commissioner shall consider whether:

(1) immediately on the acquisition, ~~or~~ change, or divestiture of control the domestic insurer would not be able to satisfy the requirements for the issuance of a new certificate of authority to write the line or lines of insurance for which the insurer holds a certificate of authority;

(2) the effect of the acquisition, ~~or~~ change, or divestiture of control would be substantially to lessen competition in a line or subclassification lines of insurance in this state or tend to create a monopoly in a line or subclassification lines of insurance in this state;

(3) the financial condition of the acquiring person may jeopardize the financial stability of the domestic insurer or prejudice the interest of the domestic insurer's policyholders;

(4) the acquiring person has a plan or proposal to liquidate the domestic insurer or cause the insurer to declare dividends or make distributions, sell any of its assets, consolidate or merge with any person, make a material change in its business or corporate structure or management, or enter into a material agreement, arrangement, or transaction of any kind with any person, and that the plan or proposal is unfair, prejudicial, hazardous, or unreasonable to the insurer's policyholders and not in the public interest;

(5) due to a lack of competence, trustworthiness, experience, and integrity of the persons who would control the operation of the domestic insurer, the acquisition or change of control would not be in the interest of the insurer's policyholders and the public;

(5-a) the divestiture of control may jeopardize the financial stability of the domestic insurer or prejudice the interest of the domestic insurer's policyholders and other claimants; or

(6) the acquisition, ~~or~~ change, or divestiture of control would violate the law of this or another state or the United States.

(c) If a proposed acquisition, change, or divestiture of control will require the approval of more than one commissioner, the commissioner may participate in a public hearing referred to in this chapter held on a consolidated basis on request of the person filing the statement required by Section 823.154. The person filing the statement under Section 823.154 shall file the statement with the National Association of Insurance Commissioners within five days of making the request for a public hearing. A hearing conducted on a consolidated basis shall be public and shall be held within the United States before the commissioners of the states in which the insurers are domiciled. The commissioners shall hear and receive evidence at the hearing. The commissioner may attend the hearing in person or by telecommunication.

(d) This section does not require the commissioner to hold a hearing before approving or denying an acquisition, change, or divestiture of control.

SECTION 14. Section 823.201, Insurance Code, is amended by adding Subsections (d) and (e) to read as follows:

(d) The acquiring person shall agree to provide the annual enterprise risk report required by Section 823.0595 for as long as the acquiring person maintains control of the insurer.

(e) The acquiring person and all subsidiaries within the acquiring person's control in the insurance holding company system shall provide information to the commissioner on request of the commissioner as the commissioner deems necessary to evaluate enterprise risk to the insurer.

SECTION 15. Section 823.205, Insurance Code, is amended by adding Subsection (c) to read as follows:

(c) An insurer required to file information under Section 823.154 may satisfy the requirement of Section 823.052(c-1) by providing the commissioner with the most recently filed parent corporation reports that have been filed with the United States Securities and Exchange Commission, if required by the commissioner.

SECTION 16. Section 823.351, Insurance Code, is amended by amending Subsections (a) and (b) and adding Subsections (a-1) and (b-1) to read as follows:

(a) Subject to Section 823.352, the commissioner may order an insurer registered under Subchapter B to produce records, books, or other information papers in the possession of the insurer or an affiliate of the insurer that are necessary to ascertain the financial condition or legality of conduct of the insurer, including the enterprise risk to the insurer by the ultimate controlling party, or by any entity or combination of entities within the insurance holding company system, or by the insurance holding company system on a consolidated basis.

(a-1) To determine compliance with this chapter, the commissioner may order any insurer registered under Subchapter B to produce information not in the possession of the insurer if the insurer can obtain access to the information pursuant to contractual relationships, statutory obligations, or other methods. In the event that the insurer is unable to obtain the information requested by the commissioner, the insurer shall provide the commissioner with a detailed explanation of the reason why the insurer is unable to obtain the information, and the identity of the holder of information. If it appears to the commissioner that the insurer's explanation is without merit, the commissioner may after notice and hearing:

(1) require the insurer to pay a penalty of not less than \$100 for each day the insurer delays producing the information; or

(2) suspend or revoke the insurer's license.

(b) If an insurer fails to comply with an order under this section [~~Subsection (a)~~], the commissioner by order may require the examination of each holding company of the insurer and each controlled person or affiliate in the insurer's insurance holding company system if the commissioner has cause to believe that:

(1) the operations of that person may materially affect the operations, management, or financial condition of any controlled insurer in that system; and

(2) the commissioner is unable to obtain relevant information from the controlled insurer.

(b-1) The commissioner may issue subpoenas, administer oaths, and examine under oath any person for purposes of determining compliance with this section. On the failure or refusal of a person to obey a subpoena, the commissioner may petition a court of competent jurisdiction, and on proper showing, the court may enter an order compelling the witness to appear and testify or produce documentary evidence. Failure to obey the court order is punishable as contempt of court. A person shall attend as a witness at the place specified in the subpoena, when subpoenaed, at any location in this state. The person is entitled to the same fees and mileage, if claimed, as a witness in district court. Fees, mileage, and actual expenses necessarily incurred in securing the attendance of a witness shall be itemized and charged against, and be paid by, the insurer being examined.

SECTION 17. Section 823.452, Insurance Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) If it appears to the commissioner that a person has committed a violation of Subchapter D that prevents the full understanding of the enterprise risk to the insurer by affiliates or by the insurance holding company system, the violation may serve as an independent basis for disapproving dividends or distributions and for issuing an order under Chapter 404 or Chapter 441.

SECTION 18. (a) Subject to Subsection (b) of this section, the Texas Department of Insurance may not implement Section 823.0595, Insurance Code, as added by this Act, until the date that the commissioner determines that the National Association of Insurance Commissioners has completed an enterprise risk form and has proposed a master confidentiality agreement and places notice of that determination in the Texas Register.

(b) An insurer is not required to file an enterprise risk report under Section 823.0595, Insurance Code, as added by this Act, until January 1, 2014.

SECTION 19. This Act takes effect September 1, 2011.

Amendment No. 1 was adopted.

SB 1431 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE BRANCH: Just one quick question, John—and I appreciate your expertise and knowledge in this area and your hard work—but, how many page amendment is this?

REPRESENTATIVE SMITHEE: It's a long amendment. Basically it's a rewrite of the bill. It's the same substance of the bill, we just had to rewrite it to get some of these provisions where they needed to be in there.

BRANCH: But are you making any major substantive changes?

SMITHEE: No, it just tweaks some edges that—because of the stakeholders in the process—it doesn't impose any new regulation. It really doesn't have a material impact on the original bill that was filed and I don't know of anyone who opposes it.

SB 1431, as amended, was passed by (Record 1100): 124 Yeas, 3 Nays, 4 Present, not voting.

Yeas — Aliseda; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; 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; Gonzales, L.; Gonzales, V.; Gooden; Guillen; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Naishtat; Nash; Oliveira; Orr; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Price; Quintanilla; Raymond; Reynolds; Riddle; Rodriguez; Schwertner; Scott; Sheets;

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

Nays — Hamilton; Pitts; Weber.

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

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Allen; Alonzo; Davis, Y.; Dukes; Garza; King, T.; Lewis; McClendon; Ritter; Smith, W.

STATEMENTS OF VOTE

When Record No. 1100 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

When Record No. 1100 was taken, I was in the house but away from my desk. I would have voted yes.

McClendon

(Speaker in the chair)

HB 2380 ON THIRD READING (by Shelton and Reynolds)

HB 2380, A bill to be entitled An Act relating to employment by school districts of certain persons under probationary contracts.

HB 2380 was passed by (Record 1101): 134 Yeas, 0 Nays, 3 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; 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; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; 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, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; 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; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Allen; Callegari; Garza; Villarreal.

STATEMENT OF VOTE

I was shown voting yes on Record No. 1101. I intended to vote no.

Simpson

REMARKS ORDERED PRINTED

Representative Murphy moved to print remarks between Representative Branch and Representative Smithee on **SB 1431**.

The motion prevailed.

POSTPONED BUSINESS

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

HB 2507 ON THIRD READING

(by Chisum)

HB 2507, A bill to be entitled An Act relating to the offense of installing an irrigation system without a license.

HB 2507 was read third time earlier today and was postponed until this time.

HB 2507 was passed by (Record 1102): 125 Yeas, 11 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Bohac; Branch; Brown; Burzett; Burnam; Button; 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; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hunter; Jackson; Johnson; Keffer; King, P.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Parker; Patrick; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomors; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Vo; Weber; Woolley; Zedler; Zerwas.

Nays — Berman; Bonnen; Cain; Flynn; Hughes; Paxton; Riddle; Simpson; Walle; White; Workman.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Callegari; Garza; Isaac; Villarreal.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1102. I intended to vote no.

Branch

I was shown voting yes on Record No. 1102. I intended to vote no.

Zedler

COMMITTEE GRANTED PERMISSION TO MEET

Representative Kolkhorst requested permission for the Committee on Public Health to meet while the house is in session, at 5:10 p.m. today, in 1W.14, to consider **SB 7** and pending bills.

Permission to meet was granted.

FIVE-DAY POSTING RULE SUSPENDED

Representative Gooden moved to suspend the five-day posting rule to allow the Committee on County Affairs to consider **HB 3832**, **SB 303**, **SB 1906**, and pending business at 9:45 a.m. Monday, May 16 in E2.030.

The motion prevailed.

Representative Eissler moved to suspend the five-day posting rule to allow the Committee on Public Education to consider **SB 205** and **SB 471** at 8 a.m. Tuesday, May 17 in E2.036.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

County Affairs, 9:45 a.m. Monday, May 16, E2.030, for a public hearing, to consider **HB 3832**, **SB 303**, **SB 1906**, and pending business.

MOTION FOR ONE RECORD VOTE

On motion of Representatives Farrar and L. Taylor and by unanimous consent, the house suspended all necessary rules and agreed to use the first record vote taken on the bills remaining on today's calendar on third reading and final passage, with the understanding that a member may record an individual vote on any bill with the journal clerk.

The following bills which were considered on second reading on May 12 were laid before the house, read third time, and passed by the following record vote (members registering votes and the results of the vote are shown following the caption).

(Record 1103): 138 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; 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, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; 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; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Geren; Giddings; Gutierrez; King, S.; Lozano; Marquez; Veasey.

Absent, Excused, Committee Meeting — Otto; Turner.

Absent — Garza; Villarreal.

HB 1250 (by Frullo), A bill to be entitled An Act relating to the use of facsimile signatures for certain documents involving certain municipalities.

HB 680 (by Schwertner and Torres), A bill to be entitled An Act relating to complaints filed with the Texas Medical Board. (Burnam recorded voting no.) (137 - 1 - 1)

HB 1122 (by Weber, Gallego, Creighton, Martinez Fischer, Thompson, et al.), A bill to be entitled An Act relating to the trafficking of persons.

HB 1129 (by Kolkhorst), A bill to be entitled An Act relating to a study by the attorney general of the effects on state law and authority of certain international and other agreements and bodies. (Burnam recorded voting no.) (137 - 1 - 1)

HB 1856 (by Woolley), A bill to be entitled An Act relating to the prosecution of and punishment for the offense of tampering with a witness.

HB 2120 (by D. Miller, Button, McClendon, Chisum, et al.), A bill to be entitled An Act relating to the composition of the board of trustees of the Teacher Retirement System of Texas.

HB 2496 (by Gonzalez, V. Gonzales, Lucio, Madden, Dukes, et al.), A bill to be entitled An Act relating to creating a teen dating violence court program and the deferral of adjudication and dismissal of certain dating violence cases. (Aliseda recorded voting no.) (137 - 1 - 1)

HB 3268 (by Lyne), A bill to be entitled An Act relating to permits for air contaminant emissions of stationary natural gas engines used in combined heating and power systems.

HB 3167 (by Callegari), A bill to be entitled An Act relating to the abolishment of the state regulation of talent agencies and personnel services.

HB 3746 (by Frullo, Gallego, Menendez, Branch, et al.), A bill to be entitled An Act relating to investigations of certain offenses involving the Internet-based sexual exploitation of a minor; creating the Internet crimes against children account to support those activities.

HB 3747 (by McClendon, D. Miller, and Lozano), A bill to be entitled An Act relating to the selection of and requirements for serving as a member of the board of trustees of the Teacher Retirement System of Texas. (Fletcher and Price recorded voting no.) (136 - 2 - 1)

HB 2383 (by Geren), A bill to be entitled An Act relating to a study regarding the reenactment of the franchise tax credit or providing other incentives for certain research and development activities.

HB 1036 (by Legler), A bill to be entitled An Act relating to eligibility to file a sworn complaint with the Texas Ethics Commission. (V. Gonzales, D. Howard, Martinez Fischer, Rodriguez, and Turner recorded voting no.) (133 - 5 - 1)

STATEMENT OF VOTE

When the vote was taken on **HB 1036**, I was excused for important business in the district. I would have voted no.

Giddings

HB 2032 (by Darby), A bill to be entitled An Act relating to performance and payment security for certain comprehensive development agreements.

HB 452 (by Lucio, Raymond, et al.), A bill to be entitled An Act relating to temporary housing between academic terms for certain postsecondary students who have been under the conservatorship of the Department of Family and Protective Services. (Geren, Kolkhorst, and Patrick recorded voting no.) (135 - 3 - 1)

HB 599 (by Jackson), A bill to be entitled An Act relating to the release of certain criminal history record information subject to an order of nondisclosure.

HB 629 (by Pickett), A bill to be entitled An Act relating to the use of municipal or county sales tax increment financing for a transportation reinvestment zone. (Geren, Kolkhorst, and Simpson recorded voting no.) (135 - 3 - 1)

HB 1547 (by Larson), A bill to be entitled An Act relating to the desired future conditions of groundwater resources within groundwater management areas.

HB 2292 (by Hunter and Hopson), A bill to be entitled An Act relating to payment of claims to pharmacies and pharmacists.

HB 2493 (by Torres, et al.), A bill to be entitled An Act relating to authorizing enterprise project half designations and quarter designations under the enterprise zone program. (Berman, Button, Carter, Driver, Flynn, D. Miller, and Simpson recorded voting no.) (131 - 7 - 1)

REASON FOR VOTE

I voted against this bill only because of the projected cost to the state comptroller's office in a stagnant economy.

Carter

HB 2525 (by Harper-Brown), A bill to be entitled An Act relating to a mechanic's, contractor's, or materialman's lien for landscaping. (Price recorded voting no.) (137 - 1 - 1)

HB 2603 (by Smithee), A bill to be entitled An Act relating to the distribution of universal service funds to certain small and rural local exchange companies.

HB 1937 (by Simpson, Rodriguez, Menendez, Kolkhorst, Chisum, et al.), A bill to be entitled An Act relating to prosecution and punishment for the offense of official oppression by the intrusive touching of persons seeking access to public buildings and transportation; providing penalties.

HB 3320 (by Hunter), A bill to be entitled An Act relating to costs related to the towing and storage of a motor vehicle for certain law enforcement purposes.

HB 1681 (by Harless, C. Anderson, Legler, and Nash), A bill to be entitled An Act relating to the composition of the Finance Commission of Texas. (V. Gonzales and D. Howard recorded voting no.) (136 - 2 - 1)

HB 3754 (by Hilderbran), A bill to be entitled An Act relating to powers and duties of the Office of Public Utility Counsel to represent residential and small commercial consumers in certain water or sewer utility service matters before the Texas Commission on Environmental Quality.

HB 3833 (by Phillips), A bill to be entitled An Act relating to the adoption of a uniform collaborative law Act in regard to family law matters.

HB 96 (by Fletcher and Burkett), A bill to be entitled An Act relating to the exclusion of certain witnesses during a criminal proceeding.

HB 326 (by Guillen), A bill to be entitled An Act relating to the reporting requirements of a state agency that is undergoing review by the Sunset Advisory Commission.

HB 230 (by Phillips), A bill to be entitled An Act relating to the authority of a county to regulate the location of halfway houses in the unincorporated areas of the county; providing a penalty. (Carter recorded voting no.) (137 - 1 - 1)

HB 720 (by Hartnett, et al.), A bill to be entitled An Act relating to the designation of a person as a vexatious litigant.

HB 1363 (by McClendon and Harper-Brown), A bill to be entitled An Act relating to the transfer of permit procedures and enforcement related to oversize and overweight vehicles from the Texas Department of Transportation to the Texas Department of Motor Vehicles.

HB 1408 (by Flynn), A bill to be entitled An Act relating to combination resident hunting and fishing licenses for military personnel.

HB 2443 (by Price), A bill to be entitled An Act relating to the offense of remaining, parking vehicles, or erecting structures on certain state property.

HB 3390 (by Lavender), A bill to be entitled An Act relating to money allocated under the federal-aid highway program.

SB 331 (Madden, Gallego, Bonnen, Coleman, Rodriguez, et al. - House Sponsors), A bill to be entitled An Act relating to designating certain synthetic cannabinoids as controlled substances under the Texas Controlled Substances Act; providing penalties and establishing certain criminal consequences or procedures.

SB 356 (Kleinschmidt - House Sponsor), A bill to be entitled An Act relating to awards for certain members of the state military forces inducted into federal service in support of Operations Iraqi Freedom, New Dawn, and Enduring Freedom.

SB 1353 (Solomons, Thompson, Phillips, Hartnett, L. Gonzales, et al. - House Sponsors), A bill to be entitled An Act relating to certain claims against persons licensed as real estate brokers and salespersons.

SB 690 (S. Miller - House Sponsor), A bill to be entitled An Act relating to the enforcement of a self-service storage facility lien; providing a penalty.

SB 1217 (Hilderbran - House Sponsor), A bill to be entitled An Act relating to an excavator's duty to notify a notification center before excavating; providing civil and criminal penalties.

SB 403 (Murphy - House Sponsor), A bill to be entitled An Act relating to the consideration of pension and other postemployment benefits in establishing the rates of a gas utility. (Geren and Kolkhorst recorded voting no.) (136 - 2 - 1)

SB 1140 (Hartnett - House Sponsor), A bill to be entitled An Act relating to payment by a water control and improvement district for certain damages caused by the district's operation of a sanitary sewer system.

SB 509 (Lozano - House Sponsor), A bill to be entitled An Act relating to the validation of a home-rule charter for certain municipalities.

SB 1165 (Truitt - House Sponsor), A bill to be entitled An Act relating to certain enforcement powers of the banking commissioner; providing administrative penalties.

ADJOURNMENT

Representative Orr moved that the house adjourn until 11 a.m. Monday, May 16.

The motion prevailed.

The house accordingly, at 5:08 p.m., adjourned until 11 a.m. Monday, May 16.

ADDENDUM

SIGNED BY THE SPEAKER

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

House List No. 29**HCR 161****MESSAGES FROM THE SENATE**

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

Message No. 2**MESSAGE FROM THE SENATE****SENATE CHAMBER**

Austin, Texas

Friday, May 13, 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 92 Cook SPONSOR: Estes
Relating to the regulation of slaughterers by certain counties.
(Committee Substitute/Amended)

HB 205 Pickett SPONSOR: Rodriguez
Relating to the imposition by certain municipalities and municipal transit departments of the local sales and use tax in certain federal military installations.

HB 328 Guillen SPONSOR: Zaffirini
Relating to information provided to a person applying for a state tax permit or license.

HB 848 Guillen SPONSOR: Zaffirini
Relating to an agreement authorizing certain persons to make decisions regarding a child during an investigation of child abuse or neglect.
(Committee Substitute/Amended)

HB 1254 Pickett SPONSOR: Rodriguez
Relating to consideration of the consolidation of school district employment of peace officers and security personnel in certain counties.

HB 1286 Howard, Donna SPONSOR: Davis
Relating to adoption of rules by the University Interscholastic League.
(Amended)

HB 1401 Laubenberg SPONSOR: Estes
Relating to who may participate in certain local option elections to prohibit or authorize the sale of alcoholic beverages.

HB 1450 Guillen SPONSOR: Zaffirini
Relating to a study regarding tort liability arising from a volunteer's operation of a Parks and Wildlife Department vehicle.

HB 1789 Farias SPONSOR: Van de Putte
Relating to the payment of state funds directly to an entity that conducts a primary election under contract in certain counties.

HB 1840 Phillips SPONSOR: Estes

Relating to the creation and functions of the Texas Grain Producer Indemnity Board.

(Amended)

HB 1936 Gutierrez SPONSOR: Lucio
Relating to importation and shipment of alcoholic beverages for personal consumption.

HB 2002 Marquez SPONSOR: Rodriguez
Relating to the county ethics commission for certain counties.

HB 2014 Thompson SPONSOR: Van de Putte
Relating to certain criminal and civil consequences of trafficking of persons, compelling prostitution, and certain other related criminal offenses and to the prevention, prosecution, and punishment of those offenses.
(Committee Substitute)

HB 2067 Callegari SPONSOR: Seliger
Relating to the regulation of the practice of engineering by individuals engaged in the evaluation of oil and gas resources.

HB 2403 Otto SPONSOR: West
Relating to retailers engaged in business in this state for purposes of sales and use taxes.

HB 2468 Phillips SPONSOR: Seliger
Relating to providing a patron of a pay-to-park or valet parking service with certain information; providing a civil penalty.

HB 2936 Castro SPONSOR: Zaffirini
Relating to the administration of district courts in Bexar County.

HB 3000 Thompson SPONSOR: Van de Putte
Relating to creating the offense of continuous trafficking of persons; providing a penalty and other civil consequences.

HB 3487 Taylor, Van SPONSOR: Carona
Relating to regulations concerning certain service animals; providing a criminal penalty.
(Amended)

HCR 127 Naishtat SPONSOR: Watson
Designating the year 2012 as the Lady Bird Johnson Centennial Year.

SB 1696 Williams
Relating to the creation of an automatic license plate reader pilot program.

SB 1697 Williams
Relating to duties and restrictions regarding the special Texas Rangers.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Friday, May 13, 2011 - 3

The Honorable Speaker of the House
House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 1424 Wentworth
Relating to the issuance of cease and desist orders by the Texas Medical Board.

SB 1520 Uresti
Relating to the consideration of applications for permits for certain commercial solid waste processing or treatment facilities.

SB 1652 Watson
Relating to the implementation of new processes for the purposes of budget transparency, fiscal responsibility, and open government.

SB 1695 Williams
Relating to penalties for engaging in organized criminal activity.

SB 1698 Williams
Relating to reporting concerning inmates who are confined in county jails and subject to federal immigration detainers.

SB 1699 Williams
Relating to authorizing the use of an image verification system to determine whether an applicant for a driver's license or personal identification certificate is a fugitive from justice.

SB 1826 Gallegos
Relating to the definition in the open meetings law of the term "deliberation."

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 4

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Friday, May 13, 2011 - 4

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:

SB 1658 Hinojosa
Relating to the duties of and investigations conducted by the Texas Forensic Science Commission, the administrative attachment of the Texas Forensic Science Commission to Sam Houston State University, and the accreditation of criminal laboratories by the Department of Public Safety of the State of Texas.

Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

May 12

Business and Industry - **SB 767**

Corrections - **SB 315, SB 1055, SB 1208**

Criminal Jurisprudence - **SB 122, SB 144, SB 496, SB 1098, SB 1681, SB 1702**

Culture, Recreation, and Tourism - **HCR 124, SB 252**

Energy Resources - **SB 1134**

Higher Education - **SB 489, SB 851, SB 1564**

Human Services - **SB 219, SB 264, SB 436, SB 957, SB 993, SB 1154**

Insurance - **SB 554, SB 735, SB 859, SB 1806**

Natural Resources - **HB 3848**

Pensions, Investments, and Financial Services - **SB 642, SB 1667, SB 1668, SB 1669**

State Affairs - **SB 943**

Transportation - **SB 182, SB 246, SB 959, SB 1057, SB 1386, SB 1719**

Urban Affairs - **SB 577, SB 992, SB 1184, SB 1255**

ENGROSSED

May 12 - HB 13, HB 14, HB 36, HB 242, HB 272, HB 335, HB 351, HB 590, HB 628, HB 738, HB 748, HB 1043, HB 1128, HB 1205, HB 1228, HB 1355, HB 1359, HB 1528, HB 1576, HB 1580, HB 1689, HB 1728, HB 1766, HB 1776, HB 1784, HB 1797, HB 1871, HB 1872, HB 1886, HB 1951, HB 1994, HB 2006, HB 2096, HB 2102, HB 2103, HB 2190, HB 2194, HB 2233, HB 2247, HB 2316, HB 2359, HB 2363, HB 2382, HB 2425, HB 2460, HB 2492, HB 2510, HB 2589, HB 2592, HB 2595, HB 2649, HB 2702, HB 2707, HB 2728, HB 2746, HB 2960, HB 2975, HB 2982, HB 2994, HB 2996, HB 2997, HB 3001, HB 3036, HB 3079, HB 3111, HB 3125, HB 3152, HB 3216, HB 3283, HB 3326, HB 3328, HB 3341, HB 3369, HB 3387, HB 3399, HB 3475, HB 3595, HB 3647, HB 3723, HB 3730, HB 3797, HJR 48, HJR 109

ENROLLED

May 12 - HB 11, HB 564, HB 734, HB 965, HB 994, HB 1064, HB 1251, HB 1300, HB 1889, HB 1901, HB 1952, HB 1953, HB 2131, HB 2503, HB 2831, HCR 157

SIGNED BY THE GOVERNOR

May 12 - HB 314, HB 367, HB 861, HB 1409, HB 1510, HCR 73, HCR 104, HCR 105, HCR 106, HCR 107, HCR 108, HCR 111, HCR 112, HCR 113, HCR 140

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SEVENTY-SEVENTH DAY — MONDAY, MAY 16, 2011

The house met at 11 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 1104).

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.; 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; 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.

Absent, Excused — Huberty; Muñoz.

The invocation was offered by Craig Curry, pastor, First Baptist Church, Dripping Springs, as follows:

Dear Heavenly Father, I thank you for the opportunity you have given us to live in the United States of America and the great State of Texas. Thank you also for our leaders, for we are grateful for their service. I pray a special prayer for the leaders of the Texas House of Representatives, that you will guide each one in every way and that you will bless them and their families for their willingness to serve.

Help all of us to be mindful of others. Help us to recognize when someone is down, discouraged, or weak so that we might be able to reach out and help. Help us also to have the kind of love, compassion, and forgiveness that you have.

I also lift up to you this legislative session today. I pray for a spirit of unity throughout the dialogue of this session and as decisions are reached. May your presence be here in this place, leading, guiding, and directing every leader that is present. I lift up this prayer in your name. Amen.

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

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for today because of important business in the district:

Huberty on motion of Schwertner.

Muñoz on motion of Raymond.

CAPITOL PHYSICIAN

The speaker recognized Representative Alonzo who presented Dr. Thomas Shima of Dallas as the "Doctor for the Day."

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

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. 30).

HR 2020 - NOTICE OF INTRODUCTION

Pursuant to the provisions of Rule 13, Section 9(f) of the House Rules, the speaker announced the introduction of **HR 2020**, suspending the limitations on the conferees for **SB 14**.

HR 1368 - PREVIOUSLY ADOPTED (by Lucio)

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

HR 1368, Congratulating Herbert A. Miller, Jr., of Austin on his receipt of a 2011 Texas Exes Teaching Award.

(Kleinschmidt in the chair)

INTRODUCTION OF GUESTS

The chair recognized Representative Lucio who introduced Herbert A. Miller, Jr., and his wife, Joy.

HR 1466 - ADOPTED (by Naishtat)

Representative Naishtat moved to suspend all necessary rules to take up and consider at this time **HR 1466**.

The motion prevailed.

The following resolution was laid before the house:

HR 1466, Honoring the Texas Teen Safe Driving Coalition, commemorating May as National Youth Traffic Safety Month, and recognizing May 16, 2011, as Texas Teen Safe Driving Day.

HR 1466 was adopted.

HCR 163 - ADOPTED
(by Pickett)

Representative Pickett moved to suspend all necessary rules to take up and consider at this time **HCR 163**.

The motion prevailed.

The following resolution was laid before the house:

HCR 163, Convening a joint memorial session to honor Texans killed while serving in the Global War on Terrorism, commemorating Memorial Day 2011, and paying tribute to all those who have died in the service of the United States.

HCR 163 was adopted.

On motion of Representative Pickett, the names of all the members of the house were added to **HCR 163** as signers thereof.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Hunter requested permission for the Committee on Calendars to meet while the house is in session, at 11:40 a.m. today, in 3W.15, to set a calendar.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Calendars, 11:40 a.m. today, 3W.15, for a formal meeting, to set a calendar.

HR 1729 - PREVIOUSLY ADOPTED
(by Ritter)

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

HR 1729, Commemorating the 125th anniversary of the Lumbermen's Association.

HR 1986 - ADOPTED
(by Mallory Caraway)

Representative Mallory Caraway moved to suspend all necessary rules to take up and consider at this time **HR 1986**.

The motion prevailed.

The following resolution was laid before the house:

HR 1986, Congratulating Amber Pickens of Dallas on her acceptance to The Juilliard School.

HR 1986 was adopted.

(Speaker in the chair)

HR 1488 - PREVIOUSLY ADOPTED

(by Nash)

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

HR 1488, In memory of Lawrence Alvin Allen, Sr., of Houston.

On motion of Representative Thompson, the names of all the members of the house were added to **HR 1488** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative Nash who introduced family members of Lawrence Alvin Allen, Sr., husband of Representative Allen.

(Frullo in the chair)

COMMITTEE GRANTED PERMISSION TO MEET

Representative Eissler requested permission for the Committee on Public Education to meet while the house is in session, at 2 p.m. today, in 3W.15, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Public Education, 2 p.m. today, 3W.15, for a formal meeting, to consider pending business.

Public Health, during lunch recess today, 1W.14, for a formal meeting, to consider pending business.

Judiciary and Civil Jurisprudence, upon adjournment today, Desk 35, for a formal meeting, to consider pending business.

Economic and Small Business Development, 6 p.m. tomorrow, 200 Lee Barton Drive, Austin, for a work session.

HR 1979 - ADOPTED

(by Pickett)

Representative Pickett moved to suspend all necessary rules to take up and consider at this time **HR 1979**.

The motion prevailed.

The following resolution was laid before the house:

HR 1979, Honoring James Perry of El Paso for his contributions to his community.

HR 1979 was adopted.

On motion of Representative Pickett, the names of all the members of the house were added to **HR 1979** as signers thereof.

SCR 45 - PREVIOUSLY ADOPTED
(Sheffield - House Sponsor)

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

SCR 45, Recognizing Otto P. Scharth on the occasion of his 88th birthday.

On motion of Representative Pickett, the names of all the members of the house were added to **SCR 45** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Sheffield who introduced Otto P. Scharth and members of his family.

RECESS

At 12:03 p.m., the chair announced that the house would stand recessed until 1:15 p.m. today.

AFTERNOON SESSION

The house met at 1:15 p.m. and was called to order by the speaker.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today to attend a funeral:

C. Anderson on motion of Kleinschmidt.

HR 1605 - ADOPTED
(by Huberty)

Representative S. Davis moved to suspend all necessary rules to take up and consider at this time **HR 1605**.

The motion prevailed.

The following resolution was laid before the house:

HR 1605, Welcoming members of the Northeast Christian Academy community to the State Capitol on May 16, 2011.

HR 1605 was adopted.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Cook requested permission for the Committee on State Affairs to meet while the house is in session, during bill referral today, in 1W.14, to consider **SB 669**, **SB 760**, **SB 1219**, **SB 1270**, **SB 1605**, **SB 1743**, **SB 1907**, **SJR 26**, and pending business.

Permission to meet was granted.

FIVE-DAY POSTING RULE SUSPENDED

Representative Cook moved to suspend the five-day posting rule to allow the Committee on State Affairs to consider **SB 669, SB 760, SB 1219, SB 1270, SB 1605, SB 1743, SB 1907, SJR 26**, and pending business during bill referral today in 1W.14.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

State Affairs, during bill referral today, 1W.14, for a formal meeting, to consider **SB 669, SB 760, SB 1219, SB 1270, SB 1605, SB 1743, SB 1907, SJR 26**, and pending business.

POSTPONED BUSINESS

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

**SB 420 ON SECOND READING
(V. Taylor - House Sponsor)**

SB 420, A bill to be entitled An Act relating to determining eligibility for indigent health care.

SB 420 was read second time on May 12 and was postponed until 7 a.m. May 13.

SB 420 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE V. GONZALES: Mr. Taylor, when the bill was heard in committee, I remember there were a couple of versions of it. One of the versions that had caused concern that I questioned you about was whether or not if you have a county person, they provide indigent care, and somebody happens to show up there that has a sponsor, but they haven't revealed that they have a sponsor, and the person doesn't ask, and it falls through the cracks—they don't ask the person about sponsorship. Is the county going to be denied indigent care funds because one of their employees made a mistake? Is this the version of the bill that would have allowed for funds to be cut and not provided to the county?

REPRESENTATIVE V. TAYLOR: No, it is not, Madam Chairwoman.

V. GONZALES: So, this is the one—this is after the substitute, where we're not—I think your substitute was the one that was the most offensive, I guess, to us, and then you went back to your original one, correct?

V. TAYLOR: Correct. This is the version as filed, and was passed out of the senate on their local calendar with bipartisan support, that has nothing to do with funding for indigent care programs. It merely empowers indigent care programs for counties that have them to decide for themselves if they want to deem the income and assets for U.S. citizen sponsors for resident legal aliens for eligibility purposes.

V. GONZALES: Okay, and the other concern that had been raised was whether or not they are already authorized to do this, because federal law and the form that they sign says if you're a sponsor, you're agreeing to provide for the person you're sponsoring, for the immigrant you're sponsoring. And so, if federal law already has that in the contract between them—whether or not it's applicable to the counties—

V. TAYLOR: Right. There is a question, as you point out, and this law puts that question to rest. It says absolutely the counties have the right to do this. And I think you and I've—and I appreciate you. We've had long conversations, both in public and in private about this, and it is my belief, should the State of Texas choose, it can tell counties they cannot deem the income and assets for U.S. citizen sponsors for resident legal aliens. But this, I think, is more consistent with what the federal government intended in 1882, and with subsequent updating to their laws, that U.S. citizen sponsors are indeed responsible for the health care of the people they bring to this country. And I would submit that is not only a legal obligation, as clearly documented in the affidavit support, but also a moral obligation. If you're going to bring someone into this country, sponsor them, and be responsible for them, I think it is incumbent on that U.S. citizen to truly be responsible for them and let them try to go fend for themselves.

V. GONZALES: Well, and I'm not trying to say if you agreed in a document that you'd do so, that you shouldn't do so. My concern is that we, as Representative Walle was mentioning earlier, we don't want people that are truly indigent to not be able to get care that they need. I know there are some exceptions; I think, even under the contract, that you can't deny certain things to people, certain types of care. But we don't want people who are truly ill to not be able to receive the care that they need, because there's going to be a requirement that asks for documents as to whether or not they've been sponsored. Another point that I wanted to ask—another question that I wanted to ask is, only the person that signs the sponsor form, their assets would be looked at, right? Not the spouse?

V. TAYLOR: That's correct. And some resident legal aliens have multiple sponsors, and so then every sponsor could be deemed by the county. And again, if the county wants to—we're not telling the counties what to do, we are allowing them to do something that they can almost certainly do by federal law.

V. GONZALES: Okay, and again for intent purposes, there is no punishment aspect here, that a county is going to lose funding, is that correct?

V. TAYLOR: No, there is no reference to any funding in this bill.

REMARKS ORDERED PRINTED

Representative V. Gonzales moved to print remarks between Representative V. Taylor and Representative V. Gonzales.

The motion prevailed.

LEAVES OF ABSENCE GRANTED

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

Smithee on motion of Keffer.

The following member was granted leave of absence temporarily for today to attend a meeting of the Conference Committee on **HB 1**:

Zerwas on motion of Hamilton.

SB 420 - (consideration continued)

SB 420 was passed to third reading by (Record 1105): 100 Yeas, 37 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, R.; Aycocock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eiland; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Menendez; 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.; Solomons; Strama; Taylor, L.; Taylor, V.; Torres; Truitt; Villarreal; Weber; White; Woolley; Workman; Zedler.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anderson, C.; Huberty; Muñoz; Smithee.

Absent, Excused, Committee Meeting — Zerwas.

Absent — Castro; Christian; Guillen; King, T.; Pickett; Raymond; Vo.

STATEMENTS OF VOTE

I was shown voting no on Record No. 1105. I intended to vote yes.

Anchia

I was shown voting yes on Record No. 1105. I intended to vote no.

Menendez

When Record No. 1105 was taken, I was in the house but away from my desk. I would have voted yes.

Raymond

CSSB 652 ON SECOND READING
(Bonnen - House Sponsor)

CSSB 652, A bill to be entitled An Act relating to governmental entities subject to the sunset review process.

CSSB 652 was read second time on May 12 and was postponed until 7:30 a.m. May 13.

Representative Ritter moved to postpone consideration of **CSSB 652** until 9 a.m. tomorrow.

The motion prevailed.

SB 1338 ON SECOND READING
(Geren - House Sponsor)

SB 1338, A bill to be entitled An Act relating to the membership, powers, and duties of the State Preservation Board.

SB 1338 was read second time on May 10 and was postponed until 8 a.m. May 13.

Amendment No. 1

Representative Geren offered the following amendment to **SB 1338**:

Amend **SB 1338** by striking page 2, line 26, through page 3, line 15.

Amendment No. 1 was adopted.

SB 1338, as amended, was passed to third reading.

SB 5 ON SECOND READING
(Branch - House Sponsor)

SB 5, A bill to be entitled An Act relating to the administration and business affairs of public institutions of higher education.

SB 5 was read second time on May 12 and was postponed until 10 a.m. May 13.

Representative Branch moved to postpone consideration of **SB 5** until 9 a.m. tomorrow.

The motion prevailed.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Hunter requested permission for the Committee on Calendars to meet while the house is in session, at 1:50 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, 1:50 p.m. today, 3W.9, for a formal meeting, to set a calendar.

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. 27).

**GENERAL STATE CALENDAR
SENATE BILLS
SECOND READING**

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

**SB 118 ON SECOND READING
(Menendez and Naishtat - House Sponsors)**

SB 118, A bill to be entitled An Act relating to a court's authority to order a proposed patient to receive extended outpatient mental health services.

SB 118 was passed to third reading.

**SB 156 ON SECOND READING
(V. Gonzales - House Sponsor)**

SB 156, A bill to be entitled An Act relating to health care data collected by the Department of State Health Services and access to certain confidential patient information within the department.

Amendment No. 1

Representative D. Howard offered the following amendment to **SB 156**:

Amend **SB 156** (house committee report) as follows:

(1) In the recital to SECTION 4 of the bill, amending Section 108.013, Health and Safety Code (page 2, line 11), between "Subsections" and "(k)", insert "(a-1),".

(2) In SECTION 4 of the bill, immediately following amended Section 108.013(a), Health and Safety Code (page 2, between lines 18 and 19), insert the following:

(a-1) The department to the extent practicable as determined by the department may coordinate the reporting of data under this chapter and the reporting of data under Subchapter A, Chapter 161, to increase the efficiency of the department and reduce the department's costs in collecting and maintaining data. Any disclosure or release of data regarding the immunization registry established under Subchapter A, Chapter 161, must conform to the requirements of that subchapter.

(3) In SECTION 4 of the bill, in added Section 108.013(k), Health and Safety Code (page 4, line 13), following the period, add "The department may disclose to any program within the department nonidentifying summary statistics related to the immunization registry established under Subchapter A, Chapter 161, that do not individually identify an individual."

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

SECTION _____. Sections 161.007(a), (a-2), (b), (b-1), (c), and (d), Health and Safety Code, are amended to read as follows:

(a) The department, for the primary purpose of establishing and maintaining a single repository of accurate, complete, and current immunization records to be used in aiding, coordinating, and promoting efficient and cost-effective communicable disease prevention and control efforts, shall establish and maintain an immunization registry. The executive commissioner of the Health and Human Services Commission by rule shall develop guidelines to:

(1) protect the confidentiality of patients in accordance with Section 159.002, Occupations Code;

(2) inform the individual or the individual's legally authorized representative about the registry and that registry information may be released under Section 161.00735; and

(3) ~~require the written or electronic consent of the individual or the individual's legally authorized representative before any information relating to the individual is included in the registry;~~

~~[(4)] permit the individual or the individual's legally authorized representative to request that the individual's information be removed from [withdraw consent for the individual to be included in] the registry[- and~~

~~[(5) determine the process by which consent is verified, including affirmation by a health care provider, birth registrar, regional health information exchange, or local immunization registry that consent has been obtained].~~

(a-2) An individual's legally authorized representative or the individual, after the individual has attained 18 years of age, may submit a request ~~[consent]~~ in writing or electronically for the individual's information to be removed from ~~[remain in]~~ the registry ~~[after the individual's 18th birthday and for the individual's subsequent immunizations to be included in the registry. The written or electronic consent of the minor's legally authorized representative as described by Section 161.0001(1 c)(A) must be submitted to the department before the individual's 18th birthday. The written or electronic consent of the individual or the individual's legally authorized representative as described by Section 161.0001(1 c)(B) or (C) must be submitted to the department not later than the individual's 19th birthday. The consent of the representative or individual is valid until the individual or the individual's legally authorized representative withdraws consent in writing or electronically. The department may not include in the registry the immunization information of an individual who is 18 years of age or older until written or electronic consent has been obtained as provided by~~

~~this subsection~~]. The department shall coordinate with the Texas Education Agency to distribute materials described in Section 161.0095(a)(2) to students and parents through local school districts.

(b) Except as provided by Section 161.0071, the immunization registry must contain information on the immunization history that is obtained by the department under:

(1) ~~this section of each individual for whom immunization information [consent] has been obtained, unless the individual or the individual's legally authorized representative has requested that the individual's information be removed from the registry in accordance with guidelines adopted under Subsection (a) [or (a-3), as applicable];~~

(2) Section 161.00705 of persons immunized to prepare for or in response to a declared disaster, public health emergency, terrorist attack, hostile military or paramilitary action, or extraordinary law enforcement emergency;

(3) Section 161.00706 of first responders or their immediate family members; and

(4) Section 161.00735 of persons evacuated or relocated to this state because of a disaster.

(b-1) The department shall remove from the registry information for any individual for whom ~~[consent has been withdrawn. The department may not retain individually identifiable information about any individual:~~

~~[(1) for whom consent has been withdrawn;~~

~~[(2) for whom a consent for continued inclusion in the registry following the end of the declared disaster, public health emergency, terrorist attack, hostile military or paramilitary action, or extraordinary law enforcement emergency has not been received under Section 161.00705(f);~~

~~[(3) for whom a request to be removed from the registry has been received under Section 161.00706(e);~~

~~[(4) for whom consent for continued inclusion in the registry following the end of a disaster has not been received under Section 161.00735(f); or~~

~~[(5) for whom] a request to remove information from the registry has been received under this subchapter [Section 161.00735(g)].~~

(c) A payor that receives data elements from a health care provider who administers an immunization to an individual younger than 18 years of age shall provide the data elements to the department. A payor is required to provide the department with only the data elements the payor receives from a health care provider. A payor that receives data elements from a health care provider who administers an immunization to an individual 18 years of age or older may provide the data elements to the department. The data elements shall be submitted in a format prescribed by the department. ~~[The department shall verify consent before including the reported information in the immunization registry. The department may not retain individually identifiable information about an individual for whom consent cannot be verified.]~~

(d) A health care provider who administers an immunization to an individual younger than 18 years of age shall provide data elements regarding an immunization to the department. A health care provider who administers an

immunization to an individual 18 years of age or older may submit data elements regarding an immunization to the department. The data elements shall be submitted in a format prescribed by the department. ~~[The department shall verify consent before including the information in the immunization registry. The department may not retain individually identifiable information about an individual for whom consent cannot be verified.]~~

SECTION _____. Sections 161.00705(e) and (f), Health and Safety Code, are amended to read as follows:

(e) The executive commissioner of the Health and Human Services Commission by rule shall determine the period during which the information collected under this section must remain in the immunization registry following the end of the disaster, public health emergency, terrorist attack, hostile military or paramilitary action, or extraordinary law enforcement emergency. Requests for removal of information from the registry under Subsection (f) may be made only at the expiration of the retention period established by department rule under this subsection.

(f) Unless an individual or the individual's legally authorized representative [consents] in writing or electronically requests that [to continued inclusion of] the individual's information be removed from [in] the registry, the department shall maintain [remove] the immunization records collected under this section in [from] the registry on expiration of the period prescribed under Subsection (e).

SECTION _____. Sections 161.0071(a) and (b), Health and Safety Code, are amended to read as follows:

(a) The first time the department receives registry data for an individual ~~[for whom the department has received consent]~~ to be included in the registry, the department shall send notice to the individual or the individual's legally authorized representative disclosing:

- (1) that providers and payors may be sending the individual's immunization information to the department;
- (2) the information that is included in the registry;
- (3) the persons to whom the information may be released under Sections 161.00735(b) and 161.008(d);
- (4) the purpose and use of the registry;
- (5) the procedure to exclude an individual from the registry; and
- (6) the procedure to report a violation if an individual's information is included in the registry after exclusion has been requested ~~[or consent has been withdrawn].~~

(b) The [On discovering that consent to be included in the registry has not been granted or has been withdrawn, the] department shall exclude [the individual's immunization records] from the registry, and any other registry-related department record that individually identifies the individual, the immunization record of any individual from whom a request for exclusion has been received by the department.

SECTION _____. Sections 161.00735(c) and (e), Health and Safety Code, are amended to read as follows:

(c) The department may receive immunization information from a health authority of another state or from a local health authority in another state if the department determines that residents of that state have evacuated or relocated to this state in response to a disaster. The department shall include information received under this subsection in the registry. ~~[Notwithstanding Section 161.007, the department is not required to obtain written consent for the inclusion in the registry of information received under this subsection.]~~

(e) The executive commissioner of the Health and Human Services Commission, by rule, shall determine the period during which the information collected under Subsection (c) must remain in the immunization registry following the end of the disaster. The period must be the same as the period established under Section 161.00705(e). Requests for removal of information from the registry under Subsection (g) may be made only at the expiration of the retention period established by department rule under this subsection.

SECTION _____. Section 161.008(c), Health and Safety Code, is amended to read as follows:

(c) The department may obtain the data constituting an immunization record for an individual from a public health district, a local health department, the individual or the individual's legally authorized representative, a physician to the individual, a payor, or any health care provider licensed or otherwise authorized to administer vaccines. ~~[The department shall verify consent before including the reported information in the immunization registry. The department may not retain individually identifiable information about an individual for whom consent cannot be verified.]~~

SECTION _____. Section 161.0095(a), Health and Safety Code, is amended to read as follows:

(a) The department shall develop:

(1) continuing education programs for health care providers relating to immunizations and the vaccines for children program operated by the department under authority of 42 U.S.C. Section 1396s; and

(2) educational information, for health care providers, health care clinics, hospitals, and any other health care facility that provides health care to children 14 to 18 years of age, relating to the immunization registry and the option for an individual or the individual's legally authorized representative to request removal [who is 18 years of age or older to consent to submission and retention] of the individual's information from ~~in~~ the immunization registry.

SECTION _____. Section 161.0107(c), Health and Safety Code, is amended to read as follows:

(c) The executive commissioner of the Health and Human Services Commission by rule shall specify:

(1) the fields necessary to populate the immunization registry~~[- including a field that indicates the patient's consent to be listed in the immunization registry has been obtained];~~ and

(2) the data standards that must be used for electronic submission of immunization information.

SECTION _____. The following provisions of the Health and Safety Code are repealed:

- (1) Sections 161.007(a-1), (a-3), and (e); and
- (2) Section 161.00735(f).

SECTION _____. The changes in law made by this Act to Chapter 161, Health and Safety Code, apply only to immunization information received by the Department of State Health Services on or after the effective date of this Act. The information received by the department before the effective date of this Act is covered by the law in effect immediately before that date, and that law is continued in effect for that purpose.

(Zerwas now present)

Amendment No. 1 - Point of Order

Representative Simpson raised a point of order against further consideration of Amendment No. 1 under Rule 11, Section 2 and Rule 8, Section 4 of the House Rules on the grounds that the amendment is not germane to the bill and the amendment would change general law.

The point of order was withdrawn.

Amendment No. 1 was withdrawn.

Amendment No. 2

Representative S. King offered the following amendment to **SB 156**:

Amend **SB 156** (house committee printing) as follows:

- (1) Strike page 1, lines 23 and 24 and substitute the following:

SECTION 3. Section 108.009, Health and Safety Code, is amended by amending Subsections (a), (c), and (h) and adding Subsections (a-1) and (d-1) to read as follows:

(a) The council may collect, and, except as provided by Subsections (c), ~~and~~ (d), and (d-1), providers shall submit to the council or another entity as determined by the council, all data required by this section. The data shall be collected according to uniform submission formats, coding systems, and other technical specifications necessary to make the incoming data substantially valid, consistent, compatible, and manageable using electronic data processing, if available.

(a-1) An ambulatory surgical center licensed under Chapter 243 is not required to submit data under this section.

(c) A rural provider or a hospital may, but is not required to, provide the data required by this chapter ~~[A hospital may, but is not required to, provide the data required by this chapter if the hospital:~~

~~[(1) is exempt from state franchise, sales, ad valorem, or other state or local taxes; and~~

~~[(2) does not seek or receive reimbursement for providing health care services to patients from any source, including:~~

~~[(A) the patient or any person legally obligated to support the patient;~~

~~[(B) a third party payer, or
 [(C) Medicaid, Medicare, or any other federal, state, or local
 program for indigent health care].~~

(d-1) A provider may elect not to participate in the data collection program under Subsection (a). The executive commissioner of the Health and Human Services Commission by rule shall establish procedures for making the election authorized by this subsection.

(2) Adding the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Chapter 108, Health and Safety Code, is amended by adding Section 108.0131 to read as follows:

Sec. 108.0131. NOTICE REQUIRED. (a) A provider who submits data under Section 108.009 shall provide notice to the provider's patients that:

- (1) the provider submits data as required by this chapter; and
- (2) the data may be sold or distributed to third parties.

(b) The department shall post on the department's Internet website a list of each entity that purchases or receives data collected under this chapter.

SECTION _____. Not later than December 31, 2011, the executive commissioner of the Health and Human Services Commission shall adopt rules as required by Section 108.009(d-1), Health and Safety Code, as added by this Act, establishing procedures to allow health care providers to make the election authorized by that subsection.

Amendment No. 2 was adopted by (Record 1106): 139 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Castro; Chisum; 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; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; 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; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; 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(C).

Absent, Excused — Anderson, C.; Huberty; Muñoz; Smithee.

Absent — Burnam; Christian; Coleman; Hartnett; McClendon; Naishtat.

STATEMENT OF VOTE

When Record No. 1106 was taken, I was in the house but away from my desk. I would have voted yes.

McClendon

FIVE-DAY POSTING RULE SUSPENDED

Representative Sheffield moved to suspend the five-day posting rule to allow the Committee on Defense and Veterans' Affairs to consider **SB 1493** and **SB 1737** at 9 a.m. tomorrow in E2.016.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Defense and Veterans' Affairs, 9 a.m. tomorrow, E2.016, for a public hearing, to consider **SB 1493** and **SB 1737**.

SB 156 - (consideration continued)**Amendment No. 3**

Representative D. Howard offered the following amendment to **SB 156**:

Amend **SB 156** (house committee report) as follows:

(1) In the recital to SECTION 4 of the bill, amending Section 108.013, Health and Safety Code (page 2, line 11), between "Subsections" and "(k)", insert "(a-1),".

(2) In SECTION 4 of the bill, immediately following amended Section 108.013(a), Health and Safety Code (page 2, between lines 18 and 19), insert the following:

(a-1) The department to the extent practicable as determined by the department may coordinate the reporting of data under this chapter and the reporting of data under Subchapter A, Chapter 161, to increase the efficiency of the department and reduce the department's costs in collecting and maintaining data. Any disclosure or release of data regarding the immunization registry established under Subchapter A, Chapter 161, must conform to the requirements of that subchapter.

(3) In SECTION 4 of the bill, in added Section 108.013(k), Health and Safety Code (page 4, line 13), following the period, add "The department may disclose to any program within the department nonidentifying summary statistics related to the immunization registry established under Subchapter A, Chapter 161, that do not individually identify an individual."

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

SECTION _____. Sections 161.007(a), (a-2), (b), (b-1), (c), and (d), Health and Safety Code, are amended to read as follows:

(a) The department, for the primary purpose of establishing and maintaining a single repository of accurate, complete, and current immunization records to be used in aiding, coordinating, and promoting efficient and cost-effective

communicable disease prevention and control efforts, shall establish and maintain an immunization registry. The executive commissioner of the Health and Human Services Commission by rule shall develop guidelines to:

(1) protect the confidentiality of patients in accordance with Section 159.002, Occupations Code;

(2) inform the individual or the individual's legally authorized representative about the registry and that registry information may be released under Section 161.00735; and

(3) ~~require the written or electronic consent of the individual or the individual's legally authorized representative before any information relating to the individual is included in the registry;~~

~~[(4)] permit the individual or the individual's legally authorized representative to request that the individual's information be removed from [withdraw consent for the individual to be included in] the registry[; and~~

~~[(5) determine the process by which consent is verified, including affirmation by a health care provider, birth registrar, regional health information exchange, or local immunization registry that consent has been obtained].~~

(a-2) An individual's legally authorized representative or the individual, after the individual has attained 18 years of age, may submit a request [consent] in writing or electronically for the individual's information to be removed from [remain in] the registry [after the individual's 18th birthday and for the individual's subsequent immunizations to be included in the registry. The written or electronic consent of the minor's legally authorized representative as described by Section 161.0001(1 e)(A) must be submitted to the department before the individual's 18th birthday. The written or electronic consent of the individual or the individual's legally authorized representative as described by Section 161.0001(1 e)(B) or (C) must be submitted to the department not later than the individual's 19th birthday. The consent of the representative or individual is valid until the individual or the individual's legally authorized representative withdraws consent in writing or electronically. The department may not include in the registry the immunization information of an individual who is 18 years of age or older until written or electronic consent has been obtained as provided by this subsection]. The department shall coordinate with the Texas Education Agency to distribute materials described in Section 161.0095(a)(2) to students and parents through local school districts.

(b) Except as provided by Section 161.0071, the immunization registry must contain information on the immunization history that is obtained by the department under:

(1) this section of each individual for whom immunization information [consent] has been obtained, unless the individual or the individual's legally authorized representative has requested that the individual's information be removed from the registry in accordance with guidelines adopted under Subsection (a) [or (a-3), as applicable];

(2) Section 161.00705 of persons immunized to prepare for or in response to a declared disaster, public health emergency, terrorist attack, hostile military or paramilitary action, or extraordinary law enforcement emergency;

(3) Section 161.00706 of first responders or their immediate family members; and

(4) Section 161.00735 of persons evacuated or relocated to this state because of a disaster.

(b-1) The department shall remove from the registry information for any individual for whom ~~[consent has been withdrawn. The department may not retain individually identifiable information about any individual:~~

~~[(1) for whom consent has been withdrawn;~~

~~[(2) for whom a consent for continued inclusion in the registry following the end of the declared disaster, public health emergency, terrorist attack, hostile military or paramilitary action, or extraordinary law enforcement emergency has not been received under Section 161.00705(f);~~

~~[(3) for whom a request to be removed from the registry has been received under Section 161.00706(e);~~

~~[(4) for whom consent for continued inclusion in the registry following the end of a disaster has not been received under Section 161.00735(f); or~~

~~[(5) for whom] a request to remove information from the registry has been received under this subchapter [Section 161.00735(g)].~~

(c) A payor that receives data elements from a health care provider who administers an immunization to an individual younger than 18 years of age shall provide the data elements to the department. A payor is required to provide the department with only the data elements the payor receives from a health care provider. A payor that receives data elements from a health care provider who administers an immunization to an individual 18 years of age or older may provide the data elements to the department. The data elements shall be submitted in a format prescribed by the department. ~~[The department shall verify consent before including the reported information in the immunization registry. The department may not retain individually identifiable information about an individual for whom consent cannot be verified.]~~

(d) A health care provider who administers an immunization to an individual younger than 18 years of age shall provide data elements regarding an immunization to the department. A health care provider who administers an immunization to an individual 18 years of age or older may submit data elements regarding an immunization to the department. The data elements shall be submitted in a format prescribed by the department. ~~[The department shall verify consent before including the information in the immunization registry. The department may not retain individually identifiable information about an individual for whom consent cannot be verified.]~~

SECTION _____. Sections 161.00705(e) and (f), Health and Safety Code, are amended to read as follows:

(e) The executive commissioner of the Health and Human Services Commission by rule shall determine the period during which the information collected under this section must remain in the immunization registry following the end of the disaster, public health emergency, terrorist attack, hostile military or paramilitary action, or extraordinary law enforcement emergency. Requests

for removal of information from the registry under Subsection (f) may be made only at the expiration of the retention period established by department rule under this subsection.

(f) Unless an individual or the individual's legally authorized representative ~~[consents]~~ in writing or electronically requests that ~~[to continued inclusion of]~~ the individual's information be removed from ~~[in]~~ the registry, the department shall maintain ~~[remove]~~ the immunization records collected under this section in ~~[from]~~ the registry on expiration of the period prescribed under Subsection (e).

SECTION _____. Sections 161.0071(a) and (b), Health and Safety Code, are amended to read as follows:

(a) The first time the department receives registry data for an individual ~~[for whom the department has received consent]~~ to be included in the registry, the department shall send notice to the individual or the individual's legally authorized representative disclosing:

- (1) that providers and payors may be sending the individual's immunization information to the department;
- (2) the information that is included in the registry;
- (3) the persons to whom the information may be released under Sections 161.00735(b) and 161.008(d);
- (4) the purpose and use of the registry;
- (5) the procedure to exclude an individual from the registry; and
- (6) the procedure to report a violation if an individual's information is included in the registry after exclusion has been requested ~~[or consent has been withdrawn]~~.

(b) The ~~[On discovering that consent to be included in the registry has not been granted or has been withdrawn, the]~~ department shall exclude ~~[the individual's immunization records]~~ from the registry, and any other registry-related department record that individually identifies the individual, the immunization record of any individual from whom a request for exclusion has been received by the department.

SECTION _____. Sections 161.00735(c) and (e), Health and Safety Code, are amended to read as follows:

(c) The department may receive immunization information from a health authority of another state or from a local health authority in another state if the department determines that residents of that state have evacuated or relocated to this state in response to a disaster. The department shall include information received under this subsection in the registry. ~~[Notwithstanding Section 161.007, the department is not required to obtain written consent for the inclusion in the registry of information received under this subsection.]~~

(e) The executive commissioner of the Health and Human Services Commission, by rule, shall determine the period during which the information collected under Subsection (c) must remain in the immunization registry following the end of the disaster. The period must be the same as the period established under Section 161.00705(e). Requests for removal of information from the registry under Subsection (g) may be made only at the expiration of the retention period established by department rule under this subsection.

SECTION _____. Section 161.008(c), Health and Safety Code, is amended to read as follows:

(c) The department may obtain the data constituting an immunization record for an individual from a public health district, a local health department, the individual or the individual's legally authorized representative, a physician to the individual, a payor, or any health care provider licensed or otherwise authorized to administer vaccines. ~~[The department shall verify consent before including the reported information in the immunization registry. The department may not retain individually identifiable information about an individual for whom consent cannot be verified.]~~

SECTION _____. Section 161.0095(a), Health and Safety Code, is amended to read as follows:

(a) The department shall develop:

(1) continuing education programs for health care providers relating to immunizations and the vaccines for children program operated by the department under authority of 42 U.S.C. Section 1396s; and

(2) educational information, for health care providers, health care clinics, hospitals, and any other health care facility that provides health care to children 14 to 18 years of age, relating to the immunization registry and the option for an individual or the individual's legally authorized representative to request removal ~~[who is 18 years of age or older to consent to submission and retention]~~ of the individual's information from ~~[in]~~ the immunization registry.

SECTION _____. Section 161.0107(c), Health and Safety Code, is amended to read as follows:

(c) The executive commissioner of the Health and Human Services Commission by rule shall specify:

(1) the fields necessary to populate the immunization registry~~[-including a field that indicates the patient's consent to be listed in the immunization registry has been obtained];~~ and

(2) the data standards that must be used for electronic submission of immunization information.

SECTION _____. The following provisions of the Health and Safety Code are repealed:

(1) Sections 161.007(a-1), (a-3), and (e); and

(2) Section 161.00735(f).

SECTION _____. The changes in law made by this Act to Chapter 161, Health and Safety Code, apply only to immunization information received by the Department of State Health Services on or after the effective date of this Act. The information received by the department before the effective date of this Act is covered by the law in effect immediately before that date, and that law is continued in effect for that purpose.

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).

SB 156 - (consideration continued)

Amendment No. 3 failed of adoption by (Record 1107): 56 Yeas, 86 Nays, 1 Present, not voting.

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

Nays — Aliseda; Anderson, R.; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Cook; Craddick; Creighton; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Howard, C.; 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.; Murphy; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Sheets; Sheffield; Simpson; Smith, T.; Smith, W.; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anderson, C.; Huberty; Muñoz; Smithee.

Absent — Christian; Morrison; Shelton.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1107. I intended to vote no.

Crownover

When Record No. 1107 was taken, I was in the house but away from my desk. I would have voted no.

Morrison

(Guillen in the chair)

COMMITTEE GRANTED PERMISSION TO MEET

Representative Deshotel requested permission for the Committee on Culture, Recreation, and Tourism to meet while the house is in session, at 3 p.m. today, in 1W.14, to consider **SB 252** and **SB 1841**.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Culture, Recreation, and Tourism, 3 p.m. today, 1W.14, for a formal meeting, to consider **SB 252** and **SB 1841**.

SB 156 - (consideration continued)

SB 156, as amended, was passed to third reading.

SB 1811 - COMMITTEE ON CALENDARS RULE ADOPTED

Representative Hunter moved to suspend all necessary rules and, pursuant to Rule 3, Section 5(2) and Rule 6, Section 16(f) of the House Rules, moved to adopt the following rule governing floor consideration for **SB 1811**:

Each original amendment to **SB 1811** that will be offered during second reading consideration must be filed with the chief clerk not later than 2 p.m. on Tuesday, May 17.

(Speaker in the chair)

The motion to suspend all necessary rules prevailed and the Committee on Calendars rule was adopted by (Record 1108): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; 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.; 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; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; 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(C).

Absent, Excused — Anderson, C.; Huberty; Muñoz; Smithee.

Absent — Christian; Coleman; Rodriguez.

SB 1581 - COMMITTEE ON CALENDARS RULE ADOPTED

Representative Hunter moved to suspend all necessary rules and, pursuant to Rule 3, Section 5(2) and Rule 6, Section 16(f) of the House Rules, moved to adopt the following rule governing floor consideration for **SB 1581**:

Each original amendment to **SB 1581** that will be offered during second reading consideration must be filed with the chief clerk not later than 2 p.m. on Tuesday, May 17.

The motion to suspend all necessary rules prevailed and the Committee on Calendars rule was adopted by (Record 1109): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; 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; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; 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; 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.; 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(C).

Absent, Excused — Anderson, C.; Huberty; Muñoz; Smithee.

Absent — Christian; Coleman; Hancock.

SB 23 - COMMITTEE ON CALENDARS RULE ADOPTED

Representative Hunter moved to suspend all necessary rules and, pursuant to Rule 3, Section 5(2) and Rule 6, Section 16(f) of the House Rules, moved to adopt the following rule governing floor consideration for **SB 23**:

Each original amendment to **SB 23** that will be offered during second reading consideration must be filed with the chief clerk not later than 2 p.m. on Tuesday, May 17.

The motion to suspend all necessary rules prevailed and the Committee on Calendars rule was adopted by (Record 1110): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; 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; 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.; Hughes; Hunter; Isaac; Jackson; 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; 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.; Solomons; Strana; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anderson, C.; Huberty; Muñoz; Smithee.

Absent — Coleman; Johnson.

GENERAL STATE CALENDAR
(consideration continued)

SB 322 ON SECOND READING
(Deshotel - House Sponsor)

SB 322, A bill to be entitled An Act relating to the requirements for reinsurance contracts covering title insurance policies issued in this state.

Amendment No. 1

Representative Deshotel offered the following amendment to **SB 322**:

Amend **SB 322** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter A, Chapter 2502, Insurance Code, is amended by adding Section 2502.006 to read as follows:

Sec. 2502.006. CERTAIN EXTRA HAZARDOUS COVERAGES PROHIBITED. (a) A title insurance company may not insure against loss or damage sustained by reason of any claim that under federal bankruptcy, state insolvency, or similar creditor's rights laws the transaction vesting title in the insured as shown in the policy or creating the lien of the insured mortgage is:

(1) a preference or preferential transfer under 11 U.S.C. Section 547;

(2) a fraudulent transfer under 11 U.S.C. Section 548;

(3) a transfer that is fraudulent as to present and future creditors under Section 24.005, Business & Commerce Code, or a similar law of another state; or

(4) a transfer that is fraudulent as to present creditors under Section 24.006, Business & Commerce Code, or a similar law of another state.

(b) The commissioner may by rule designate coverages that violate this section. It is not a defense against a claim that a title insurance company has violated this section that the commissioner has not adopted a rule under this subsection.

(c) Title insurance issued in or on a form prescribed by the commissioner shall be considered to comply with this section.

(d) Nothing in this section prohibits title insurance with respect to liens, encumbrances, or other defects to title to land that:

(1) appear in the public records before the date on which the contract of title insurance is made;

(2) occur or result from transactions before the transaction vesting title in the insured or creating the lien of the insured mortgage; or

(3) result from failure to timely perfect or record any instrument before the date on which the contract of title insurance is made.

(e) A title insurance company may not engage in the business of title insurance in this state if the title insurance company provides insurance of the type prohibited by Subsection (a) anywhere in the United States, except to the extent that the laws of another state require the title insurance company to provide that type of insurance.

SECTION _____. Section 2502.006, Insurance Code, as added by this Act, applies only to an insurance policy that is delivered, issued for delivery, or renewed on or after January 1, 2012. A policy delivered, issued for delivery, or renewed before January 1, 2012, 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. 1 was adopted.

SB 322, as amended, was passed to third reading.

**SB 328 ON SECOND READING
(Deshotel - House Sponsor)**

SB 328, A bill to be entitled An Act relating to notice of a hospital lien.

SB 328 was passed to third reading.

**HB 1112 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

Representative Phillips called up with senate amendments for consideration at this time,

HB 1112, A bill to be entitled An Act relating to the authority and powers of regional mobility authorities.

Representative Phillips moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 1112**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1112**: Phillips, chair; Fletcher, Harper-Brown, Lavender, and Pickett.

**HB 1956 - HOUSE DISCHARGES CONFEREES
HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Thompson called up with senate amendments for consideration at this time,

HB 1956, A bill to be entitled An Act relating to appeal of an order of the Texas Alcoholic Beverage Commission or the commission's administrator refusing, canceling, or suspending a license or permit.

Representative Thompson moved to discharge the conferees and concur in the senate amendments to **HB 1956**.

The motion to discharge the conferees and concur in the senate amendments to **HB 1956** prevailed by (Record 1111): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; 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.; 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; 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, W.; 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(C).

Absent, Excused — Anderson, C.; Huberty; Muñoz; Smithee.

Absent — Christian; Coleman; Smith, T.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 1956** (senate committee printing) as follows:

(1) In Section 1 of the bill, in amended Section 11.67(b)(2), Alcoholic Beverage Code (page 1, line 21), strike "60" and substitute "20".

(2) In Section 2 of the bill, in amended Section 32.18(2), Alcoholic Beverage Code (page 1, line 42), strike "60" and substitute "20".

**SB 313 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Price, the house granted the request of the senate for the appointment of a Conference Committee on **SB 313**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 313**: Price, chair; Ritter, D. Miller, Lucio, and Beck.

**SB 28 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Branch, the house granted the request of the senate for the appointment of a Conference Committee on **SB 28**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 28**: Branch, chair; Hunter, Villarreal, D. Howard, and Patrick.

**SB 1420 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Harper-Brown, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1420**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1420**: Harper-Brown, chair; Phillips, Pickett, Bonnen, and McClendon.

**HB 699 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Deshotel called up with senate amendments for consideration at this time,

HB 699, A bill to be entitled An Act relating to the Port Authority Advisory Committee and funding of port security, transportation, and facility projects and port studies.

Representative Deshotel moved to concur in the senate amendments to **HB 699**.

The motion to concur in the senate amendments to **HB 699** prevailed by (Record 1112): 143 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alvarado; Anchia; 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; 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.; 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; 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.; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Alonzo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anderson, C.; Huberty; Muñoz; Smithee.

Absent — Eiland.

Senate Committee Substitute

CSHB 699, A bill to be entitled An Act relating to the funding of port security, facility projects, and port studies.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 55.001(5), Transportation Code, is amended to read as follows:

(5) "Port security, transportation, or facility project" means a project that is necessary or convenient for the proper operation of a maritime port and that will improve the security, movement, and intermodal transportation of cargo or passengers in commerce and trade.

SECTION 2. Sections 55.002(a), (b), and (c), Transportation Code, are amended to read as follows:

(a) From money in the fund, the department shall fund:

- (1) port security, transportation, or facility projects; and
- (2) maritime port studies.

(b) The commission by rule may establish matching fund requirements for receiving money from the fund ~~[department may not fund a port security, transportation, or facility project unless an amount at least equal to the amount provided by the department is invested in the project by a port authority or navigation district].~~

(c) Port security, transportation, or facility projects eligible for funding under this chapter include:

- (1) construction or improvement of transportation facilities within the jurisdiction of a maritime port;
- (2) the dredging or deepening of channels, turning basins, or harbors;
- (3) the construction or improvement of wharves, docks, structures, jetties, piers, storage facilities, cruise terminals, or any facilities necessary or useful in connection with maritime port transportation or economic development;

(4) the construction or improvement of facilities necessary or useful in providing maritime port security;

(5) the acquisition of container cranes or other mechanized equipment used in the movement of cargo or passengers in international commerce;

(6) the acquisition of land to be used for maritime port purposes;

(7) the acquisition, improvement, enlargement, or extension of existing maritime port facilities; and

(8) environmental protection projects that:

(A) are required as a condition of a state, federal, or local environmental permit or other form of approval;

(B) are necessary for the acquisition of spoil disposal sites and improvements to existing and future spoil sites; or

(C) result from the undertaking of eligible projects.

SECTION 3. Section 55.005(c), Transportation Code, is amended to read as follows:

(c) Money in the fund may be appropriated only to the department to perform the department's powers and duties concerning maritime port transportation and economic development under this chapter and to pay the department's expenses incurred under this chapter.

SECTION 4. Section 55.006(a), Transportation Code, is amended to read as follows:

(a) The committee consists of seven members appointed by the commission. The members shall be appointed as follows:

(1) one member from the Port of Houston Authority;

(2) three members who represent maritime ports on the upper Texas coast; and

(3) three members who represent maritime ports on the lower Texas coast.

SECTION 5. Section 55.007, Transportation Code, is amended to read as follows:

Sec. 55.007. DUTIES OF COMMITTEE. (a) The committee shall:

(1) prepare a maritime port mission plan;

(2) review each project eligible to be funded under this chapter and make recommendations for approval or disapproval to the department;

(3) every two years ~~maintain trade data information that will assist ports in this state and international trade;~~

~~[(4) annually]~~ prepare a report on Texas maritime ports, with a list of projects that have been recommended by the committee, including:

(A) the recommended funding level for each project; and

(B) if staged implementation of the project is appropriate, the funding requirements for each stage; and

(4) ~~[(5)]~~ advise the commission and the department on matters relating to port authorities.

(b) The committee shall update the report on Texas maritime ports and shall submit the report not later than December 1 of each even-numbered year to the commission for distribution to:

- (1) the governor;
- (2) the lieutenant governor; and
- (3) the speaker of the house of representatives.

SECTION 6. Section 55.008, Transportation Code, is amended to read as follows:

Sec. 55.008. CAPITAL PROGRAM. (a) The committee shall prepare a two-year port capital program defining the goals and objectives of the committee concerning the development of maritime port facilities and an intermodal transportation system. The port capital program must include projects or studies submitted to the committee by any maritime port and recommendations for:

- (1) the construction of transportation facilities connecting any maritime port to another transportation mode; and
- (2) the efficient, cost-effective development of transportation facilities or maritime port facilities for the purpose of:
 - (A) enhancing international trade;
 - (B) enhancing security;
 - (C) promoting cargo flow;
 - (D) increasing cruise passenger movements;
 - (E) increasing maritime port revenues; and
 - (F) providing economic benefits to the state.

(b) The committee shall update the port capital program [~~annually~~] and shall submit the capital program not later than December [~~February~~] 1 of each even-numbered year to:

- (1) the governor;
- (2) the lieutenant governor;
- (3) the speaker of the house of representatives; and
- (4) the commission.

SECTION 7. This Act takes effect September 1, 2011.

HB 2035 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Hamilton called up with senate amendments for consideration at this time,

HB 2035, A bill to be entitled An Act relating to the temporary relocation of an alcoholic beverage distributor's or wholesaler's premises during a period of emergency and delivery of alcoholic beverages to a distributor's or wholesaler's premises.

Representative Hamilton moved to concur in the senate amendments to **HB 2035**.

The motion to concur in the senate amendments to **HB 2035** prevailed by (Record 1113): 142 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alvarado; Anchia; 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; Hopson; Howard, D.; 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; 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.; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Howard, C.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anderson, C.; Huberty; Muñoz; Smithee.

Absent — Alonzo; Harless.

Senate Committee Substitute

CSHB 2035, A bill entitled to be An Act relating to the temporary relocation of an alcoholic beverage distributor's or wholesaler's premises during a period of emergency and delivery of alcoholic beverages to a distributor's or wholesaler's premises.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 41.01, Alcoholic Beverage Code, is amended by adding Subsection (c) to read as follows:

(c) The holder of a carrier permit who transports liquor to the premises of a wholesaler, including to a location from which the wholesaler is temporarily conducting business under Section 109.62, shall provide to the consignee a shipping invoice that clearly states:

(1) the name and address of the consignor and consignee;

(2) the origin and destination of the shipment; and

(3) any other information required by this code or commission rule, including the brands, sizes of containers, types, and quantities of liquor contained in the shipment and the actual shipping costs paid by the consignor.

SECTION 2. Section 107.02, Alcoholic Beverage Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) A person transporting beer to the premises of a distributor, including to a location from which the distributor is temporarily conducting business under Section 109.62, shall provide to the consignee a shipping invoice that clearly states:

(1) the name and address of the consignor and consignee;

(2) the origin and destination of the shipment; and

(3) any other information required by this code or commission rule, including the brands, sizes of containers, and quantities of beer contained in the shipment and the actual shipping costs paid by the consignor.

SECTION 3. Subchapter D, Chapter 109, Alcoholic Beverage Code, is amended by adding Section 109.62 to read as follows:

Sec. 109.62. TEMPORARY RELOCATION OF DISTRIBUTOR OR WHOLESALER DURING EMERGENCY. (a) In this section, "period of emergency" means a time during which weather, fire, earthquake, or other natural disaster, act of God, or catastrophe affects a distributor's or wholesaler's premises or an area of this state in a way that disrupts the distributor's or wholesaler's normal business operations to the extent that the business cannot receive deliveries at or make deliveries from the premises or perform necessary business operations at the premises.

(b) During a period of emergency, a distributor or wholesaler may temporarily operate all or part of the distributor's or wholesaler's business from an alternate location, including storing alcoholic beverages, maintaining required records, receiving alcoholic beverages from suppliers, dispatching orders intended for sale to authorized purchasers, and performing any other function the distributor or wholesaler is authorized by this code to perform at the licensed or permitted premises. The alternate location is considered the distributor's or wholesaler's licensed or permitted premises, as applicable, for the purposes of this code.

(c) A holder of a permit or license under Chapter 41, 42, or 68 may make deliveries to and pick up deliveries from the alternate location in the same manner as this code and commission rules provide for the distributor's or wholesaler's licensed or permitted premises.

(d) A distributor or wholesaler who temporarily operates all or part of the distributor's or wholesaler's business from an alternate location as provided by Subsection (b) shall immediately notify the administrator, in writing, of the alternate location. The notice must include a statement affirming that the alternate location satisfies the requirements of Subsection (e).

(e) The alternate location must be in an area where the sale of the applicable alcoholic beverages has been approved by a local option election or where the distributor or wholesaler had been operating under Section 251.77 or 251.78. If beer, ale, or malt liquor is handled at the alternate location, the alternate location must be in an area assigned to the distributor or wholesaler under Subchapters C and D, Chapter 102.

(f) If the delivery vehicles operated by the affected distributor or wholesaler are wholly or partially disabled, the administrator may grant the distributor or wholesaler the authority to contract with another distributor or wholesaler for the temporary sharing of delivery vehicles. Authority granted under this subsection is in addition to authority granted under other provisions of this code to share delivery vehicles and warehouses.

(g) A distributor's or wholesaler's authority to operate from an alternate location under this section expires on the first anniversary of the date the distributor or wholesaler commences business operations at an alternate location.

The administrator may grant the distributor or wholesaler a one-year extension of the authority to operate from an alternate location under this section, after which the distributor or wholesaler must apply for a license or permit for the alternate location in the usual manner.

SECTION 4. This Act takes effect immediately if it 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 Act takes effect September 1, 2011.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **CSHB 2035** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 41.01(c)(3), Alcoholic Beverage Code (page 1, lines 27-28), strike "and the actual shipping costs paid by the consignor".

(2) In SECTION 2 of the bill, in added Section 107.02(a-1)(3), Alcoholic Beverage Code (page 1, lines 40-41), strike "and the actual shipping costs paid by the consignor".

(3) In SECTION 3 of the bill, in added Section 109.62(e), Alcoholic Beverage Code (page 2, line 17), strike "an area assigned" and substitute "the area assigned".

**HB 1674 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Jackson called up with senate amendments for consideration at this time,

HB 1674, A bill to be entitled An Act relating to procedures for establishment, modification, and enforcement of child support obligations.

Representative Jackson moved to concur in the senate amendments to **HB 1674**.

The motion to concur in the senate amendments to **HB 1674** prevailed by (Record 1114): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alvarado; Anchia; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; 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.; 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; 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.; 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(C).

Absent, Excused — Anderson, C.; Huberty; Muñoz; Smithee.

Absent — Alonzo; Cain.

Senate Committee Substitute

CSHB 1674, A bill to be entitled An Act relating to procedures for establishment, modification, and enforcement of child support obligations.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 154.187(c), Family Code, is amended to read as follows:

(c) An employer who has received an order or notice under this subchapter shall provide to the sender, by first class mail not later than the 40th [~~30th~~] day after the date the employer receives the order or notice, a statement that the child:

(1) has been enrolled in the employer's health insurance plan or is already enrolled in another health insurance plan in accordance with a previous child support or medical support order to which the employee is subject; or

(2) cannot be enrolled or cannot be enrolled permanently in the employer's health insurance plan and provide the reason why coverage or permanent coverage cannot be provided.

SECTION 2. Section 154.303(b), Family Code, is amended to read as follows:

(b) The parent, the child, if the child is 18 years of age or older, or other person may not transfer or assign the cause of action to any person, including a governmental or private entity or agency, except for an assignment made to the Title IV-D agency under Section 231.104 or in the provision of child support enforcement services under Section 159.307.

SECTION 3. Section 156.401, Family Code, is amended by amending Subsection (a) and adding Subsection (a-2) to read as follows:

(a) Except as provided by Subsection (a-1), (a-2), or (b), the court may modify an order that provides for the support of a child, including an order for health care coverage under Section 154.182, if:

(1) the circumstances of the child or a person affected by the order have materially and substantially changed since the earlier of:

(A) the date of the order's rendition; or

(B) the date of the signing of a mediated or collaborative law settlement agreement on which the order is based; or

(2) it has been three years since the order was rendered or last modified and the monthly amount of the child support award under the order differs by either 20 percent or \$100 from the amount that would be awarded in accordance with the child support guidelines.

(a-2) A court or administrative order for child support in a Title IV-D case may be modified as provided under Section 233.013(c) to provide for medical support of a child.

SECTION 4. Section 157.162, Family Code, is amended by amending Subsection (c) and adding Subsection (c-1) to read as follows:

(c) The movant may attach to the motion a [A] copy of a [the] payment record. The movant may subsequently update that payment record at the hearing. If a payment record was attached to the motion as authorized by this subsection, the payment record, as updated if applicable, [attached to the motion is evidence of the facts asserted in the payment record and] is admissible to prove:

- (1) the dates and in what amounts payments were made;
- (2) the amount of any accrued interest;
- (3) the cumulative arrearage over time; and
- (4) the cumulative arrearage as of the final date of the record.

(c-1) A [show whether payments were made. The] respondent may offer [controverting] evidence controverting the contents of a payment record under Subsection (c).

SECTION 5. Sections 157.311(1) and (4), Family Code, are amended to read as follows:

(1) "Account" means:

(A) any type of a demand deposit account, checking or negotiable withdrawal order account, savings account, time deposit account, [~~money market~~] mutual fund account, certificate of deposit, or any other instrument of deposit in which an individual has a beneficial ownership either in its entirety or on a shared or multiple party basis, including any accrued interest and dividends; and

(B) an [a life] insurance policy, including a life insurance policy or annuity contract, in which an individual has a beneficial ownership or [liability insurance] against which an individual may file [has filed] a claim or counterclaim.

(4) "Financial institution" has the meaning assigned by 42 U.S.C. Section 669a(d)(1) and includes a depository institution, depository institution holding company as defined by 12 U.S.C. Section 1813(w), credit union, benefit association, [liability or life] insurance company, [money market] mutual fund, and any similar entity authorized to do business in this state.

SECTION 6. Section 157.317(a), Family Code, is amended to read as follows:

(a) A child support lien attaches to all real and personal property not exempt under the Texas Constitution or other law, including:

- (1) an account in a financial institution;
- (2) a retirement plan, including an individual retirement account; ~~and~~
- (3) the proceeds of an [a life] insurance policy, including the proceeds from a life insurance policy or annuity contract and the proceeds from the sale or assignment of life insurance or annuity benefits, a claim for compensation [negligence or personal injury], or a [an insurance] settlement or award for the claim for compensation, due to or owned by the obligor; and

(4) property seized and subject to forfeiture under Chapter 59, Code of Criminal Procedure.

SECTION 7. Subchapter G, Chapter 157, Family Code, is amended by adding Section 157.3271 to read as follows:

Sec. 157.3271. LEVY ON FINANCIAL INSTITUTION ACCOUNT OF DECEASED OBLIGOR. (a) Subject to Subsection (b), the Title IV-D agency may, not earlier than the 90th day after the date of death of an obligor in a Title IV-D case, deliver a notice of levy to a financial institution in which the obligor was the sole owner of an account, regardless of whether the Title IV-D agency has issued a child support lien notice regarding the account.

(b) The Title IV-D agency may not deliver a notice of levy under this section if probate proceedings relating to the obligor's estate have commenced.

(c) The notice of levy must:

(1) identify the amount of child support arrearages determined by the Title IV-D agency to be owing and unpaid by the obligor on the date of the obligor's death; and

(2) direct the financial institution to pay to the Title IV-D agency, not earlier than the 45th day or later than the 60th day after the date of delivery of the notice, an amount from the assets of the obligor or from funds due to the obligor that are held or controlled by the institution, not to exceed the amount of the child support arrearages identified in the notice.

(d) Not later than the 35th day after the date of delivery of the notice, the financial institution must notify any other person asserting a claim against the account that:

(1) the account has been levied on for child support arrearages in the amount shown on the notice of levy; and

(2) the person may contest the levy by filing suit and requesting a court hearing in the same manner that a person may challenge a child support lien under Section 157.323.

(e) A person who contests a levy under this section, as authorized by Subsection (d)(2), may bring the suit in:

(1) the district court of the county in which the property is located or in which the obligor resided; or

(2) the court of continuing jurisdiction.

(f) The notice of levy may be delivered to a financial institution as provided by Section 59.008, Finance Code, if the institution is subject to that law or may be delivered to the registered agent, the institution's main business office in this state, or another address provided by the institution under Section 231.307.

(g) A financial institution may deduct its fees and costs, including any costs for complying with this section, from the deceased obligor's assets before paying the appropriate amount to the Title IV-D agency.

SECTION 8. Sections 158.203(b) and (b-1), Family Code, are amended to read as follows:

(b) An employer with 50 [~~250~~] or more employees shall remit a payment required under this section by electronic funds transfer or electronic data interchange not later than the second business day after the pay date.

(b-1) An employer with fewer than 50 ~~[250]~~ employees may remit a payment required under this section by electronic funds transfer or electronic data interchange. A payment remitted by the employer electronically must be remitted not later than the date specified by Subsection (b).

SECTION 9. The heading to Section 158.503, Family Code, is amended to read as follows:

Sec. 158.503. DELIVERY OF ADMINISTRATIVE WRIT TO EMPLOYER; FILING WITH COURT OR MAINTAINING RECORD.

SECTION 10. Section 158.503, Family Code, is amended by amending Subsections (a) and (b) and adding Subsection (b-1) to read as follows:

(a) An administrative writ of withholding issued under this subchapter may be delivered to an ~~[obligor, obligee, and]~~ employer by mail or by electronic transmission.

(b) The Title IV-D agency shall:

(1) not ~~[Not]~~ later than the third business day after the date of delivery of the administrative writ of withholding to an employer, ~~[the Title IV-D agency shall]~~ file a copy of the writ, together with a signed certificate of service, in the court of continuing jurisdiction; or

(2) maintain a record of the writ until all support obligations of the obligor have been satisfied or income withholding has been terminated as provided by this chapter.

(b-1) The certificate of service required under Subsection (b)(1) may be signed electronically. [This subsection does not apply to the enforcement under Section 158.501(e) of a support order rendered by a tribunal of another state.]

SECTION 11. Section 231.015, Family Code, is amended to read as follows:

Sec. 231.015. INSURANCE REPORTING PROGRAM. (a) In consultation with the Texas Department of Insurance and representatives of the insurance industry in this state, including insurance trade associations, the Title IV-D agency by rule shall operate a program ~~[to improve the enforcement of child support, including the use of child support liens under Chapter 157. The program shall provide for procedures, including data matches,]~~ under which insurers ~~[insurance companies]~~ shall cooperate with the Title IV-D agency in identifying obligors who owe child support arrearages and ~~[or who]~~ are subject to liens for child support arrearages to intercept certain ~~[liability]~~ insurance settlements or awards for claims in satisfaction of the arrearage amounts.

(b) An insurer ~~[insurance company]~~ that provides information or responds to a notice of child support lien or levy under Subchapter G, Chapter 157, or acts in good faith to comply with procedures established by the Title IV-D agency under this section is not liable for those acts under any law to any person.

SECTION 12. Section 231.307, Family Code, is amended by amending Subsection (d) and adding Subsection (g) to read as follows:

(d) A financial institution providing information or responding to a notice of child support lien or levy provided under Subchapter G, Chapter 157, or otherwise acting in good faith to comply with the Title IV-D agency's procedures under this section may not be liable under any federal or state law for any damages that arise from those acts.

(g) This section does not apply to an insurer subject to the reporting requirements under Section 231.015.

SECTION 13. The heading to Section 232.0135, Family Code, is amended to read as follows:

Sec. 232.0135. DENIAL OF LICENSE ISSUANCE OR RENEWAL.

SECTION 14. Sections 232.0135(a), (b), (c), and (d), Family Code, are amended to read as follows:

(a) A child support agency, as defined by Section 101.004, may provide notice to a licensing authority concerning an obligor who has failed to pay child support for six months or more that requests the authority to refuse to accept an application for issuance of a license to the obligor or renewal of an existing ~~the~~ license of the obligor.

(b) A licensing authority that receives the information described by Subsection (a) shall refuse to accept an application for issuance of a license to the obligor or renewal of an existing ~~the~~ license of the obligor until the authority is notified by the child support agency that the obligor has:

(1) paid all child support arrearages;

(2) established with the agency a satisfactory repayment schedule or is in compliance with a court order for payment of the arrearages;

(3) been granted an exemption from this subsection as part of a court-supervised plan to improve the obligor's earnings and child support payments; or

(4) successfully contested the denial of issuance or renewal of license under Subsection (d).

(c) On providing a licensing authority with the notice described by Subsection (a), the child support agency shall send a copy to the obligor by first class mail and inform the obligor of the steps the obligor must take to permit the authority to accept the obligor's application for license issuance or renewal.

(d) An obligor receiving notice under Subsection (c) may request a review by the child support agency to resolve any issue in dispute regarding the identity of the obligor or the existence or amount of child support arrearages. The agency shall promptly provide an opportunity for a review, either by telephone or in person, as appropriate to the circumstances. After the review, if appropriate, the agency may notify the licensing authority that it may accept the obligor's application for issuance or renewal of license. If the agency and the obligor fail to resolve any issue in dispute, the obligor, not later than the 30th day after the date of receiving notice of the agency's determination from the review, may file a motion with the court to direct the agency to withdraw the notice under Subsection (a) and request a hearing on the motion. The obligor's application for license issuance or renewal may not be accepted by the licensing authority until the court rules on the motion. If, after a review by the agency or a hearing by the

court, the agency withdraws the notice under Subsection (a), the agency shall reimburse the obligor the amount of any fee charged the obligor under Section 232.014.

SECTION 15. Section 232.014(a), Family Code, is amended to read as follows:

(a) A licensing authority may charge a fee to an individual who is the subject of an order suspending license or of an action of a child support agency under Section 232.0135 to deny issuance or renewal of license in an amount sufficient to recover the administrative costs incurred by the authority under this chapter.

SECTION 16. Section 233.012, Family Code, is amended to read as follows:

Sec. 233.012. INFORMATION REQUIRED TO BE PROVIDED AT NEGOTIATION CONFERENCE. At the beginning of the negotiation conference, the child support review officer shall review with the parties participating in the conference information provided in the notice of child support review and inform the parties that:

(1) the purpose of the negotiation conference is to provide an opportunity to reach an agreement on a child support order;

(2) if the parties reach an agreement, the review officer will prepare an agreed review order to be effective immediately on being confirmed by the court, as provided by Section 233.024;

(3) a party does not have to sign a review order prepared by the child support review officer but that the Title IV-D agency may file a review order without the agreement of the parties;

(4) the parties may sign a waiver of the right to service of process;

(5) a party may file a request for a court hearing on a nonagreed order not later than [at any time before] the 20th day after the date a copy of the petition for confirmation of the order is delivered to the party [filed]; and

(6) a party may file a motion for a new trial not later than [at any time before] the 30th day after an order is confirmed by the court.

SECTION 17. Section 233.013, Family Code, is amended by adding Subsection (c) to read as follows:

(c) Notwithstanding Subsection (b), the Title IV-D agency may, at any time and without a showing of material and substantial change in the circumstances of the parties, file a child support review order that has the effect of modifying an existing order for child support to provide medical support for a child if the existing order does not provide health care coverage for the child as required under Section 154.182.

SECTION 18. Section 1108.101, Insurance Code, is amended to read as follows:

Sec. 1108.101. ASSIGNMENT GENERALLY. (a) This chapter does not prevent an insured, owner, or annuitant from assigning, in accordance with the terms of the policy or contract:

(1) any benefits to be provided under an insurance policy or annuity contract to which this chapter applies; or

(2) any other rights under the policy or contract.

(b) A benefit or right described by Subsection (a) assigned by an insured, owner, or annuitant after a child support lien notice has been filed against the insured, owner, or annuitant by the Title IV-D agency continues to be subject to the child support lien after the date of assignment. The lien continues to secure payment of all child support arrearages owed by the insured, owner, or annuitant under the underlying child support order, including arrearages that accrue after the date of assignment.

SECTION 19. Section 411.1271, Government Code, is amended by adding Subsection (b-1) and amending Subsection (c) to read as follows:

(b-1) The office of the attorney general is entitled to obtain from the Department of Public Safety, the Federal Bureau of Investigation identification division, or another law enforcement agency criminal history record information maintained by the department or agency that relates to a person who owes child support in a Title IV-D case, as defined by Section 101.034, Family Code, for the purposes of locating that person and establishing, modifying, or enforcing a child support obligation against that person.

(c) Criminal history record information obtained by the office of the attorney general under this section [~~Subsection (a) or (b)~~] may not be released or disclosed to any person except on court order or with the consent of the person who is the subject of the criminal history record information.

SECTION 20. Section 34.04(a), Tax Code, is amended to read as follows:

(a) A person, including a taxing unit and the Title IV-D agency, may file a petition in the court that ordered the seizure or sale setting forth a claim to the excess proceeds. The petition must be filed before the second anniversary of the date of the sale of the property. The petition is not required to be filed as an original suit separate from the underlying suit for seizure of the property or foreclosure of a tax lien on the property but may be filed under the cause number of the underlying suit.

SECTION 21. Article 59.06(a), Code of Criminal Procedure, is amended to read as follows:

(a) Except as provided by Subsection (k), all forfeited property shall be administered by the attorney representing the state, acting as the agent of the state, in accordance with accepted accounting practices and with the provisions of any local agreement entered into between the attorney representing the state and law enforcement agencies. If a local agreement has not been executed, the property shall be sold on the 75th day after the date of the final judgment of forfeiture at public auction under the direction of the county sheriff, after notice of public auction as provided by law for other sheriff's sales. The proceeds of the sale shall be distributed as follows:

(1) to any interest holder to the extent of the interest holder's nonforfeitable interest; ~~and~~

(2) after any distributions under Subdivision (1), if the Title IV-D agency has filed a child support lien in the forfeiture proceeding, to the Title IV-D agency in an amount not to exceed the amount of child support arrearages identified in the lien; and

(3) the balance, if any, after the deduction of court costs to which a district court clerk is entitled under Article 59.05(f) and, after that deduction, the deduction of storage and disposal costs, to be deposited not later than the 30th day after the date of the sale in the state treasury to the credit of the general revenue fund.

SECTION 22. Section 233.017(c), Family Code, is repealed.

SECTION 23. Section 154.187(c), Family Code, as amended by this Act, applies to an order or notice received by an employer on or after the effective date of this Act. An order or notice received by an employer before the effective date of this Act is governed by the law in effect on the date the order or notice was received, and the former law is continued in effect for that purpose.

SECTION 24. Sections 156.401(a-2) and 233.013(c), Family Code, as added by this Act, apply to each child support order, regardless of whether the order was rendered before, during, or after the effective date of this Act.

SECTION 25. Section 157.162, Family Code, as amended by this Act, applies to a motion for child support enforcement filed on or after the effective date of this Act. A motion filed before the effective date of this Act is governed by the law in effect on the date the motion was filed, and the former law is continued in effect for that purpose.

SECTION 26. Section 158.203, Family Code, as amended by this Act, applies to child support payments withheld by an employer on or after the effective date of this Act.

SECTION 27. Section 158.503, Family Code, as amended by this Act, applies to an administrative writ of withholding issued on or after the effective date of this Act.

SECTION 28. Section 1108.101(b), Insurance Code, as added by this Act, applies to an assignment made on or after the effective date of this Act. An assignment made before the effective date of this Act is governed by the law in effect on the date the assignment was made, and the former law is continued in effect for that purpose.

SECTION 29. Article 59.06(a), Code of Criminal Procedure, as amended by this Act, applies to a sale of forfeited property that occurs on or after the effective date of this Act. A sale that occurs before the effective date of this Act is governed by the law in effect on the date the property was sold, and the former law is continued in effect for that purpose.

SECTION 30. This Act takes effect September 1, 2011.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 1674** (senate committee printing) by adding the following SECTIONS and renumbering subsequent SECTIONS appropriately:

"SECTION _____. Section 157.263, Family Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) In rendering a money judgment under this section, the court may not reduce or modify the amount of child support arrearages but, in confirming the amount of arrearages, may allow a counterclaim or offset as provided by this title.

SECTION _____. Subchapter B, Chapter 231, Family Code, is amended by adding Section 231.124 to read as follows:

Sec. 231.124. CHILD SUPPORT ARREARAGES PAYMENT INCENTIVE PROGRAM. (a) The title IV-D agency may establish and administer a payment incentive program to promote payment by obligors who are delinquent in satisfying child support arrearages assigned to the Title IV-D agency under Section 231.104(a).

(b) A program established under this section must provide to a participating obligor a credit for every dollar amount paid by the obligor on interest and arrearages balances during each month of the obligor's voluntary enrollment in the program. In establishing a program under this section, the Title IV-D agency by rule must prescribe:

(1) criteria for a child support obligor's initial eligibility to participate in the program;

(2) the conditions for a child support obligor's continued participation in the program;

(3) procedures for enrollment in the program; and

(4) the terms of the financial incentives to be offered under the program.

(c) The Title IV-D agency shall provide eligible obligors with notice of the program and enrollment instructions.

SECTION _____. Section 157.262, Family Code, is repealed.

SECTION _____. Subsection (b-1), Section 157.263, Family Code, as added by this Act, applies to a motion for enforcement of child support that is pending before a trial court on or filed on or after the effective date of this Act.

HB 2271 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Anchia called up with senate amendments for consideration at this time,

HB 2271, A bill to be entitled An Act relating to the continuation and functions of the Texas Racing Commission, the abolishment of the Equine Research Account Advisory Committee, and the authority of Texas AgriLife Research; providing an administrative penalty.

(L. Taylor in the chair)

Representative Anchia moved to concur in the senate amendments to **HB 2271**.

The motion to concur in the senate amendments to **HB 2271** prevailed by (Record 1115): 120 Yeas, 20 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Burnam; Button; Callegari; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, S.; Davis, Y.; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, D.; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, T.;

Kleinschmidt; Kolkhorst; Kuempel; Larson; Laubenberg; Legler; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Morrison; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Paxton; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Solomons; Strama; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Woolley; Workman; Zerwas.

Nays — Brown; Burkett; Cain; Carter; Davis, J.; Fletcher; Flynn; Hartnett; Howard, C.; Landtroop; Lavender; Lewis; Miller, S.; Patrick; Perry; Phillips; Simpson; Weber; White; Zedler.

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

Absent, Excused — Anderson, C.; Huberty; Muñoz; Smithee.

Absent — Deshotel; King, S.; Marquez; Peña.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1115. I intended to vote no.

Button

I was shown voting yes on Record No. 1115. I intended to vote present, not voting.

Y. Davis

I was shown voting yes on Record No. 1115. I intended to vote no.

Harless

When Record No. 1115 was taken, I was temporarily out of the house chamber. I would have voted yes.

S. King

I was shown voting yes on Record No. 1115. I intended to vote no.

Paxton

I was shown voting yes on Record No. 1115. I intended to vote no.

Solomons

Senate Committee Substitute

CSHB 2271, A bill to be entitled An Act relating to the continuation and functions of the Texas Racing Commission, the abolishment of the Equine Research Account Advisory Committee, and the authority of Texas AgriLife Research; providing an administrative penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1.03, Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes), is amended by amending Subdivision (52) and adding Subdivisions (80) and (81) to read as follows:

(52) "Performance" means the consecutive running of a specified number of greyhound races as determined by the commission [not more than 13 greyhound races].

(80) "Active license" means a racetrack license designated by the commission as active.

(81) "Inactive license" means a racetrack license designated by the commission as inactive.

SECTION 2. Section 2.071, Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 2.071. CONFLICT OF INTEREST. (a) A person may not be a member of the commission and may not be a commission employee employed in a "bona fide executive, administrative, or professional capacity," as that phrase is used for purposes of establishing an exemption to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.), if:

(1) the person is an [An] officer, employee, or paid consultant of a Texas trade association in the field of horse or greyhound racing or breeding; or

(2) the person's [may not be a member of the commission or an employee of the commission who is exempt from the state's position classification plan or is compensated at or above the amount prescribed by the General Appropriations Act for step 1, salary group 17, of the position classification salary schedule.

[(b) A person who is the] spouse is [of] (an officer, manager, or paid consultant of a Texas trade association in the field of horse or greyhound racing or breeding [may not be a member of the commission and may not be an employee of the commission who is exempt from the state's position classification plan or is compensated at or above the amount prescribed by the General Appropriations Act for step 1, salary group 17, of the position classification salary schedule].

(b) A person may not be a member of the commission or act as the general counsel to the commission if the person is required to register as a lobbyist under Chapter 305, Government Code, because of the person's activities for compensation on behalf of a profession related to the operation of the commission.

(c) In [For the purposes of] this section, "Texas trade association" means [a Texas trade association is] a cooperative and voluntarily joined statewide [nonprofit] association of business or professional competitors in this state designed to assist its members and its industry or profession in dealing with mutual business or professional problems and in promoting their common interest.

SECTION 3. Article 2, Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes), is amended by adding Section 2.25 to read as follows:

Sec. 2.25. NEGOTIATED RULEMAKING AND ALTERNATIVE DISPUTE RESOLUTION PROCEDURES. (a) The commission shall develop and implement a policy to encourage the use of:

(1) negotiated rulemaking procedures under Chapter 2008, Government Code, for the adoption of commission rules; and

(2) appropriate alternative dispute resolution procedures under Chapter 2009, Government Code, to assist in the resolution of internal and external disputes under the commission's jurisdiction.

(b) The commission's procedures relating to alternative dispute resolution shall conform, to the extent possible, to any model guidelines issued by the State Office of Administrative Hearings for the use of alternative dispute resolution by state agencies.

(c) The commission shall:

(1) coordinate the implementation of the policy adopted under Subsection (a) of this section;

(2) provide training as needed to implement the procedures for negotiated rulemaking or alternative dispute resolution; and

(3) collect data concerning the effectiveness of those procedures.

SECTION 4. Sections 3.07(b) and (e), Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes), are amended to read as follows:

(b) The commission shall make rules specifying the authority and the duties of each official, including the power of stewards or judges to impose penalties for unethical practices or violations of racing rules. A penalty imposed by the stewards or judges may include a fine of not more than \$5,000, a suspension for not more than one year, or both a fine and suspension. Before imposing a penalty under this subsection, the stewards and judges shall conduct a hearing that is consistent with constitutional due process. A hearing conducted by a steward or judge under this subsection is not subject to Chapter 2001, Government Code. A decision of a steward or judge is subject to review by the executive director, who may modify the penalty. A penalty modified by the executive director under this section may include a fine not to exceed \$10,000, a suspension not to exceed two years, or both a fine and a suspension. A decision of a steward or judge that is not reviewed or modified by the executive director is a final decision. Any decision of a steward or judge may be appealed under Section 3.08(a) of this Act regardless of whether the decision is modified by the executive director. ~~If, in the opinion of the stewards or judges, the allowable penalties are not sufficient, the stewards or judges may refer the case to the commission for further action.~~

(e) To pay the charges associated with the medication or drug testing, an association may use the money held by the association to pay outstanding tickets and pari-mutuel vouchers. If additional amounts are needed to pay the charges, the association shall pay those additional amounts. ~~If the amount held exceeds the amount needed to pay the charges, the association shall pay the excess to the commission in accordance with Section 11.08 of this Act.~~

SECTION 5. Section 3.09(b), Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes), is amended to read as follows:

(b) The commission shall deposit the money it collects under this Act in the State Treasury to the credit of a special fund to be known as the Texas Racing Commission fund. The Texas Racing Commission fund may be appropriated only for the administration and enforcement of this Act. Any unappropriated money exceeding \$750,000 that remains [remaining] in the [that special] fund at the close of each fiscal biennium shall be transferred to the General Revenue Fund

and may be appropriated for any legal purpose. The legislature may also appropriate money from the General Revenue Fund for the administration and enforcement of this Act. Any amount of general revenue appropriated for the administration and enforcement of this Act in excess of the cumulative amount deposited in the Texas Racing Commission fund shall be reimbursed from the Texas Racing Commission fund not later than one year after the date on which the general revenue funds are appropriated, with ~~[12 percent interest per year until August 31, 1993, and]~~ 6-3/4 percent interest ~~[thereafter]~~ with all payments first attributable to interest.

SECTION 6. Sections 5.03(a) and (c), Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes), are amended to read as follows:

(a) An applicant for any license or license renewal under this Act must, except as allowed under Section 7.10 of this Act, submit to the commission a complete set of fingerprints of the individual natural person applying for the license or license renewal or, if the applicant is not an individual natural person, a complete set of fingerprints of each officer or director and of each person owning an interest of at least five percent in the applicant. The Department of Public Safety may request any person owning any interest in an applicant for a racetrack license to submit a complete set of fingerprints.

(c) A peace officer of this or any other state, or any district office of the commission, shall take the fingerprints of an applicant for a license or license renewal on forms approved and furnished by the Department of Public Safety and shall immediately deliver them to the commission.

SECTION 7. Article 6, Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes), is amended by adding Section 6.032 to read as follows:

Sec. 6.032. BOND. (a) The commission at any time may require a holder of a racetrack license or an applicant for a racetrack license to post security in an amount reasonably necessary, as provided by commission rule, to adequately ensure the license holder's or applicant's compliance with substantive requirements of this Act and commission rules.

(b) Cash, cashier's checks, surety bonds, irrevocable bank letters of credit, United States Treasury bonds that are readily convertible to cash, or irrevocable assignments of federally insured deposits in banks, savings and loan institutions, and credit unions are acceptable as security for purposes of this section. The security must be:

(1) conditioned on compliance with this Act and commission rules adopted under this Act; and

(2) returned after the conditions of the security are met.

SECTION 8. The heading to Section 6.04, Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 6.04. ISSUANCE OF LICENSE~~[-BOND]~~.

SECTION 9. Section 6.04, Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes), is amended by adding Subsections (a-1) and (a-2) to read as follows:

(a-1) When all of the requirements of licensure for the applicant described in this article have been satisfied, the commission shall notify the applicant that the application is complete.

(a-2) The commission shall make a determination with respect to a pending application not later than the 120th day after the date on which the commission provided to the applicant the notice required under Subsection (a-1) of this section.

SECTION 10. Section 6.06(k), Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes), is amended to read as follows:

(k) The commission shall review the ownership and management of an active [a] license issued under this article every five years beginning on the fifth anniversary of the issuance of the license. In performing the review, the commission may require the license holder to provide any information that would be required to be provided in connection with an original license application under Article 5 of this Act or this article. The commission shall charge fees for the review in amounts sufficient to implement this subsection.

SECTION 11. Article 6, Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes), is amended by adding Sections 6.0601, 6.0602, and 6.0603 to read as follows:

Sec. 6.0601. DESIGNATION OF ACTIVE AND INACTIVE RACETRACK LICENSES. (a) The commission shall designate each racetrack license as an active license or an inactive license. The commission may change the designation of a racetrack license as appropriate.

(b) The commission shall designate a racetrack license as an active license if the license holder:

- (1) holds live racing events at the racetrack; or
- (2) makes good faith efforts to conduct live racing.

(c) The commission by rule shall provide guidance on what actions constitute, for purposes of this Act, good faith efforts to conduct live racing.

(d) Before the first anniversary of the date a new racetrack license is issued, the commission shall conduct an evaluation of the license to determine whether the license is an active or inactive license.

(e) An active license is effective until the license is designated as an inactive license or is surrendered, suspended, or revoked under this Act.

Sec. 6.0602. RENEWAL OF INACTIVE RACETRACK LICENSE; FEES. (a) The commission by rule shall establish an annual renewal process for inactive licenses and may require the license holder to provide any information required for an original license application under this Act. An inactive license holder must complete the annual renewal process established under this section until the commission:

- (1) designates the license as an active license; or
- (2) refuses to renew the license.

(b) In determining whether to renew an inactive license, the commission shall consider:

- (1) the inactive license holder's:
 - (A) financial stability;

(B) ability to conduct live racing;

(C) ability to construct and maintain a racetrack facility; and

(D) other good faith efforts to conduct live racing; and

(2) other necessary factors considered in the issuance of the original license.

(c) The commission may refuse to renew an inactive license if, after notice and a hearing, the commission determines that:

(1) renewal of the license is not in the best interests of the racing industry or the public; or

(2) the license holder has failed to make a good faith effort to conduct live racing.

(d) The commission shall consult with members of the racing industry and other key stakeholders in developing the license renewal process under this section.

(e) The commission shall set and collect renewal fees in amounts reasonable and necessary to cover the costs of administering and enforcing this section.

(f) The commission by rule shall establish criteria to make the determinations under Subsections (c)(1) and (2).

Sec. 6.0603. DISCIPLINARY ACTION. (a) The commission by rule shall establish procedures for disciplinary action against a racetrack license holder.

(b) If, after notice and hearing, the commission finds that a racetrack license holder or a person employed by the racetrack has violated this Act or a commission rule or if the commission finds during a review or renewal that the racetrack is ineligible for a license under this article, the commission may:

(1) revoke, suspend, or refuse to renew the racetrack license;

(2) impose an administrative penalty as provided under Section 15.03 of this Act; or

(3) take any other action as provided by commission rule.

(c) The commission may not revoke an active license unless the commission reasonably determines that other disciplinary actions are inadequate to remedy the violation.

SECTION 12. Section 6.08(h), Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes), is amended to read as follows:

(h) Two percent of the breakage shall be allocated to the equine research account under Subchapter F, Chapter 88 [54], Education Code. The remaining 98 percent of the breakage shall constitute "total breakage" and shall be allocated pursuant to Subsections (i) and (j) of this section.

SECTION 13. The heading to Section 6.18, Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 6.18. ANNUAL FEE FOR RACETRACK [TERM OF] LICENSE[; RESTRICTIONS ON RACETRACKS].

SECTION 14. Section 6.18(b), Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes), is amended to read as follows:

(b) The commission may prescribe a reasonable annual fee to be paid by each racetrack licensee. The fee must be in an amount sufficient to provide that the total amount of fees imposed under this section, together with the license fees prescribed under Section 5.01(b) of this Act and the renewal fees prescribed under Section 6.0602(e) of this Act, is sufficient to pay the costs of administering and enforcing this Act.

SECTION 15. Section 7.01, Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 7.01. LICENSE REQUIRED. (a) Except as provided by this section, a [A] person may not participate in racing with pari-mutuel wagering other than as a spectator or as a person placing a wager without first obtaining a license from the commission. A person may not engage in any occupation for which commission rules require a license under this Act without first obtaining a license from the commission.

(b) The commission by rule shall categorize the occupations of racetrack employees and determine the occupations that afford the employee an opportunity to influence racing with pari-mutuel wagering. The rules must require the following employees to be licensed under this Act:

(1) an employee who works in an occupation determined by the commission to afford the employee an opportunity to influence racing with pari-mutuel wagering; or

(2) an employee who will likely have significant access to the backside of a racetrack or to restricted areas of the frontside of a racetrack.

(c) A racetrack licensed under this Act is responsible for ensuring that its employees comply with this Act and commission rules. The commission may impose disciplinary action against a licensed racetrack for violations of this Act and commission rules by its employees as provided by Section 6.0603 of this Act.

SECTION 16. Section 7.07, Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes), is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) A license issued under this article is valid for a period set by the commission not to exceed 36 months following the date of its issuance. It is renewable on application, satisfactory results of a criminal history information record check, and payment of the fee in accordance with the rules of the commission.

(a-1) The commission shall obtain criminal history record information on each applicant renewing an occupational license under this article. The commission shall ensure that criminal history record information is obtained on each license holder at least once every 36 months.

SECTION 17. Section 11.01, Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes), is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) The commission shall adopt rules to regulate wagering on greyhound races and horse races under the system known as pari-mutuel wagering. Wagering may be conducted only by an association within its enclosure. A person may not

accept, in person, by telephone, or over the Internet, a wager for a horse race or greyhound race conducted inside or outside this state from a person in this state unless the wager is authorized under this Act.

(a-1) The commission may commission as many investigators as the commission determines necessary to enforce this Act and the rules of the commission. Each investigator shall take the constitutional oath of office and file it with the commission. Each commissioned investigator has the powers of a peace officer.

SECTION 18. Sections 11.04(a) and (c), Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes), are amended to read as follows:

(a) Only a person inside the enclosure where both live and simulcast race meetings are authorized may wager on the result of a live or simulcast race presented by the association in accordance with commission rules. Except as provided by this section, a person may not place, in person, by telephone, or over the Internet, a wager for a horse race or greyhound race conducted inside or outside this state. The commission shall adopt rules to prohibit wagering by employees of the commission and to regulate wagering by persons licensed under this Act.

(c) The commission shall adopt rules prohibiting an association from accepting a wager made on credit and shall adopt rules providing for the use of automatic banking machines within the enclosure. The commission shall limit the use of an automatic banking machine to [:

[+] allow a person to have access to only the person's checking account at a bank or other financial institution~~[-and~~

~~[-(2) deliver no more than \$200].~~

SECTION 19. Section 11.05, Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 11.05. UNLAWFUL WAGERING. A person shall not wager on the result of a greyhound race or horse race in this state except as permitted by this Act. A person who is not an association under this Act may not accept from a Texas resident while the resident is in this state a wager on the result of a greyhound race or horse race conducted inside or outside this state.

SECTION 20. Section 18.01(a), Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) The Texas Racing Commission is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, and except as provided by Subsections (b) and (c) of this section, the commission is abolished and this Act expires September 1, 2017 ~~[2014]~~.

SECTION 21. Section 88.521(2), Education Code, is amended to read as follows:

(2) "Director" means the executive director of Texas AgriLife Research, formerly known as the Texas Agricultural Experiment Station.

SECTION 22. Sections 88.522(b), (c), (f), and (g), Education Code, are amended to read as follows:

(b) The director shall administer the account through established procedures of Texas AgriLife Research, formerly known as the Texas Agricultural Experiment Station.

(c) The comptroller shall periodically transfer the amounts specified by Sections ~~[Section]~~ 6.08(f) and (h), Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes), to the account.

(f) Not more than 10 percent of the account may be spent each year on the cost incurred in the operation or administration of the ~~[advisory committee or]~~ account.

(g) All money received by ~~[the advisory committee or]~~ the account under this chapter is subject to Subchapter F, Chapter 404, Government Code.

SECTION 23. Section 88.525, Education Code, is amended by adding Subsections (a-1) and (b-1) and amending Subsection (b) to read as follows:

(a-1) In awarding grants under this section, the director shall comply with the conflict of interest provisions of The Texas A&M University System.

(b) The ~~[With the advice of the advisory committee, the]~~ director shall develop annually a request for proposals for equine research grants. Each proposal received may ~~[must]~~ be evaluated by a peer review committee appointed by the director and subject matter experts as necessary to evaluate the proposal. The peer review committee shall consider the applicant's research capacity and the relevance and scientific merit of the proposal and make recommendations to the director.

(b-1) The director may award a grant to an applicant who proposes to commingle grant money awarded under this section with other sources of funding or proposes to conduct research that includes equine research.

SECTION 24. Section 88.526(a), Education Code, is amended to read as follows:

(a) The director shall prepare an annual report on equine research funded under this subchapter. The director shall distribute the report to the Texas Racing Commission and ~~[the]~~ members of the Texas horse racing industry ~~[advisory committee]~~. The director shall make copies of the report available to interested parties.

SECTION 25. Section 88.527, Education Code, is amended to read as follows:

Sec. 88.527. CONFERENCE. Texas AgriLife Research ~~[The Texas Agricultural Extension Service]~~ shall conduct an annual conference on equine research. Money from the equine research account shall be used to defray the costs of the conference. The conference must be designed to bring to the attention of the Texas horse racing industry the latest research results and technological developments in equine research. The director shall make the report created under Section 88.526 available at the conference.

SECTION 26. The following sections of the Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes) are repealed:

- (1) Section 2.072;
- (2) Section 6.04(b);
- (3) Section 6.18(a); and

(4) Section 7.02(a).

SECTION 27. The following sections of the Education Code are repealed:

- (1) Section 88.521(1);
- (2) Section 88.523;
- (3) Section 88.5231;
- (4) Section 88.5232;
- (5) Section 88.524;
- (6) Section 88.5245; and
- (7) Section 88.525(c).

SECTION 28. (a) Not later than September 1, 2012, the Texas Racing Commission shall designate each racetrack license as active or inactive as required by Section 6.0601, Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes), as added by this Act.

(b) The Texas Racing Commission by rule shall establish a staggered schedule and the procedure for the review of licenses required under Section 6.06(k), Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes), as amended by this Act.

(c) The Texas Racing Commission may adjust license renewal and review fees pursuant to the commission's authority to adjust fees under Section 5.01, Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes), and Section 6.0602, Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes), as added by this Act, to recover any money lost by the change in law made by this Act to Section 3.07(e), Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes).

(d) As soon as practicable, the executive director of Texas AgriLife Research shall submit a report to the Texas Racing Commission as required by Section 88.526, Education Code, as amended by this Act.

SECTION 29. This Act takes effect September 1, 2011.

HB 908 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Thompson called up with senate amendments for consideration at this time,

HB 908, A bill to be entitled An Act relating to the division of community property on dissolution of marriage.

Representative Thompson moved to concur in the senate amendments to **HB 908**.

The motion to concur in the senate amendments to **HB 908** prevailed by (Record 1116): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; 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.; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; 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; 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.; Solomons; Strama; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Anderson, C.; Huberty; Muñoz; Smithee.

Absent — Kolkhorst; Reynolds.

STATEMENT OF VOTE

When Record No. 1116 was taken, I was in the house but away from my desk. I would have voted yes.

Kolkhorst

Senate Committee Substitute

CSHB 908, A bill to be entitled An Act relating to the division of community property on dissolution of marriage.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 7, Family Code, is amended by adding Section 7.009 to read as follows:

Sec. 7.009. FRAUD ON THE COMMUNITY; DIVISION AND DISPOSITION OF RECONSTITUTED ESTATE. (a) In this section, "reconstituted estate" means the total value of the community estate that would exist if an actual or constructive fraud on the community had not occurred.

(b) If the trier of fact determines that a spouse has committed actual or constructive fraud on the community, the court shall:

(1) calculate the value by which the community estate was depleted as a result of the fraud on the community and calculate the amount of the reconstituted estate; and

(2) divide the value of the reconstituted estate between the parties in a manner the court deems just and right.

(c) In making a just and right division of the reconstituted estate under Section 7.001, the court may grant any legal or equitable relief necessary to accomplish a just and right division, including:

(1) awarding to the wronged spouse an appropriate share of the community estate remaining after the actual or constructive fraud on the community;

(2) awarding a money judgment in favor of the wronged spouse against the spouse who committed the actual or constructive fraud on the community; or

(3) awarding to the wronged spouse both a money judgment and an appropriate share of the community estate.

SECTION 2. The change in law made by this Act applies to a suit for dissolution of a marriage pending before a trial court on or filed on or after the effective date of this Act.

SECTION 3. This Act takes effect September 1, 2011.

HB 1380 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Truitt called up with senate amendments for consideration at this time,

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

Representative Truitt moved to concur in the senate amendments to **HB 1380**.

The motion to concur in the senate amendments to **HB 1380** prevailed by (Record 1117): 142 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; 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; 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.; 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; 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; Simpson; Smith, T.; Smith, W.; Solomons; Strama; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Shelton.

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

Absent, Excused — Anderson, C.; Huberty; Muñoz; Smithee.

Absent — Coleman.

Senate Committee Substitute

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

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 155.003(a), Occupations Code, is amended to read as follows:

(a) To be eligible for a license under this chapter, an applicant must present proof satisfactory to the board that the applicant:

(1) is at least 21 years of age;

(2) is of good professional character and has not violated Section 164.051, 164.052, or 164.053;

(3) has completed:

(A) at least 60 semester hours of college courses, other than courses in medical school, that are acceptable to The University of Texas at Austin for credit on a bachelor of arts degree or a bachelor of science degree;

(B) the entire primary, secondary, and premedical education required in the country of medical school graduation, if the medical school is located outside the United States or Canada; or

(C) substantially equivalent courses as determined by board rule;

(4) is a graduate of a medical school located in the United States or Canada and approved by the board;

(5) has either:

(A) successfully completed one year of graduate medical training approved by the board in the United States or Canada; or

(B) graduated from a medical school located outside the United States or Canada and has successfully completed two ~~three~~ years of graduate medical training approved by the board in the United States or Canada;

(6) has passed an examination accepted or administered by the board; and

(7) has passed a Texas medical jurisprudence examination as determined by board rule.

SECTION 2. Section 155.004, Occupations Code, is amended to read as follows:

Sec. 155.004. ADDITIONAL ELIGIBILITY REQUIREMENTS FOR GRADUATES OF CERTAIN FOREIGN MEDICAL SCHOOLS. A license applicant who is a graduate of a medical school that is located outside the United States and Canada must present proof satisfactory to the board that the applicant:

(1) is a graduate of a school whose curriculum meets the requirements for an unapproved medical school as determined by a committee of experts selected by the Texas Higher Education Coordinating Board;

(2) has successfully completed[=

~~[(A) at least three years of graduate medical training in the United States or Canada that was approved by the board; or~~

~~[(B)]~~ at least two years of graduate medical training in the United States or Canada that was approved by the board ~~[and at least one year of graduate medical training outside the United States or Canada that was approved for advanced standing by a specialty board organization approved by the board];~~

(3) holds a valid certificate issued by the Educational Commission for Foreign Medical Graduates; and

(4) is able to communicate in English.

SECTION 3. Section 155.005(a), Occupations Code, is amended to read as follows:

(a) To be eligible for a license under this chapter, an applicant who has been a student of a foreign medical school must present proof satisfactory to the board that the applicant:

(1) meets the requirements of Section 155.003;

(2) has studied medicine in a medical school located outside the United States and Canada that is acceptable to the board;

(3) has completed all of the didactic work of the foreign medical school but has not graduated from the school;

(4) has attained a score satisfactory to a medical school in the United States approved by the Liaison Committee on Medical Education on a qualifying examination and has satisfactorily completed one academic year of supervised clinical training for foreign medical students, as defined by the American Medical Association Council on Medical Education (Fifth Pathway Program), under the direction of the medical school in the United States;

(5) has attained a passing score on the Educational Commission for Foreign Medical Graduates examination or another examination, if required by the board;

(6) has successfully completed at least two ~~[three]~~ years of graduate medical training in the United States or Canada that was approved by the board as of the date the training was completed; and

(7) has passed the license examination under Subchapter B required by the board of each applicant.

SECTION 4. The changes in law made by this Act to Sections 155.003, 155.004, and 155.005, Occupations Code, apply only to an application for a license to practice medicine submitted to the Texas Medical Board on or after the effective date of this Act. An application for a license submitted before that date is governed by the law in effect on the date the application was submitted, and the former law is continued in effect for that purpose.

SECTION 5. This Act takes effect September 1, 2011.

HB 843 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Geren called up with senate amendments for consideration at this time,

HB 843, A bill to be entitled An Act relating to the use of electronic means for the delivery of ad valorem tax bills to certain property owners and agents.

Representative Geren moved to concur in the senate amendments to **HB 843**.

The motion to concur in the senate amendments to **HB 843** prevailed by (Record 1118): 137 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Carter; Castro; Chisum; Christian; Cook; Craddick; Creighton; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; 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.; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; 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.; Solomons; Strama; Taylor, V.; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Anderson, C.; Huberty; Muñoz; Smithee.

Absent — Callegari; Coleman; Crownover; Driver; Lewis; Morrison; Thompson.

Senate Committee Substitute

CSHB 843, A bill to be entitled An Act relating to the use of electronic means for the delivery of ad valorem tax bills to certain property owners and agents.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1.07(a), Tax Code, is amended to read as follows:

(a) An official or agency required by this title to deliver a notice to a property owner may deliver the notice by regular first-class mail, with postage prepaid, unless this section or another provision of this title requires or authorizes a different method of delivery or the parties agree that the notice must be delivered as provided by Section 1.085.

SECTION 2. Section 31.01, Tax Code, is amended by amending Subsections (a), (g), (i-1), and (j) and adding Subsections (k) and (l) to read as follows:

(a) Except as provided by Subsections (f), ~~and~~ (i-1), and (k), the assessor for each taxing unit shall prepare and mail a tax bill to each person in whose name the property is listed on the tax roll and to the person's authorized agent. The assessor shall mail tax bills by October 1 or as soon thereafter as practicable. The assessor shall mail to the state agency or institution the tax bill

for any taxable property owned by the agency or institution. The agency or institution shall pay the taxes from funds appropriated for payment of the taxes or, if there are none, from funds appropriated for the administration of the agency or institution. The exterior of the tax bill must show the return address of the taxing unit. If the assessor wants the United States Postal Service to return the tax bill if it is not deliverable as addressed, the exterior of the tax bill may contain, in all capital letters, the words "RETURN SERVICE REQUESTED," or another appropriate statement directing the United States Postal Service to return the tax bill if it is not deliverable as addressed.

(g) Except as provided by Subsection (f) [~~of this section~~], failure to send or receive the tax bill required by this section, including a tax bill that has been requested to be sent by electronic means under Subsection (k), does not affect the validity of the tax, penalty, or interest, the due date, the existence of a tax lien, or any procedure instituted to collect a tax.

(i-1) If an assessor mails a tax bill under Subsection (a) or delivers a tax bill by electronic means under Subsection (k) to a mortgagee of a property, the assessor is not required to mail or deliver by electronic means a copy of the bill to any mortgagor under the mortgage or to the mortgagor's authorized agent.

(j) If a tax bill is mailed under Subsection (a) or delivered by electronic means under Subsection (k) [~~of this section~~] to a mortgagee of a property, the mortgagee shall mail a copy of the bill to the owner of the property not more than 30 days following the mortgagee's receipt of the bill.

(k) The assessor for a taxing unit shall deliver a tax bill as required by this section by electronic means if on or before September 15 the individual or entity entitled to receive a tax bill under this section and the assessor enter into an agreement for delivery of a tax bill by electronic means. An assessor who delivers a tax bill electronically under this subsection is not required to mail the same bill under Subsection (a). An agreement entered into under this subsection:

(1) must:

(A) be in writing or in an electronic format;

(B) be signed by the assessor and the individual or entity entitled to receive the tax bill under this section;

(C) be in a format acceptable to the assessor;

(D) specify the electronic means by which the tax bill is to be delivered; and

(E) specify the e-mail address to which the tax bill is to be delivered; and

(2) remains in effect for all subsequent tax bills until revoked by an authorized individual in a written revocation filed with the assessor.

(l) The comptroller may:

(1) prescribe acceptable media, formats, content, and methods for the delivery of tax bills by electronic means under Subsection (k); and

(2) provide a model form agreement.

SECTION 3. This Act takes effect January 1, 2012.

**HB 2376 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Hamilton called up with senate amendments for consideration at this time,

HB 2376, A bill to be entitled An Act relating to the regulation of plumbing.

Representative Hamilton moved to concur in the senate amendments to **HB 2376**.

The motion to concur in the senate amendments to **HB 2376** prevailed by (Record 1119): 105 Yeas, 37 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Berman; Bohac; Bonnen; Branch; Burnam; Button; Castro; Christian; Coleman; Cook; Crownover; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Frullo; Gallego; Garza; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, D.; Hunter; Isaac; Jackson; Johnson; King, P.; King, S.; King, T.; Kleinschmidt; Kuempel; Larson; Laubenberg; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Morrison; Naishtat; Nash; Oliveira; Orr; Otto; Paxton; Peña; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Schwertner; Scott; Sheets; Shelton; Smith, T.; Smith, W.; Solomons; Strama; Thompson; Torres; Turner; Veasey; Villarreal; Vo; Walle; Woolley; Workman; Zerwas.

Nays — Aycock; Beck; Brown; Burkett; Cain; Callegari; Carter; Chisum; Craddick; Creighton; Darby; Davis, S.; Fletcher; Flynn; Geren; Gooden; Harper-Brown; Howard, C.; Keffer; Kolkhorst; Landtroop; Lavender; Legler; Miller, S.; Murphy; Parker; Patrick; Perry; Phillips; Riddle; Sheffield; Simpson; Taylor, V.; Truitt; Weber; White; Zedler.

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

Absent, Excused — Anderson, C.; Huberty; Muñoz; Smithee.

Absent — Hughes; Lewis.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1119. I intended to vote no.

Button

I was shown voting yes on Record No. 1119. I intended to vote no.

Frullo

I was shown voting yes on Record No. 1119. I intended to vote no.

Paxton

I was shown voting yes on Record No. 1119. I intended to vote no.

T. Smith

Senate Committee Substitute

CSHB 2376, A bill to be entitled An Act relating to the regulation of plumbing.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 1301.002(9-a) and (11), Occupations Code, are amended to read as follows:

(9-a) "Responsible master plumber" means a person licensed as a master plumber under this chapter who:

(A) allows the person's master plumber license to be used by one plumbing company for the purpose of offering and performing plumbing work under the person's master plumber license;

(B) is authorized to obtain permits for plumbing work;

(C) assumes responsibility for plumbing work performed under the person's license; ~~and~~

(D) has submitted a certificate of insurance as required by Section 1301.3576; and

(E) has completed a training program required by Section 1301.3576.

(11) "Water supply protection specialist" means a person who holds an endorsement issued by the board to engage in ~~[the inspection, in connection with health and safety laws, including ordinances, of]~~:

(A) customer service inspections, as defined by rule of the Texas Commission on Environmental Quality [the plumbing of a public water system distribution facility]; and [or]

(B) the installation, service, and repair of plumbing associated with the use and distribution use of rainwater to supply a plumbing fixture, appliance, or irrigation system [customer-owned plumbing connected to the water distribution lines of a public water system].

SECTION 2. Section 1301.304, Occupations Code, is amended by adding Subsection (d) to read as follows:

(d) Unless a threat to health or safety exists, the board may choose to not investigate a complaint in which the person filing the complaint and the person who is the subject of the complaint are engaged in litigation related to the subject matter of the complaint until the outcome of the litigation is finally determined if the board determines the complaint process is being abused.

SECTION 3. Section 1301.3565, Occupations Code, is amended by adding Subsections (a-1) and (e-1) and amending Subsection (b) to read as follows:

(a-1) A person may not design a multipurpose residential fire protection sprinkler system for installation under this section unless the person:

(1) is licensed under this chapter as a master plumber; and

(2) holds an endorsement issued under this section.

(b) The board shall issue an endorsement as a multipurpose residential fire protection sprinkler specialist to a person who:

(1) holds the license described by Subsection (a);

(2) applies to the board on a form prescribed by the board;

(3) pays a fee set by the board;

(4) presents evidence satisfactory to the board of successful completion of a training program approved by the board that provides the training necessary for the proper design and installation of a multipurpose residential fire protection sprinkler system as required by the applicable codes and standards recognized by the state; and

(5) passes an examination required by the board.

(e-1) Notwithstanding any other law, a master plumber who holds an endorsement under this section is not required to hold a license or registration issued by another state agency in order to design a multipurpose residential fire protection sprinkler system for installation under this section.

SECTION 4. Section 1301.3576, Occupations Code, is amended to read as follows:

Sec. 1301.3576. CERTIFICATE OF INSURANCE AND TRAINING FOR RESPONSIBLE MASTER PLUMBER. Before a master plumber works as a responsible master plumber [When a person is issued a master plumber's license], the master plumber [person] must:

(1) provide the board with a certificate of insurance that meets the requirements of Section 1301.552; and

(2) present evidence satisfactory to the board of successful completion of a training program approved or administered by the board regarding the laws and rules applicable to the operation of a plumbing business in this state [before the person works as a responsible master plumber].

SECTION 5. Section 1301.552, Occupations Code, is amended to read as follows:

Sec. 1301.552. CERTIFICATE OF INSURANCE FOR PLUMBING PERMIT IN POLITICAL SUBDIVISION. A political subdivision that requires a responsible master plumber or an agent of a responsible master plumber [plumbing contractor] to obtain a permit before performing plumbing in the political subdivision shall verify through the board's Internet website, or by contacting the board by telephone, that the responsible master plumber [plumbing contractor] has on file with the board a certificate of insurance. The certificate of insurance must:

(1) be written by an insurer authorized to engage in the [a company licensed to do] business of insurance in this state or an eligible surplus lines insurer, as defined by Section 981.002, Insurance Code;

(2) provide for commercial general liability insurance for the responsible master plumber for a claim for property damage or bodily injury, regardless of whether the claim arises from negligence or on a contract; and

(3) provide coverage of not less than \$300,000 for all claims arising in a one-year period.

SECTION 6. Section 1301.3565, Occupations Code, as amended by this Act, applies only to the installation of a multipurpose residential fire protection sprinkler system that is designed on or after the effective date of this Act. The installation of a multipurpose residential fire protection sprinkler system that is

designed before the effective date of this Act is governed by the law in effect immediately preceding the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 7. Not later than December 31, 2011, the Texas State Board of Plumbing Examiners shall develop the curriculum and adopt rules for the approval or administration of the training program required by Section 1301.3576(2), Occupations Code, as added by this Act.

SECTION 8. Section 1301.3576, Occupations Code, as amended by this Act, does not apply to a master plumber who, on or before January 1, 2012, provides the Texas State Board of Plumbing Examiners with a certificate of insurance that meets the requirements of Section 1301.552, Occupations Code, as amended by this Act, and that is effective on January 1, 2012.

SECTION 9. Section 1301.552, Occupations Code, as amended by this Act, applies only to a permit issued on or after the effective date of this Act. A permit issued before the effective date of this Act is governed by the law in effect on the date the permit is issued, and the former law is continued in effect for that purpose.

SECTION 10. This Act takes effect September 1, 2011.

(Speaker in the chair)

HB 1405 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Hardcastle called up with senate amendments for consideration at this time,

HB 1405, A bill to be entitled An Act relating to provision by a health benefit plan of prescription drug coverage specified by formulary.

Representative Hardcastle moved to concur in the senate amendments to **HB 1405**.

The motion to concur in the senate amendments to **HB 1405** prevailed by (Record 1120): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; 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.; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; 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.; 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(C).

Absent, Excused — Anderson, C.; Huberty; Muñoz; Smithee.

Absent — Coleman; Driver; Lyne.

Senate Committee Substitute

CSHB 1405, A bill to be entitled An Act relating to provision by a health benefit plan of prescription drug coverage specified by formulary and to modifications of that coverage.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1369.051(2), Insurance Code, is amended to read as follows:

(2) "Enrollee" means an individual who is covered under a [group] health benefit plan, including a covered dependent.

SECTION 2. Section 1369.052, Insurance Code, is amended to read as follows:

Sec. 1369.052. **APPLICABILITY OF SUBCHAPTER.** This subchapter applies only to a [group] health benefit plan that provides benefits for medical or surgical expenses incurred as a result of a health condition, accident, or sickness, including an individual, [a] group, blanket, or franchise insurance policy or insurance agreement, a group hospital service contract, or a small or large employer group contract or similar coverage document that is offered by:

- (1) an insurance company;
- (2) a group hospital service corporation operating under Chapter 842;
- (3) a fraternal benefit society operating under Chapter 885;
- (4) a stipulated premium company operating under Chapter 884;
- (5) a reciprocal exchange operating under Chapter 942;
- (6) a health maintenance organization operating under Chapter 843;
- (7) a multiple employer welfare arrangement that holds a certificate of authority under Chapter 846; or
- (8) an approved nonprofit health corporation that holds a certificate of authority under Chapter 844.

SECTION 3. Section 1369.053, Insurance Code, is amended to read as follows:

Sec. 1369.053. **EXCEPTION.** This subchapter does not apply to:

- (1) a health benefit plan that provides coverage:
 - (A) only for a specified disease or for another single benefit;
 - (B) only for accidental death or dismemberment;
 - (C) for wages or payments in lieu of wages for a period during which an employee is absent from work because of sickness or injury;
 - (D) as a supplement to a liability insurance policy;
 - (E) for credit insurance;
 - (F) only for dental or vision care;

- (G) only for hospital expenses; or
 (H) only for indemnity for hospital confinement;
- (2) ~~[a small employer health benefit plan written under Chapter 1501;~~
~~[(3)]~~ a Medicare supplemental policy as defined by Section 1882(g)(1),
 Social Security Act (42 U.S.C. Section 1395ss), as amended;
- (3) ~~[(4)]~~ a workers' compensation insurance policy;
- (4) [(5)] medical payment insurance coverage provided under a motor
 vehicle insurance policy; ~~[or]~~
- (5) ~~[(6)]~~ a long-term care insurance policy, including a nursing home
 fixed indemnity policy, unless the commissioner determines that the policy
 provides benefit coverage so comprehensive that the policy is a health benefit
 plan as described by Section 1369.052;
- (6) the child health plan program under Chapter 62, Health and Safety
 Code, or the health benefits plan for children under Chapter 63, Health and Safety
 Code; or
- (7) a Medicaid managed care program operated under Chapter 533,
 Government Code, or a Medicaid program operated under Chapter 32, Human
 Resources Code.

SECTION 4. Section 1369.054, Insurance Code, is amended to read as follows:

Sec. 1369.054. NOTICE AND DISCLOSURE OF CERTAIN INFORMATION REQUIRED. An issuer of a ~~[group]~~ health benefit plan that covers prescription drugs and uses one or more drug formularies to specify the prescription drugs covered under the plan shall:

(1) provide in plain language in the coverage documentation provided to each enrollee:

- (A) notice that the plan uses one or more drug formularies;
- (B) an explanation of what a drug formulary is;
- (C) a statement regarding the method the issuer uses to determine the prescription drugs to be included in or excluded from a drug formulary;
- (D) a statement of how often the issuer reviews the contents of each drug formulary; and
- (E) notice that an enrollee may contact the issuer to determine whether a specific drug is included in a particular drug formulary;

(2) disclose to an individual on request, not later than the third business day after the date of the request, whether a specific drug is included in a particular drug formulary; and

(3) notify an enrollee and any other individual who requests information under this section that the inclusion of a drug in a drug formulary does not guarantee that an enrollee's health care provider will prescribe that drug for a particular medical condition or mental illness.

SECTION 5. Subchapter B, Chapter 1369, Insurance Code, is amended by adding Section 1369.0541 to read as follows:

Sec. 1369.0541. MODIFICATION OF DRUG COVERAGE UNDER PLAN. (a) A health benefit plan issuer may modify drug coverage provided under a health benefit plan if:

(1) the modification occurs at the time of coverage renewal;
(2) the modification is effective uniformly among all group health benefit plan sponsors covered by identical or substantially identical health benefit plans or all individuals covered by identical or substantially identical individual health benefit plans, as applicable; and

(3) not later than the 60th day before the date the modification is effective, the issuer provides written notice of the modification to the commissioner, each affected group health benefit plan sponsor, each affected enrollee in an affected group health benefit plan, and each affected individual health benefit plan holder.

(b) Modifications affecting drug coverage that require notice under Subsection (a) include:

(1) removing a drug from a formulary;
(2) adding a requirement that an enrollee receive prior authorization for a drug;

(3) imposing or altering a quantity limit for a drug;
(4) imposing a step-therapy restriction for a drug; and
(5) moving a drug to a higher cost-sharing tier unless a generic drug alternative to the drug is available.

(c) A health benefit plan issuer may elect to offer an enrollee in the plan the option of receiving notifications required by this section by e-mail.

SECTION 6. Section 1369.055, Insurance Code, is amended to read as follows:

Sec. 1369.055. CONTINUATION OF COVERAGE REQUIRED; OTHER DRUGS NOT PRECLUDED. (a) An issuer of a [group] health benefit plan that covers prescription drugs shall offer to each enrollee at the contracted benefit level and until the enrollee's plan renewal date any prescription drug that was approved or covered under the plan for a medical condition or mental illness, regardless of whether the drug has been removed from the health benefit plan's drug formulary before the plan renewal date.

(b) This section does not prohibit a physician or other health professional who is authorized to prescribe a drug from prescribing a drug that is an alternative to a drug for which continuation of coverage is required under Subsection (a) if the alternative drug is:

- (1) covered under the [group] health benefit plan; and
- (2) medically appropriate for the enrollee.

SECTION 7. Section 1369.056(a), Insurance Code, is amended to read as follows:

(a) The refusal of a [group] health benefit plan issuer to provide benefits to an enrollee for a prescription drug is an adverse determination for purposes of Section 4201.002 if:

- (1) the drug is not included in a drug formulary used by the [group] health benefit plan; and
- (2) the enrollee's physician has determined that the drug is medically necessary.

SECTION 8. Section 1501.108(d), Insurance Code, is amended to read as follows:

(d) Notwithstanding Subsection (a), a small or large employer health benefit plan issuer may modify a small or large employer health benefit plan in accordance with Section 1369.0541 or if:

- (1) the modification occurs at the time of coverage renewal;
- (2) the modification is effective uniformly among all small or large employers covered by that health benefit plan; and
- (3) the issuer notifies the commissioner and each affected covered small or large employer of the modification not later than the 60th day before the date the modification is effective.

SECTION 9. The change in law made by this Act applies only to a health benefit plan delivered, issued for delivery, or renewed on or after January 1, 2012. A health benefit plan delivered, issued for delivery, or renewed before January 1, 2012, is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 10. This Act takes effect September 1, 2011.

HB 2360 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Schwertner called up with senate amendments for consideration at this time,

HB 2360, A bill to be entitled An Act relating to the creation of the Corn Hill Regional Water Authority; providing authority to issue bonds.

Representative Schwertner moved to concur in the senate amendments to **HB 2360**.

The motion to concur in the senate amendments to **HB 2360** prevailed by (Record 1121): 131 Yeas, 2 Nays, 1 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Carter; Castro; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hopson; Howard, D.; 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; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Solomons; Strama; Taylor, L.; Thompson; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zerwas.

Nays — Hochberg; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anderson, C.; Huberty; Muñoz; Smithee.

Absent — Allen; Callegari; Coleman; Deshotel; Frullo; Howard, C.; Naishtat; Oliveira; Peña; Rodriguez; Taylor, V.; Torres.

STATEMENT OF VOTE

When Record No. 1121 was taken, I was in the house but away from my desk. I would have voted yes.

Torres

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 2360** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 8364.102, Special District Local Laws Code (page 2, line 40), strike "the powers and duties necessary to accomplish the purposes" and substitute "only the powers and duties necessary to accomplish the purposes stated under Section 8364.004".

(2) In SECTION 1 of the bill, strike added Section 8364.103, Special District Local Laws Code (page 2, lines 42-46), and substitute the following:

Sec. 8364.103. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES; LIMITATIONS. (a) Except as provided by Subsections (b) and (c), the authority has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

(b) The authority may not provide wastewater, drainage, solid waste disposal, or road facilities or services.

(c) The authority does not have any power that the member entities do not have.

HB 1061 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Otto called up with senate amendments for consideration at this time,

HB 1061, A bill to be entitled An Act relating to the expiration of certain investment authority of the Teacher Retirement System of Texas.

Representative Otto moved to concur in the senate amendments to **HB 1061**.

The motion to concur in the senate amendments to **HB 1061** prevailed by (Record 1122): 141 Yeas, 0 Nays, 2 Present, not voting.

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

Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, D.; 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; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; 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.; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Anderson, C.; Huberty; Muñoz; Smithee.

Absent — Christian; Mallory Caraway; Torres.

STATEMENT OF VOTE

When Record No. 1122 was taken, I was in the house but away from my desk. I would have voted yes.

Torres

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 1061** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS accordingly:

SECTION _____. Section 825.3012, Government Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) Notwithstanding Subsection (b) of this section and any provision of Section 825.301, before September 1, 2019, not more than 10 percent of the value of the total investment portfolio of the retirement system may be invested in hedge funds. This subsection expires September 1, 2019.

HB 563 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Pickett called up with senate amendments for consideration at this time,

HB 563, A bill to be entitled An Act relating to the purposes and designation of a transportation reinvestment zone.

Representative Pickett moved to concur in the senate amendments to **HB 563**.

The motion to concur in the senate amendments to **HB 563** prevailed by (Record 1123): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; 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.; 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; 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.; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Anderson, C.; Huberty; Muñoz; Smithee.

Absent — Torres.

STATEMENT OF VOTE

When Record No. 1123 was taken, I was in the house but away from my desk. I would have voted yes.

Torres

Senate Committee Substitute

CSHB 563, A bill to be entitled An Act relating to the purposes and designation of a transportation reinvestment zone.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 222.105, Transportation Code, is amended to read as follows:

Sec. 222.105. PURPOSES. The purposes of Sections 222.106 and 222.107 are to:

- (1) promote public safety;
- (2) facilitate the improvement, development, or redevelopment of property;
- (3) facilitate the movement of traffic; and
- (4) enhance a local entity's ability to sponsor a transportation project authorized under Section 222.104.

SECTION 2. Section 222.106, Transportation Code, is amended by amending Subsections (b), (c), (g), (h), (i), (j), (k), and (l) and adding Subsections (i-1) and (i-2) to read as follows:

(b) This section applies only to a municipality in which a transportation project is to be developed [~~the governing body of which intends to enter into an agreement with the department~~] under Section 222.104.

(c) If the governing body determines an area to be unproductive and underdeveloped and that action under this section will further the purposes stated in Section 222.105, the governing body of the municipality by ordinance may designate a contiguous geographic area in the jurisdiction of the municipality to be a transportation reinvestment zone to promote a transportation project ~~[described by Section 222.104 that cultivates development or redevelopment of the area].~~

(g) The ordinance designating an area as a transportation reinvestment zone must:

(1) describe the boundaries of the zone with sufficient definiteness to identify with ordinary and reasonable certainty the territory included in the zone;

(2) provide that the zone takes effect immediately on passage of the ordinance and that the base year shall be the year of passage of the ordinance or some year in the future;

(3) assign a name to the zone for identification, with the first zone designated by a municipality designated as "Transportation Reinvestment Zone Number One, (City or Town, as applicable) of (name of municipality)," and subsequently designated zones assigned names in the same form, numbered consecutively in the order of their designation;

(4) designate the base year for purposes of establishing the tax increment base of the municipality;

(5) establish a ~~[an ad valorem]~~ tax increment account for the zone; and

(6) ~~[(5)]~~ contain findings that promotion of the transportation project will cultivate the improvement, development, or redevelopment of the zone.

(h) From taxes collected on property in a zone, the municipality shall pay into the tax increment account for the zone ~~[an amount equal to]~~ the tax increment produced by the municipality, less any amount allocated under previous agreements, including agreements under Chapter 380, Local Government Code, or Chapter 311, Tax Code.

(i) All or the portion specified by the municipality of the money deposited to a tax increment account must be used to fund the transportation project for which the zone was designated, as well as aesthetic improvements within the zone. Any remaining money deposited to the tax increment account may be used for other purposes as determined by the municipality ~~[Money deposited to a tax increment account must be used to fund projects authorized under Section 222.104, including the repayment of amounts owed under an agreement entered into under that section].~~

(i-1) The governing body of a municipality may contract with a public or private entity to develop, redevelop, or improve a transportation project in a transportation reinvestment zone and may pledge and assign all or a specified amount of money in the tax increment account to that entity. After a pledge or assignment is made, if the entity that received the pledge or assignment has itself pledged or assigned that amount to secure bonds or other obligations issued to obtain funding for the transportation project, the governing body of the municipality may not rescind its pledge or assignment until the bonds or other obligations secured by the pledge or assignment have been paid or discharged.

(i-2) To accommodate changes in the limits of the project for which a reinvestment zone was designated, the boundaries of a zone may be amended at any time, except that property may not be removed or excluded from a designated zone if any part of the tax increment account has been assigned or pledged directly by the municipality or through another entity to secure bonds or other obligations issued to obtain funding of the project, and property may not be added to a designated zone unless the governing body of the municipality complies with Subsections (e) and (g).

(j) Except as provided by Subsections (i-1) and [Subsection] (k), a transportation reinvestment zone terminates on December 31 of the year in which the municipality completes [complies with] a contractual requirement, if any, that included the pledge or assignment of all or a portion of money deposited to a tax increment account or the repayment of money owed under an [the] agreement for development, redevelopment, or improvement of the project for [under Section 222.104 in connection with] which the zone was designated.

(k) A transportation reinvestment zone terminates on December 31 of the 10th year after the year the zone was designated, if before that date the municipality has not entered into a contract described in Subsection (i-1) or otherwise not used the zone for the purpose for which it was designated.

(l) Any surplus remaining in a tax increment account on termination of a zone may be used for other purposes as determined by [transportation projects of] the municipality [in or outside of the zone].

SECTION 3. The heading to Section 222.107, Transportation Code, is amended to read as follows:

Sec. 222.107. COUNTY TRANSPORTATION REINVESTMENT ZONES[; TAX ABATEMENTS; ROAD UTILITY DISTRICTS].

SECTION 4. Section 222.107, Transportation Code, is amended by amending Subsections (b), (c), (e), (f), (h), (i), (k), and (l) and adding Subsections (h-1) and (k-1) to read as follows:

(b) This section applies only to a county in which a transportation project is to be developed [the commissioners court of which intends to enter into a pass through toll agreement with the department] under Section 222.104.

(c) The commissioners court of the county, after determining that an area is unproductive and underdeveloped and that action under this section would further the purposes described by Section 222.105, by order or resolution may designate a contiguous geographic area in the jurisdiction of the county to be a transportation reinvestment zone to promote a transportation project [described by Section 222.104 that cultivates development or redevelopment of the area] and for the purpose of abating ad valorem taxes or granting other relief from taxes imposed by the county on real property located in the zone.

(e) Not later than the 30th day before the date the commissioners court proposes to designate an area as a transportation reinvestment zone under this section, the commissioners court must hold a public hearing on the creation of the zone, its benefits to the county and to property in the proposed zone, and the abatement of ad valorem taxes or the grant of other relief from ad valorem taxes imposed by the county on real property located in the zone. At the hearing an

interested person may speak for or against the designation of the zone, its boundaries, or the abatement of or the relief from county taxes on real property in the zone. Not later than the seventh day before the date of the hearing, notice of the hearing and the intent to create a zone must be published in a newspaper having general circulation in the county.

(f) The order or resolution designating an area as a transportation reinvestment zone must:

(1) describe the boundaries of the zone with sufficient definiteness to identify with ordinary and reasonable certainty the territory included in the zone;

(2) provide that the zone takes effect immediately on adoption of the order or resolution and that the base year shall be the year of passage of the order or resolution or some year in the future; ~~and~~

(3) assign a name to the zone for identification, with the first zone designated by a county designated as "Transportation Reinvestment Zone Number One, County of (name of county)," and subsequently designated zones assigned names in the same form numbered consecutively in the order of their designation; and

(4) designate the base year for purposes of establishing the tax increment base of the county.

(h) The commissioners court by order or resolution may enter into an agreement with the owner of any real property located in the transportation reinvestment zone to abate all or a portion of the ad valorem taxes or to grant other relief from the taxes imposed by the county on the owner's property in an amount not to exceed the amount calculated under Subsection (a)(1) for that year. All abatements or other relief granted by the commissioners court in a transportation reinvestment zone must be equal in rate. In the alternative, the commissioners court by order or resolution may elect to abate a portion of the ad valorem taxes or otherwise grant relief from the taxes imposed by the county on all real property located in the zone. In any ad valorem tax year, the total amount of the taxes abated or the total amount of relief granted under this section may not exceed the amount calculated under Subsection (a)(1) for that year, less any amounts allocated under previous agreements, including agreements under Chapter 381, Local Government Code, or Chapter 312, Tax Code.

(h-1) To further the development of the transportation project for which the transportation reinvestment zone was designated, a county may assess all or part of the cost of the transportation project against property within the zone. The assessment against each property in the zone may be levied and payable in installments in the same manner as provided by Sections 372.016-372.018, Local Government Code, provided that the installments do not exceed the total amount of the tax abatement or other relief granted under Subsection (h). The county may elect to adopt and apply the provisions of Sections 372.015-372.020 and 372.023, Local Government Code, to the assessment of costs and Sections 372.024-372.030, Local Government Code, to the issuance of bonds by the county to pay the cost of a transportation project. The commissioners court of the county may contract with a public or private entity to develop, redevelop, or improve a transportation project in the transportation reinvestment zone.

including aesthetic improvements, and may pledge and assign to that entity all or a specified amount of the revenue the county receives from installment payments of the assessments for the payment of the costs of that transportation project. After a pledge or assignment is made, if the entity that received the pledge or assignment has itself pledged or assigned that amount to secure bonds or other obligations issued to obtain funding for the transportation project, the commissioners court of the county may not rescind its pledge or assignment until the bonds or other obligations secured by the pledge or assignment have been paid or discharged. Any amount received from installment payments of the assessments not pledged or assigned in connection with the transportation project may be used for other purposes associated with the transportation project or in the zone.

(i) In the alternative, to ~~[To]~~ assist the county in developing a transportation project ~~[authorized under Section 222.104]~~, if authorized by the commission under Chapter 441, a road utility district may be formed under that chapter that has the same boundaries as a transportation reinvestment zone created under this section.

(k) A road utility district formed as provided by Subsection (i) may enter into an agreement ~~[with the county to assume the obligation, if any, of the county]~~ to fund development of a project ~~[under Section 222.104]~~ or to repay funds owed to the department ~~[under Section 222.104]~~. Any amount paid for this purpose is considered to be an operating expense of the district. Any taxes collected by the district that are not paid for this purpose may be used for any district purpose.

(k-1) To accommodate changes in the limits of the project for which a reinvestment zone was designated, the boundaries of a zone may be amended at any time, except that property may not be removed or excluded from a designated zone if any part of the assessment has been assigned or pledged directly by the county or through another entity to secure bonds or other obligations issued to obtain funding of the project, and property may not be added to a designated zone unless the commissioners court of the county complies with Subsections (e) and (f).

(l) Except as provided by Subsection (m), a tax abatement agreement entered into under Subsection (h), or an order or resolution on the abatement of taxes or the grant of relief from taxes under that subsection, terminates on December 31 of the year in which the county completes any contractual requirement that included the pledge or assignment of assessments ~~[of money]~~ collected under this section.

SECTION 5. Subchapter E, Chapter 222, Transportation Code, is amended by adding Sections 222.108, 222.109, and 222.110 to read as follows:

Sec. 222.108. TRANSPORTATION REINVESTMENT ZONES FOR OTHER TRANSPORTATION PROJECTS. (a) Notwithstanding the requirement in Sections 222.106(b) and 222.107(b) that a transportation reinvestment zone be established in connection with a project under Section 222.104, a municipality or county may establish a transportation reinvestment zone for any transportation project. If all or part of the transportation project is subject to oversight by the department, at the option of the governing body of the municipality or county, the

department, to the extent permitted by law, shall delegate full responsibility for the development, design, letting of bids, and construction of the project, including project inspection, to the municipality or county. After assuming responsibility for a project under this subsection, a municipality or county shall enter into an agreement with the department that prescribes:

- (1) the development process;
- (2) the roles and responsibilities of the parties; and
- (3) the timelines for any required reviews or approvals.

(b) Any portion of a transportation project developed under Subsection (a) that is on the state highway system or is located in the state highway right-of-way must comply with applicable state and federal requirements and criteria for project development, design, and construction, unless the department grants an exception to the municipality or county.

(c) The development, design, and construction plans and specifications for the portions of a project described by Subsection (b) must be reviewed and approved by the department under the agreement entered into under Subsection (a).

(d) In this section, "transportation project" has the meaning assigned by Section 370.003.

Sec. 222.109. REDUCTION PROHIBITED. (a) A municipality or county may not be penalized with a reduction in traditional transportation funding because of the designation and use of a transportation reinvestment zone under this chapter. Any funding from the department committed to a project before the date that a transportation reinvestment zone is designated may not be reduced because the transportation reinvestment zone is designated in connection with that project.

(b) The department may not reduce any allocation of traditional transportation funding to any of its districts because a district contains a municipality or county that contains a transportation reinvestment zone designated under this chapter.

Sec. 222.110. SALES TAX INCREMENT. (a) In this section, "sales tax base" for a transportation reinvestment zone means the amount of sales and use taxes imposed by a municipality under Section 321.101(a), Tax Code, or by a county under Chapter 323, Tax Code, as applicable, attributable to the zone for the year in which the zone was designated under this chapter.

(b) The governing body of a municipality or county may determine, in an ordinance or order designating an area as a transportation reinvestment zone or in an ordinance or order adopted subsequent to the designation of a zone, the portion or amount of tax increment generated from the sales and use taxes imposed by a municipality under Section 321.101(a), Tax Code, or by a county under Chapter 323, Tax Code, attributable to the zone, above the sales tax base, to be used as provided by Subsection (e). Nothing in this section requires a municipality or county to contribute sales tax increment under this subsection.

(c) A county that designates a portion or amount of sales tax increment under Subsection (b) must establish a tax increment account. A municipality or county shall deposit the designated portion or amount of tax increment under Subsection (b) to the entity's respective tax increment account.

(d) Before pledging or otherwise committing money in the tax increment account under Subsection (c), the governing body of a municipality or county may enter into an agreement, under Subchapter E, Chapter 271, Local Government Code, to authorize and direct the comptroller to:

(1) withhold from any payment to which the municipality or county may be entitled the amount of the payment into the tax increment account under Subsection (b);

(2) deposit that amount into the tax increment account; and

(3) continue withholding and making additional payments into the tax increment account until an amount sufficient to satisfy the amount due has been met.

(e) The sales and use taxes to be deposited into the tax increment account under this section may be disbursed from the account only to:

(1) pay for projects authorized under Section 222.104, including the repayment of amounts owed under an agreement entered into under that section; and

(2) notwithstanding Sections 321.506 and 323.505, Tax Code, satisfy claims of holders of tax increment bonds, notes, or other obligations issued or incurred for projects authorized under Section 222.104.

(f) The amount deposited by a county to a tax increment account under this section is not considered to be sales and use tax revenue for the purpose of property tax reduction and computation of the county tax rate under Section 26.041, Tax Code.

SECTION 6. Sections 222.106(h), (i), (j), (k), and (l) and 222.107(h), (i), (k), and (l), Transportation Code, as amended by this Act, and Sections 222.106(i-1) and (i-2), 222.107(h-1) and (k-1), 222.108, and 222.109, Transportation Code, as added by this Act, apply to a transportation reinvestment zone that is governed by those sections designated before the effective date of this Act.

SECTION 7. This Act takes effect September 1, 2011.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **CSHB 563** (senate committee report) in SECTION 5 of the bill, after added Section 222.110(f), Transportation Code (page 5, between lines 63 and 64), by adding the following:

(g) Not later than the 30th day before the date the governing body of a municipality or county proposes to designate a portion or amount of sales tax increment under Subsection (b), the governing body shall hold a public hearing on the designation of the sales tax increment. At the hearing an interested person may speak for or against the designation of the sales tax increment. Not later than the seventh day before the date of the hearing, notice of the hearing must be published in a newspaper having general circulation in the county or municipality, as appropriate.

(h) The hearing required under Subsection (g) may be held in conjunction with a hearing held under Section 222.106(e) or 222.107(e) if the ordinance or order designating an area as a transportation reinvestment zone under Section 222.106 or 222.107 also designates a sales tax increment under Subsection (b).

**HB 1829 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Naishtat called up with senate amendments for consideration at this time,

HB 1829, A bill to be entitled An Act relating to the transfer to a mental hospital of a person admitted to a facility for emergency detention.

Representative Naishtat moved to concur in the senate amendments to **HB 1829**.

The motion to concur in the senate amendments to **HB 1829** prevailed by (Record 1124): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; 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.; 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.; 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.; Solomons; Strama; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anderson, C.; Huberty; Muñoz; Smithee.

Absent — Christian; Elkins; Morrison; Taylor, L.

STATEMENT OF VOTE

When Record No. 1124 was taken, I was in the house but away from my desk. I would have voted yes.

L. Taylor

Senate Committee Substitute

CSHB 1829, A bill entitled to be An Act relating to an application for emergency detention and to the transfer to a mental hospital of a person admitted for emergency detention.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 573.012, Health and Safety Code, is amended by adding Subsection (h-1) to read as follows:

(h-1) After the presentation of an application under Subsection (h), the judge or magistrate may transmit a warrant to the applicant electronically, if a digital signature, as defined by Article 2.26, Code of Criminal Procedure, is transmitted with the document.

SECTION 2. Section 573.022, Health and Safety Code, is amended by adding Subsection (c) to read as follows:

(c) A facility that has admitted a person for emergency detention under Subsection (a) or to which a person has been transported under Subsection (b) may transfer the person to an appropriate mental hospital with the written consent of the hospital administrator.

SECTION 3. This Act takes effect September 1, 2011.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **CSHB 1829** (senate committee printing) by striking SECTION 1 of the bill and substituting the following:

SECTION 1. Section 573.012, Health and Safety Code, is amended by amending Subsection (h) and adding Subsection (h-1) to read as follows:

(h) A judge or magistrate may permit an applicant who is a physician to present an application by:

(1) e-mail with the application attached as a secure document in a portable document format (PDF); or

(2) secure electronic means, including:

(A) satellite transmission;

(B) [5] closed-circuit television transmission;[5] or

(C) any other method of two-way electronic communication that:

(i) [~~4~~] is secure;

(ii) [~~2~~] is available to the judge or magistrate; and

(iii) [~~3~~] provides for a simultaneous, compressed full-motion video and interactive communication of image and sound between the judge or magistrate and the applicant.

(h-1) After the presentation of an application under Subsection (h), the judge or magistrate may transmit a warrant to the applicant:

(1) electronically, if a digital signature, as defined by Article 2.26, Code of Criminal Procedure, is transmitted with the document; or

(2) by e-mail with the warrant attached as a secure document in a portable document format (PDF), if the identifiable legal signature of the judge or magistrate is transmitted with the document.

**HB 3487 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative V. Taylor called up with senate amendments for consideration at this time,

HB 3487, A bill to be entitled An Act relating to regulations concerning certain service animals; providing a criminal penalty.

Representative V. Taylor moved to concur in the senate amendments to **HB 3487**.

The motion to concur in the senate amendments to **HB 3487** prevailed by (Record 1125): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; 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; 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.; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anderson, C.; Huberty; Muñoz; Smithee.

Absent — Christian; Torres.

STATEMENT OF VOTE

When Record No. 1125 was taken, I was in the house but away from my desk. I would have voted yes.

Torres

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 3487** (senate committee printing) in SECTION 1 of the bill by striking added Section 106.004, Business & Commerce Code (page 2, lines 3-7), and substituting the following:

Sec. 106.004. CIVIL PENALTY. The owner or operator of a commercial lodging establishment or restaurant that violates Section 106.002 is liable for a civil penalty in an amount not to exceed \$200 for each violation.

**HB 848 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Guillen called up with senate amendments for consideration at this time,

HB 848, A bill to be entitled An Act relating to an agreement authorizing certain persons to make decisions regarding a child during an investigation of child abuse or neglect.

Representative Guillen moved to concur in the senate amendments to **HB 848**.

The motion to concur in the senate amendments to **HB 848** prevailed by (Record 1126): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; 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.; 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; 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.; 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(C); Dutton.

Absent, Excused — Anderson, C.; Huberty; Muñoz; Smithee.

Absent — Christian.

Senate Committee Substitute

CSHB 848, A bill to be entitled An Act relating to an agreement authorizing certain persons to make decisions regarding a child during an investigation of child abuse or neglect.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 34.001, Family Code, is amended to read as follows:

Sec. 34.001. APPLICABILITY. This chapter applies only to:

(1) an authorization agreement between a parent of a child and a person who is the child's:

(A) [~~1~~] grandparent;

(B) [~~2~~] adult sibling; or

(C) [(3)] adult aunt or uncle; and

(2) an authorization agreement between a parent of a child and the person with whom the child is placed under a parental child safety placement agreement.

SECTION 2. Chapter 34, Family Code, is amended by adding Section 34.0021 to read as follows:

Sec. 34.0021. AUTHORIZATION AGREEMENT BY PARENT IN CHILD PROTECTIVE SERVICES CASE. A parent may enter into an authorization agreement with a relative or other person with whom a child is placed under a parental child safety placement agreement approved by the Department of Family and Protective Services to allow the person to perform the acts described by Section 34.002(a) with regard to the child:

(1) during an investigation of abuse or neglect; or

(2) while the department is providing services to the parent.

SECTION 3. This Act takes effect September 1, 2011.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **CSHB 848** (senate committee printing) by adding new SECTION 2 (page one, between lines 24 and 25) to read as follows and renumbering subsequent SECTIONS appropriately:

SECTION 2. Subsection (c), Section 34.002, Family Code, is amended to read as follows:

(c) An authorization agreement under this chapter does not confer on a relative of the child listed in Section 34.001 or a relative or other person with whom the child is placed under a child safety placement agreement the right to authorize the performance of an abortion on the child or the administration of emergency contraception to the child.

HR 2020 - ADOPTED

(by Harless)

The following privileged resolution was laid before the house:

HR 2020

BE IT RESOLVED by the House of Representatives of the State of Texas, 82nd Legislature, Regular Session, 2011, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences on **SB 14** (requirements to vote, including presenting proof of identification; providing criminal penalties), to consider and take action on the following matters:

(1) House Rule 13, Section 9(a)(1), is suspended to permit the committee to change text not in disagreement in proposed SECTION 11 of the bill, in added Section 63.0012(a), Election Code, to read as follows:

(a) An election officer shall distribute written notice of the identification that will be required for voting beginning with elections held after January 1, 2012, and information on obtaining identification without a fee under Chapter

521A, Transportation Code, to each voter who, when offering to vote, presents a form of identification that will not be sufficient for acceptance as a voter under this chapter beginning with those elections.

Explanation: This change is necessary to update the cross-reference to reflect the addition of Chapter 521A, Transportation Code.

(2) House Rule 13, Section 9(a)(1), is suspended to permit the committee to change text not in disagreement in proposed SECTION 14 of the bill, in amended Section 63.0101(1), Election Code, to read as follows:

(1) a driver's license, election identification certificate, or personal identification card issued to the person by the Department of Public Safety that has not [or a similar document issued to the person by an agency of another state, regardless of whether the license or card has] expired or that expired no earlier than 60 days before the date of presentation;

Explanation: This change is necessary to update the list of acceptable forms of identification to reflect the addition of election identification certificates in Chapter 521A, Transportation Code.

(3) House Rule 13, Section 9(a)(1), is suspended to permit the committee to change text not in disagreement in proposed SECTION 17 of the bill, in added Section 65.054(b)(2)(B), Election Code, to read as follows:

(B) notwithstanding Chapter 110, Civil Practice and Remedies Code, executes an affidavit under penalty of perjury that states the voter has a religious objection to being photographed and the voter has consistently refused to be photographed for any governmental purpose from the time the voter has held this belief; or

Explanation: This change is necessary to clarify the religious objection exception to the requirement that a voter have photo identification to vote.

(4) House Rule 13, Section 9(a)(1), is suspended to permit the committee to change text not in disagreement in proposed SECTION 18 of the bill, in added Section 65.0541(a), Election Code, to read as follows:

(a) A voter who is accepted for provisional voting under Section 63.011 because the voter does not meet the identification requirements of Section 63.001(b) may, not later than the sixth day after the date of the election:

(1) present a form of identification described by Section 63.0101 to the voter registrar for examination; or

(2) execute an affidavit described by Section 65.054(b)(2)(B) or (C) in the presence of the voter registrar.

Explanation: This change is necessary to update the cross-reference to reflect the addition of Section 65.054(b)(2)(C), Election Code.

(5) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text on a matter not included in either version of the bill by adding the following new SECTION to the bill:

SECTION 20. Subtitle B, Title 7, Transportation Code, is amended by adding Chapter 521A to read as follows:

CHAPTER 521A. ELECTION IDENTIFICATION CERTIFICATE

Sec. 521A.001. ELECTION IDENTIFICATION CERTIFICATE. (a) The department shall issue an election identification certificate to a person who states that the person is obtaining the certificate for the purpose of satisfying Section 63.001(b), Election Code, and does not have another form of identification described by Section 63.0101, Election Code, and:

(1) who is a registered voter in this state and presents a valid voter registration certificate; or

(2) who is eligible for registration under Section 13.001, Election Code, and submits a registration application to the department.

(b) The department may not collect a fee for an election identification certificate or a duplicate election identification certificate issued under this section.

(c) An election identification certificate may not be used or accepted as a personal identification certificate.

(d) An election officer may not deny the holder of an election identification certificate the ability to vote because the holder has an election identification certificate rather than a driver's license or personal identification certificate issued under this subtitle.

(e) An election identification certificate must be similar in form to, but distinguishable in color from, a driver's license and a personal identification certificate. The department may cooperate with the secretary of state in developing the form and appearance of an election identification certificate.

(f) The department may require each applicant for an original or renewal election identification certificate to furnish to the department the information required by Section 521.142.

(g) The department may cancel and require surrender of an election identification certificate after determining that the holder was not entitled to the certificate or gave incorrect or incomplete information in the application for the certificate.

(h) A certificate expires on a date specified by the department, except that a certificate issued to a person 70 years of age or older does not expire.

Explanation: This addition is necessary to provide election identification certificates to certain voters without charge to enable those voters to meet the photo identification requirements for voting.

HR 2020 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE HARLESS: This is a resolution to allow the voter ID conference committee to go outside the bounds to make clarifying corrections. The conference committee report creates a separate free photo ID for voting purposes called an election identification certificate. The election identification certificate mirrors existing law and is essentially the same as a DPS personal ID card, except that an election ID may only be used for voting purposes. Election IDs issued to voters 70 or older do not expire. The added language ensures that the free ID issued by the DPS for voting will not impact the Texas Mobility Fund. Although TxDOT stated that the original language in **SB 14** would have not materially or significantly reduced the revenue to the mobility fund, the

conference committee made this clarification to eliminate any concerns. The conference committee report also clarified that a voter claiming religious exemption to show photo ID must have consistently refused to be photographed for any governmental purpose. This is to ensure those claiming this exemption are doing so for a legitimate reason.

REPRESENTATIVE BURNAM: Is this the privileged resolution that was placed on our desk first thing this morning?

HARLESS: Yes, sir.

BURNAM: And did you just give a thorough reading of what it does?

HARLESS: Yes, sir.

BURNAM: May I ask you a few questions about it for clarification?

HARLESS: Yes.

BURNAM: On line 15, you make reference to identification without a fee. Can you tell me how you are going to assure that there will be no fees and how it will be funded?

HARLESS: Okay, line 15, on page 1 of the resolution?

BURNAM: Correct.

HARLESS: Okay. DPS has said that there would be no fee in the bill itself in the conference committee report. Representative Anchia offered an amendment—which we have kept the provisions of in the bill—saying that any replacement card would be free of charge. Any original or replacement.

BURNAM: And where did you say it's funded now?

HARLESS: It's not funded now because it's a new form of ID. It's a new form of ID, it's not something that has been in the Transportation Code in the past.

BURNAM: Okay, so how's it going to be funded?

HARLESS: There's no fee for it.

BURNAM: No, no, how is DPS—I have legislative oversight on that committee. How is DPS going to pay for this?

HARLESS: I'm not advised to that.

BURNAM: So, are there maybe tens of thousands of new IDs that DPS is going to be required to provide, and we have not identified the funding for us to do that?

HARLESS: All the testimony and the 12 hours of communication we had on the floor on this bill stated that the thought process is, this population is very, very small. This only applies to the people that don't have one of the proof forms of identification which is the driver's license and ID card, a passport, a citizen certificate with a photo ID.

BURNAM: Could we move on now to line 16? I realize because this is a privileged resolution that I can't offer an amendment, but I was perplexed by your word choice on line 16 when you refer to the would-be, want-to-be, potential voter as someone who is—when offering to vote, don't you mean to say they are "attempting" to vote?

HARLESS: This wording was done by the LBB, and I think that's what they mean—offering, attempt to vote.

BURNAM: Well, I would suggest a more accurate portrayal, although maybe this is acceptable to the author, would be that "when voters are attempting to vote and are on the verge of being declined the opportunity to vote." On line 17, "presents a form of identification that will not be sufficient," would you describe what will not be sufficient that has in the past been sufficient?

HARLESS: It's my understanding that if they don't have one of the forms, the approved forms of identification that I mentioned previously—your driver's license, ID card, concealed hand gun, passport, citizenship paper with a picture, and a military ID.

BURNAM: Then moving right along, thank you very much, on page 2, line 2, is the first reference to election identification certification. There is an entire chapter on that beginning on page 3, line 18. Once again, I assume that you mean, on line 20, that "the department shall," you're referring to DPS?

HARLESS: Yes.

BURNAM: And, while you maintain that the fiscal note is minimal, there is nothing available attached to this privileged resolution. Why is that?

HARLESS: I guess they assume there's not going to be a significant cost to the department.

REMARKS ORDERED PRINTED

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

The motion prevailed.

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).

HR 2020 - (consideration continued)

HR 2020 - POINT OF ORDER

Representative Walle raised a point of order against further consideration of **HR 2020** under Rule 13, Section 9(g)(5) of the House Rules on the grounds that a fiscal note was not included.

The speaker overruled the point of order.

HR 2020 was adopted by (Record 1127): 99 Yeas, 45 Nays, 1 Present, not voting.

Yeas — Aliseda; 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; Eiland; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; McClendon; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Perry; Phillips; Pickett; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; 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; King, T.; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; Menendez; Miles; Naishtat; Oliveira; Peña; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anderson, C.; Huberty; Muñoz; Smithee.

Absent — Guillen.

STATEMENT OF VOTE

When Record No. 1127 was taken, I was excused because of important business in the district. I would have voted no.

Muñoz

SB 14 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Harless submitted the conference committee report on **SB 14**.

Representative Harless moved to adopt the conference committee report on **SB 14**.

The motion to adopt the conference committee report on **SB 14** prevailed by (Record 1128): 98 Yeas, 46 Nays, 1 Present, not voting.

Yeas — Aliseda; 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; Eiland; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; 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.; 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.; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Naishtat; Oliveira; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anderson, C.; Huberty; Muñoz; Smithee.

Absent — Lyne.

STATEMENTS OF VOTE

When Record No. 1128 was taken, I was excused because of important business. I would have voted yes.

Huberty

When Record No. 1128 was taken, I was absent because of important business in the district. I would have voted no.

Muñoz

COMMITTEES GRANTED PERMISSION TO MEET

Representative Hunter requested permission for the Committee on Calendars to meet while the house is in session, during bill referral today, in 3W.9, to set a calendar.

Permission to meet was granted.

Representative Branch requested permission for the Committee on Higher Education to meet while the house is in session, during bill referral today, in 3W.15, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Calendars, during bill referral today, 3W.9, for a formal meeting, to set a calendar.

Higher Education, during bill referral today, 3W.15, for a formal meeting, to consider pending business.

COMMITTEES GRANTED PERMISSION TO MEET

Representative Deshotel requested permission for the Committees on Business and Industry and Pensions, Investments, and Financial Services to meet while the house is in session, during bill referral today, in E2.026, to consider pending business.

Permission to meet was granted.

PROVIDING FOR ADJOURNMENT

Representative Otto moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 10 a.m. tomorrow.

The motion prevailed.

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

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. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

(Flynn in the chair)

ADJOURNMENT

In accordance with a previous motion, the house, at 5:22 p.m., adjourned 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

HCR 160 (By Hughes), In memory of former state representative Dr. Bob Glaze.

To Rules and Resolutions.

HCR 162 (By J. Davis), Congratulating the Space Center Intermediate Band in Houston on its receipt of a 2010 Sudler Cup.

To Rules and Resolutions.

HCR 164 (By Smithee), Honoring Jean Hilfiger of Saint-Nabord, France, for his courageous actions in assisting U.S. military forces in France during World War II.

To Rules and Resolutions.

HR 1958 (By Muñoz), Encouraging school districts to employ certified librarians in elementary schools.

To Public Education.

HR 1959 (By Muñoz), In memory of Border Patrol agent Eduardo Lee "Eddie" Vela of Mission.

To Rules and Resolutions.

HR 1960 (By V. Gonzales), Congratulating Omar Ochoa of Austin on his graduation from The University of Texas School of Law.

To Rules and Resolutions.

HR 1961 (By V. Gonzales), Congratulating Rolando Castaneda on his appointment as chief of the Edinburg Police Department.

To Rules and Resolutions.

HR 1962 (By Castro), Commending Vice Admiral William H. McRaven for his distinguished service to the United States of America and congratulating him on his nomination to lead U.S. Special Operations Command.

To Rules and Resolutions.

HR 1964 (By D. Miller), Congratulating Amanda Miller on her graduation from Texas A&M University.

To Rules and Resolutions.

HR 1965 (By Menendez), Congratulating Eric Cooper, president and CEO of the San Antonio Food Bank, on his selection as the 2011 Executive Director of the Year by Feeding America.

To Rules and Resolutions.

HR 1966 (By Flynn), In memory of the Reverend David Wilkerson of Lindale, the founding pastor of Times Square Church in New York City and best-selling author.

To Rules and Resolutions.

HR 1967 (By Perry), Congratulating Dr. Patrick J. Hanford on the occasion of his installation as president of the Texas Osteopathic Medical Association.

To Rules and Resolutions.

HR 1968 (By Gooden), Commemorating the dedication of the Terrell Veterans Memorial on Memorial Day 2011.

To Rules and Resolutions.

HR 1969 (By Gooden), Congratulating Billie Sue Squires of Terrell on her retirement from American National Bank.

To Rules and Resolutions.

HR 1970 (By Huberty), Congratulating Richard and Maureen Huberty on their 50th wedding anniversary.

To Rules and Resolutions.

HR 1971 (By Kolkhorst), Urging the nation's commander in chief, the executive branch of the federal government, and the United States Congress to assign top priority to alleviating the backlog of disability claims by U.S. veterans.

To Defense and Veterans' Affairs.

HR 1972 (By Craddick), Honoring Baylor University women's golf coach Sylvia Ferdon on her retirement.

To Rules and Resolutions.

HR 1973 (By D. Miller), Commemorating the Gillespie County Fair and Festivals Association Barbecue Cook-off.

To Rules and Resolutions.

HR 1974 (By Pitts), In memory of U.S. Army Private First Class Joel Ramirez of Waxahachie.

To Rules and Resolutions.

HR 1975 (By Branch), Recognizing May 20, 2011, as GenTX Day.

To Rules and Resolutions.

HR 1976 (By Branch), Congratulating James B. Bonham Elementary School in Dallas on its selection as a Blue Ribbon School.

To Rules and Resolutions.

HR 1977 (By Button), Commemorating the 51st Biennial Chinese American Citizens Alliance National Convention to be held in Houston on July 27-30, 2011.

To Rules and Resolutions.

HR 1978 (By Zerwas), Requesting the lieutenant governor and the speaker to create a joint interim committee to study the overall economic and systemic impact of Alzheimer's disease through 2017, including an inventory of public and private infrastructure and capacity and funds and systems to support and expand statewide planning and the activities of the Texas Alzheimer's Research Consortium.

To Public Health.

HR 1980 (By Legler), Honoring country music star Mickey Gilley.

To Rules and Resolutions.

HR 1982 (By Sheets), Congratulating Sarah Mason Thomas, Ashley Stallard, Nicole Johnson, and Savannah Still of Faith Academy in Marble Falls on winning titles at the 2010 and 2011 TAPPS Tennis State Championships.

To Rules and Resolutions.

HR 1983 (By V. Gonzales), Congratulating Rosendo Hinojosa on his appointment as senior executive chief patrol agent of the U.S. Border Patrol Rio Grande Valley Sector.

To Rules and Resolutions.

HR 1984 (By Reynolds), Congratulating Constable Ruben Davis, who is celebrating 15 years of service with Fort Bend County.

To Rules and Resolutions.

HR 1985 (By Bonnen), Congratulating Mike and Dorothy Kight on their 50th wedding anniversary.

To Rules and Resolutions.

HR 1987 (By Truitt), Honoring the boys' soccer team of Carroll High School in Southlake on winning the 2010-2011 UIL 5A state championship.

To Rules and Resolutions.

HR 1988 (By Eissler), In memory of U.S. Army Private First Class Kyle Matthew Holder of The Woodlands.

To Rules and Resolutions.

HR 1989 (By Eissler), In memory of U.S. Marine Corps Corporal Jeffrey Warren Johnson of Tomball.

To Rules and Resolutions.

HR 1990 (By L. Gonzales), Honoring the buddies and volunteers of the Miracle League of Austin.

To Rules and Resolutions.

HR 1991 (By Hilderbran), Congratulating Kerrville Municipal/Louis Schreiner Field Airport on being named the 2011 General Aviation Airport of the Year by the Texas Department of Transportation aviation division.

To Rules and Resolutions.

HR 1992 (By Margo), Congratulating Michelle Holguin, Diana Pahman, and Jarisma Rodriguez of El Paso Community College for having their scientific experiment selected for the final mission of the space shuttle Endeavour.

To Rules and Resolutions.

HR 1993 (By Flynn), Congratulating country star and native Texan Miranda Lambert on her latest awards.

To Rules and Resolutions.

HR 1994 (By Kleinschmidt), Congratulating the Round Top-Carmine Cubettes volleyball team on winning the 2010-2011 UIL 1A state championship.

To Rules and Resolutions.

HR 1995 (By Hilderbran), Congratulating Clifton Fifer, Jr., on his receipt of an Outstanding Educator Award from the George Bush Presidential Library and Museum.

To Rules and Resolutions.

HR 1996 (By Hochberg), Honoring Beckie Driver of Houston for her longtime service in the field of adult education.

To Rules and Resolutions.

HR 1997 (By McClendon), Honoring Delores Ray Littlejohn George of San Antonio on her 75th birthday.

To Rules and Resolutions.

HR 1998 (By S. King), Commemorating the dedication of the William G. and Shirley Swenson Home in Abilene as a Recorded Texas Historic Landmark.
To Rules and Resolutions.

HR 1999 (By Callegari), Congratulating Michael Callegari on his graduation from Strake Jesuit College Preparatory.
To Rules and Resolutions.

SB 270 to Public Health.

SB 516 to Ways and Means.

SB 578 to Criminal Jurisprudence.

SB 1164 to Pensions, Investments, and Financial Services.

SB 1175 to Economic and Small Business Development.

SB 1402 to Transportation.

SB 1424 to Public Health.

SB 1441 to Ways and Means.

SB 1572 to Homeland Security and Public Safety.

SB 1643 to Judiciary and Civil Jurisprudence.

SB 1652 to State Affairs.

SB 1658 to Homeland Security and Public Safety.

SB 1826 to State Affairs.

SB 1843 to Criminal Jurisprudence.

SB 1926 to Public Health.

SJR 14 to Ways and Means.

SIGNED BY THE SPEAKER

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

House List No. 30

HB 205, HB 328, HB 1254, HB 1450, HB 1789, HB 1936, HB 2002, HB 2067, HB 2403, HB 2468, HB 2936, HCR 127, HCR 135, HCR 154, HCR 155

Senate List No. 27

SB 198, SB 250, SB 279, SB 529, SB 551, SB 748, SB 758, SB 1024, SB 1107, SB 1478, SB 1505, SCR 45, SCR 46, SCR 52, SJR 28

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 16, 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 27 Guillen SPONSOR: Ellis
Relating to the payment of fines and costs by defendants who are unable to pay the fines and costs in misdemeanor cases.

HB 34 Branch SPONSOR: Shapiro
Relating to including in the public high school curriculum instruction in methods of paying for postsecondary education and training.
(Amended)

HB 275 Pitts SPONSOR: Ogden
Relating to making an appropriation of money from the economic stabilization fund for expenditure during the current state fiscal biennium.
(Committee Substitute)

HB 413 Aycock SPONSOR: Hegar
Relating to the confidentiality of certain information held by a veterinarian.
(Amended)

HB 1028 Phillips SPONSOR: Estes
Relating to certain contact between a criminal defendant and the victim of the offense of which the defendant is convicted or a member of the victim's family.

HB 1106 Johnson SPONSOR: West
Relating to providing certain information to a criminal defendant at the time the defendant is placed on deferred adjudication community supervision and at the time of the dismissal of certain proceedings against the defendant.

HB 1123 Dutton SPONSOR: West
Relating to the regulation of athlete agents; providing administrative and criminal penalties.
(Amended)

HB 1146 Kuempel SPONSOR: Carona
Relating to the registration and regulation of appraisal management companies; providing penalties.
(Committee Substitute)

HB 1390 Deshotel SPONSOR: Estes

Relating to retainage under certain construction contracts.

HB 2229 Coleman SPONSOR: Ellis
Relating to the creation of the Texas HIV Medication Advisory Committee.

HB 2277 Eiland SPONSOR: Williams
Relating to the sale, exchange, or replacement of life insurance and annuity contracts.
(Amended)

HB 2457 Davis, John SPONSOR: Jackson
Relating to the Texas Enterprise Fund and the Texas emerging technology fund.
(Committee Substitute/Amended)

HCR 100 Branch SPONSOR: Zaffirini
Commemorating the 100th anniversary of the founding of the Texas State University System.

SB 1574 Watson
Relating to the use of money in a tax increment fund to pay costs related to public improvements used for social services programs that promote the development or redevelopment of a reinvestment zone.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Monday, May 16, 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:

SB 555 Watson
Relating to the regulation of propane gas distribution retailers.

Respectfully,
Patsy Spaw
Secretary of the Senate

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

May 13

Border and Intergovernmental Affairs - **HCR 146**

Corrections - **SB 1489**

County Affairs - **SB 373, SB 954, SB 955, SB 1014, SB 1243, SB 1687, SB 1692**

Criminal Jurisprudence - **SB 377, SB 480, SB 519, SB 1010, SB 1103, SB 1331**

Culture, Recreation, and Tourism - **HCR 144, SCR 11, SCR 16, SCR 18, SCR 39**

Economic and Small Business Development - **SB 1736**

Environmental Regulation - **SB 615, SB 694**

Government Efficiency and Reform - **SB 1618**

Higher Education - **SB 36, SB 794, SB 1662, SB 1734**

Human Services - **SB 63**

Insurance - **SB 1054, SB 1213**

Land and Resource Management - **SB 1922**

Natural Resources - **HB 3866, SB 1895**

Ways and Means - **SB 267, SB 520, SB 540**

ENGROSSED

May 13 - HB 9, HB 142, HB 278, HB 359, HB 550, HB 882, HB 1119, HB 1241, HB 1745, HB 1897, HB 2093, HB 2104, HB 2169, HB 2338, HB 2369, HB 2594, HB 3199, HB 3352, HB 3371, HB 3423, HB 3486, HB 3488, HB 3578, HB 3579, HB 3580, HB 3813, HB 3829, HB 3837, HB 3840, HB 3843, HB 3844, HB 3849, HB 3852, HB 3856, HB 3858, HB 3859, HB 3862, HCR 84

May 15 - HB 19, HB 25, HB 31, HB 51, HB 96, HB 159, HB 161, HB 167, HB 189, HB 197, HB 230, HB 254, HB 326, HB 427, HB 452, HB 599, HB 629, HB 677, HB 680, HB 695, HB 720, HB 737, HB 804, HB 875, HB 892, HB 940, HB 963, HB 995, HB 1036, HB 1046, HB 1122, HB 1129, HB 1234, HB 1244, HB 1250, HB 1363, HB 1386, HB 1408, HB 1429, HB 1476, HB 1544, HB 1547, HB 1563, HB 1608, HB 1646, HB 1681, HB 1793, HB 1856, HB 1921, HB 1937, HB 1969, HB 2032, HB 2060, HB 2089, HB 2119, HB 2120, HB 2292, HB 2357, HB 2365, HB 2380, HB 2383, HB 2408, HB 2417, HB 2443, HB 2446, HB 2449, HB 2493, HB 2496, HB 2507, HB 2525, HB 2560, HB 2603, HB 2688, HB 2722, HB 2729, HB 2788, HB 2819, HB 2884, HB 2917, HB 2931, HB 2990, HB 3018, HB 3030, HB 3064, HB 3123, HB 3167, HB 3172,

**HB 3237, HB 3268, HB 3275, HB 3320, HB 3324, HB 3390, HB 3410,
HB 3422, HB 3439, HB 3453, HB 3461, HB 3462, HB 3474, HB 3542,
HB 3589, HB 3597, HB 3611, HB 3624, HB 3691, HB 3696, HB 3746,
HB 3747, HB 3754, HB 3812, HB 3833, HB 3841, HB 3842, HB 3845,
HB 3861**

ENROLLED

May 13 - HCR 161

May 15 - HB 1450, HB 2403, HB 2468, HCR 135, HCR 154

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SEVENTY-EIGHTH DAY — TUESDAY, MAY 17, 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 1129).

Present — Mr. Speaker; Aliseda; Allen; Alonzo; Alvarado; Anchia; 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.

Absent, Excused — Anderson, C.

The invocation was offered by Randel Everett, pastor, First Baptist Church, Midland, as follows:

God, you are our refuge and strength, a very present help in trouble. Therefore, we will not fear though the earth should change and though the mountains slip into the heart of the sea, though its waters roar and foam, though the mountains quake at its swelling pride. We know that there is a river whose streams make glad the city of our God, the holy dwelling places of the most high. God, you are in our midst. The Lord of hosts is with us. Help us to cease striving and know you are God.

Lord, some of our land has been scorched by drought and others devastated by storms and fires. We feel helpless in the face of these disasters. With all of our intelligence and combined resources, we recognize we are still powerless.

God, please use these events to awaken in us our need to know you. Before we formulate our plans and hurry into our remedies, make us stop and seek your face. Lord, what are you doing in Texas? God, what is your plan for our lives?

You have placed these men and women in positions of leadership in our state. Please give them wisdom and strength. May they first depend on you, for you alone are God. Remind us that the Lord of hosts is with us. The Lord our God is our stronghold. In thy name we pray. Amen.

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

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for today to attend a funeral:

C. Anderson on motion of Kleinschmidt.

CAPITOL PHYSICIAN

The speaker recognized Representative D. Howard who presented Dr. Julie Graves Moy of Austin as the "Doctor for the Day."

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

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).

PARLIAMENTARY INQUIRY

REPRESENTATIVE V. TAYLOR: Mr. Speaker—Rule 8, Section 3, the two-subject rule which comes under the Texas Constitution, Article III, Section 43. In the past while you served as speaker in the last legislative session, you ruled that, and I quote, "The threshold for finding a violation of the rules is very high and only that when there is no conceivable single subject that describes all elements of the bill." Was that your ruling last session?

SPEAKER STRAUS: Mr. Taylor, the chair's ruling is reflected from last session in the daily journal on page 3739 and 3740.

V. TAYLOR: Very well, Mr. Speaker, and your predecessor, Speaker Craddick, in a previous session ruled, and I quote, "The standard for finding a violation of the one-subject rule is very high." That a violation will be sustained only when there is, quote, "no conceivable single subject that describes all elements of the bill." I assume that is the standard we can continue to expect in this chamber during this session?

SPEAKER: Mr. Taylor, the chair's prior rulings relating to the one-subject rule are in the journal.

V. TAYLOR: Can we continue to expect the speaker to maintain the same standard that you and your predecessor have ruled in the past?

SPEAKER: Mr. Taylor, the chair will deal with points of order as they arise.

REMARKS ORDERED PRINTED

Representative V. Taylor moved to print remarks between the speaker and Representative V. Taylor.

The motion prevailed.

HR 1957 - ADOPTED (by Dutton)

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 1957**.

The motion prevailed.

The following resolution was laid before the house:

HR 1957, Congratulating Cleo Johnson Ashley of Houston on her 100th birthday.

HR 1957 was adopted.

On motion of Representative Dutton, the names of all the members of the house were added to **HR 1957** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative Perry who introduced representatives of the Texas Dispute Resolution System.

(Rodriguez in the chair)

HR 1739 - PREVIOUSLY ADOPTED (by Perry, et al.)

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

HR 1739, Recognizing the Texas Dispute Resolution System on its 25th anniversary.

On motion of Representative Frullo, the names of all the members of the house were added to **HR 1739** as signers thereof.

HR 1774 - ADOPTED (by W. Smith)

Representative W. Smith moved to suspend all necessary rules to take up and consider at this time **HR 1774**.

The motion prevailed.

The following resolution was laid before the house:

HR 1774, Recognizing May 15-21, 2011, as National Public Works Week in Texas.

HR 1774 was adopted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Agriculture and Livestock, during lunch recess today, Desk 25, for a formal meeting, to consider pending business.

**HR 1761 - ADOPTED
(by Geren)**

Representative Geren moved to suspend all necessary rules to take up and consider at this time **HR 1761**.

The motion prevailed.

The following resolution was laid before the house:

HR 1761, Designating the grandchildren of house members as honorary mascots.

HR 1761 was adopted.

**HR 1760 - ADOPTED
(by Geren)**

Representative Geren moved to suspend all necessary rules to take up and consider at this time **HR 1760**.

The motion prevailed.

The following resolution was laid before the house:

HR 1760, Electing the children of house members to the office of mascot.

HR 1760 was adopted.

**SCR 25 - ADOPTED
(Geren - House Sponsor)**

Representative Geren moved to suspend all necessary rules to take up and consider at this time **SCR 25**.

The motion prevailed.

The following resolution was laid before the house:

SCR 25, Expressing continued support for the construction of a monument on Capitol grounds recognizing Texans who served in the Vietnam War.

SCR 25 was adopted.

**HR 1742 - ADOPTED
(by C. Howard)**

Representative C. Howard moved to suspend all necessary rules to take up and consider at this time **HR 1742**.

The motion prevailed.

The following resolution was laid before the house:

HR 1742, Recognizing the Chinese American Citizens Alliance on the occasion of its 51st Biennial National Convention.

HR 1742 was read and was adopted.

On motion of Representative Button, the names of all the members of the house were added to **HR 1742** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative C. Howard who introduced members of the Chinese American Citizens Alliance.

HR 1950 - ADOPTED

(by Beck)

Representative Beck moved to suspend all necessary rules to take up and consider at this time **HR 1950**.

The motion prevailed.

The following resolution was laid before the house:

HR 1950, Recognizing May 17, 2011, as BEST Robotics Day at the State Capitol.

HR 1950 was adopted.

HR 2045 - ADOPTED

(by Bonnen)

Representative Bonnen moved to suspend all necessary rules to take up and consider at this time **HR 2045**.

The motion prevailed.

The following resolution was laid before the house:

HR 2045, In memory of Michael Anthony Davis of Lake Jackson.

HR 2045 was unanimously adopted by a rising vote.

On motion of Representative Ritter, the names of all the members of the house were added to **HR 2045** as signers thereof.

HR 1236 - PREVIOUSLY ADOPTED

(by Alonzo)

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

HR 1236, Congratulating the Mountain View College men's basketball team on winning the National Junior College Athletic Association Division III championship.

On motion of Representative C. Howard, the names of all the members of the house were added to **HR 1236** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Alonzo who introduced players and coaches of the Mountain View College men's basketball team and Felix Zamora, president of Mountain View College.

(Speaker in the chair)

GENERAL STATE CALENDAR SENATE BILLS THIRD READING

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

SB 420 ON THIRD READING (V. Taylor - House Sponsor)

SB 420, A bill to be entitled An Act relating to determining eligibility for indigent health care.

SB 420 was passed by (Record 1130): 102 Yeas, 40 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Deshotel; Driver; Eiland; Eissler; 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; Lyne; Madden; Margo; Miller, D.; Miller, S.; 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; Vo; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anderson, C.

Absent — Burnam; Christian; Elkins; Gutierrez; Johnson; Lozano.

STATEMENTS OF VOTE

I was shown voting no on Record No. 1130. I intended to vote yes.

Anchia

I was shown voting no on Record No. 1130. I intended to vote yes.

Menendez

I was shown voting no on Record No. 1130. I intended to vote yes.

Raymond

I was shown voting no on Record No. 1130. I intended to vote yes.

Strama

SB 1338 ON THIRD READING
(Geren - House Sponsor)

SB 1338, A bill to be entitled An Act relating to the membership, powers, and duties of the State Preservation Board.

Amendment No. 1

Representative Bonnen offered the following amendment to **SB 1338**:

Amend **SB 1338** by adding the following SECTION to the bill and renumbering the remaining SECTIONS accordingly:

SECTION _____. Chapter 443, Government Code, is amended by adding Section 443.0154 to read as follows:

Sec. 443.0154. ACCESS TO "CAPITOL VIEW CORRIDORS". Notwithstanding any other law, the governing body of a municipality may not enact, by ordinance, a parking restriction that requires a permit to park on a public street or alley that lies within 1000 feet of a "capitol view corridor" as described in Section 3151.002, Government Code, without prior written consent of the board. This section is to be applied retroactively.

Amendment No. 1 - Point of Order

Representative Rodriguez raised a point of order against further consideration of Amendment No. 1 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

The speaker sustained the point of order.

The ruling precluded further consideration of Amendment No. 1.

SB 1338 was passed by (Record 1131): 144 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; 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; 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; 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; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Workman; Zedler; Zerwas.

Nays — Miles.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anderson, C.

Absent — Eiland; Shelton; Woolley.

STATEMENT OF VOTE

When Record No. 1131 was taken, my vote failed to register. I would have voted yes.

Eiland

SB 118 ON THIRD READING (Menendez and Naishtat - House Sponsors)

SB 118, A bill to be entitled An Act relating to a court's authority to order a proposed patient to receive extended outpatient mental health services.

SB 118 was passed by (Record 1132): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; 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; 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; 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; 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(C).

Absent, Excused — Anderson, C.

Absent — Allen; Driver; Johnson; Martinez Fischer.

STATEMENTS OF VOTE

When Record No. 1132 was taken, I was in the house but away from my desk. I would have voted yes.

Driver

When Record No. 1132 was taken, I was in the house but away from my desk. I would have voted yes.

Martinez Fischer

SB 156 ON THIRD READING (V. Gonzales - House Sponsor)

SB 156, A bill to be entitled An Act relating to health care data collected by the Department of State Health Services and access to certain confidential patient information within the department.

Amendment No. 1

Representative S. King offered the following amendment to **SB 156**:

Amend **SB 156** on third reading as follows:

(1) Strike the recital to the section of the bill amending Section 108.009, Health and Safety Code, as amended by Amendment No. 2 by King on second reading and substitute the following:

SECTION _____. Section 108.009, Health and Safety Code, is amended by adding Subsection (a-1) and amending Subsection (h) to read as follows:

(2) Strike amended Sections 108.009(a) and (c), Health and Safety Code, and added Section 108.009(d-1), Health and Safety Code, as added by Amendment No. 2 by King on second reading.

(3) Strike the SECTION of the bill adding transition language for added Section 108.009(d-1), Health and Safety Code, as added by Amendment No. 2 by King on second reading.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Fletcher offered the following amendment to **SB 156**:

Amend **SB 156** on third reading by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subtitle E, Title 2, Health and Safety Code, is amended by adding Chapter 103A to read as follows:

CHAPTER 103A. TEXAS BLEEDING DISORDERS ADVISORY COUNCIL

Sec. 103A.001. DEFINITIONS. In this chapter:

- (1) "Commissioner" means the commissioner of state health services.
- (2) "Council" means the Texas Bleeding Disorders Advisory Council.
- (3) "Department" means the Department of State Health Services.

(4) "Hemophilia" has the meaning assigned by Section 41.001.

Sec. 103A.002. COMPOSITION OF COUNCIL. (a) The council is composed of:

(1) the commissioner and the commissioner of insurance, or their designees, serving as nonvoting members; and

(2) 10 voting members jointly appointed by the commissioner and the commissioner of insurance as follows:

(A) one member who is a physician licensed to practice medicine in this state under Subtitle B, Title 3, Occupations Code, who at the time of appointment treats individuals with hemophilia or other bleeding or clotting disorders;

(B) one member who is a nurse licensed under Chapter 301, Occupations Code, who at the time of appointment treats individuals with hemophilia or other bleeding or clotting disorders;

(C) one member who is a social worker licensed under Chapter 505, Occupations Code, who at the time of appointment treats individuals with hemophilia or other bleeding or clotting disorders;

(D) one member who is a representative of a hemophilia treatment center in this state that is federally funded;

(E) one member who is a representative of a health insurer or other health benefit plan issuer that holds a certificate of authority issued by the Texas Department of Insurance;

(F) one member who is a representative of a volunteer or nonprofit health organization that serves residents of this state who have hemophilia or another bleeding or clotting disorder;

(G) one member who has hemophilia or is a caregiver of a person with hemophilia;

(H) one member who has a bleeding disorder other than hemophilia or is a caregiver of a person with a bleeding disorder other than hemophilia;

(I) one member who has a clotting disorder or is a caregiver of a person with a clotting disorder; and

(J) one member who is a pharmacist licensed under Subtitle J, Title 3, Occupations Code, with hemophilia therapy experience, who at the time of appointment represents a pharmacy provider that is not a specialty pharmacy provider participating in the Drug Pricing Program under Section 340B, Public Health Service Act (42 U.S.C. Section 256b).

(b) In addition to council members appointed under Subsection (a), the commissioner and the commissioner of insurance may jointly appoint up to five nonvoting members, including:

(1) persons with hemophilia or other bleeding or clotting disorders or caregivers of persons with hemophilia or other bleeding or clotting disorders; and

(2) persons experienced in the diagnosis, treatment, care, and support of persons with hemophilia or other bleeding or clotting disorders.

Sec. 103A.003. VACANCY. If a vacancy occurs on the council, the commissioner and the commissioner of insurance shall jointly appoint a person to serve for the remainder of the unexpired term.

Sec. 103A.004. PRESIDING OFFICER. Council members shall elect from among the voting council members a presiding officer. The presiding officer retains all voting rights.

Sec. 103A.005. COMPENSATION AND REIMBURSEMENT. A council member may not:

(1) receive compensation for service on the council; and

(2) be reimbursed for actual and necessary expenses incurred while performing council business except to the extent that money available under Section 103A.009 is designated for that purpose.

Sec. 103A.006. MEETINGS. The council shall meet at least quarterly and at the call of the commissioner or presiding officer.

Sec. 103A.007. DUTIES OF COUNCIL. The council using existing resources shall conduct studies and advise the department, the Health and Human Services Commission, and the Texas Department of Insurance on:

(1) public use data, outcome data, and other information submitted to or collected by the department under Chapter 108 or other law related to hemophilia or other bleeding or clotting disorders and the department's disclosure and dissemination of that information within and outside the department; and

(2) other issues that affect the health and wellness of persons living with hemophilia or other bleeding or clotting disorders.

Sec. 103A.008. ANNUAL REPORTS BY COUNCIL AND COMMISSIONER. (a) Not later than December 1 of each even-numbered year, the council using existing resources shall submit a report of its findings and recommendations to the governor, the lieutenant governor, and the speaker of the house of representatives. The council's report must be made public and is subject to public review and comment before adoption by the council.

(b) Not later than six months after the date the council's annual report is issued, the commissioner shall report on efforts to implement the recommendations in the report. The commissioner's annual report must:

(1) be made available to the public; and

(2) include any related state or national activities in which the council participates.

Sec. 103A.009. GIFTS, GRANTS, AND DONATIONS. The commissioner may accept for the council gifts, grants, and donations to fulfill the council's purposes and duties under this chapter. The department is not required to perform any fund-raising activities or to solicit donations for the council.

Sec. 103A.010. CERTAIN FUNDING PROHIBITED. The council may not accept any funds that are appropriated by the legislature for the state fiscal biennium beginning September 1, 2011. This section expires September 1, 2013.

Sec. 103A.011. ADMINISTRATIVE SUPPORT. The department using existing resources shall provide reasonably necessary administrative support for council activities.

Sec. 103A.012. EXPIRATION. This chapter expires and the council is abolished September 1, 2015.

SECTION _____. As soon as practicable after the effective date of this Act and not later than December 1, 2011, the commissioner of state health services and the commissioner of insurance shall jointly appoint members to the Texas Bleeding Disorders Advisory Council as required by Section 103A.002, Health and Safety Code, as added by this Act.

Amendment No. 2 was adopted.

SB 156, as amended, was passed by (Record 1133): 112 Yeas, 34 Nays, 1 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Aycock; Bonnen; Branch; Burnam; Callegari; Carter; Castro; Chisum; Cook; Craddick; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Farias; Farrar; Fletcher; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hardcastle; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Lewis; Lozano; Lucio; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Peña; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Schwertner; Scott; Sheffield; Shelton; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Woolley; Workman; Zerwas.

Nays — Anderson, R.; Beck; Berman; Bohac; Brown; Burkett; Button; Cain; Christian; Creighton; Elkins; Flynn; Frullo; Garza; Hancock; Harless; Harper-Brown; Hartnett; Hughes; Landtroop; Laubenberg; Lavender; Legler; Lyne; Paxton; Perry; Phillips; Riddle; Sheets; Simpson; Smith, T.; Weber; White; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anderson, C.

Absent — Allen; Coleman.

STATEMENT OF VOTE

I was shown voting yes on Record No. 1133. I intended to vote no.

Cook

SB 322 ON THIRD READING (Deshotel - House Sponsor)

SB 322, A bill to be entitled An Act relating to the requirements for reinsurance contracts covering title insurance policies issued in this state.

SB 322 was passed by (Record 1134): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; 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.; 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; 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; 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(C).

Absent, Excused — Anderson, C.

Absent — Allen; Deshotel; Hopson; Peña.

STATEMENT OF VOTE

I was shown voting yes on Record No. 1134. I intended to vote present, not voting.

Menendez

SB 328 ON THIRD READING (Deshotel - House Sponsor)

SB 328, A bill to be entitled An Act relating to notice of a hospital lien.

SB 328 was passed by (Record 1135): 145 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; 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; Frullo; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; 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.

Nays — Garza.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anderson, C.

Absent — Fletcher; Flynn.

RECESS

At 11:34 a.m., the speaker 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.

COMMITTEE GRANTED PERMISSION TO MEET

Representative McClendon requested permission for the Committee on Rules and Resolutions to meet while the house is in session, at 1:10 p.m. today, in 3W.9, to set a calendar.

Permission to meet was granted.

PROVIDING FOR A CONGRATULATORY AND MEMORIAL CALENDAR

Representative McClendon moved to set a congratulatory and memorial calendar for 10 a.m. Thursday, May 19.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Rules and Resolutions, 1:10 p.m. today, 3W.9, for a formal meeting, to set a calendar.

HR 2051 - ADOPTED (by Orr)

Representative Orr moved to suspend all necessary rules to take up and consider at this time **HR 2051**.

The motion prevailed.

The following resolution was laid before the house:

HR 2051, In memory of Deputy Clifton Leigh Taylor of the Johnson County Sheriff's Department.

HR 2051 was read and was unanimously adopted by a rising vote.

On motion of Representative S. Miller, the names of all the members of the house were added to **HR 2051** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative Orr who introduced family members of Deputy Clifton Leigh Taylor.

POSTPONED BUSINESS

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

CSSB 652 ON SECOND READING (Bonnen - House Sponsor)

CSSB 652, A bill to be entitled An Act relating to governmental entities subject to the sunset review process.

CSSB 652 was read second time on May 12, postponed until 7:30 a.m. May 13, and was again postponed until 9 a.m. today.

Representative Bonnen moved to postpone consideration of **CSSB 652** until 1:45 p.m. today.

The motion prevailed.

SB 5 ON SECOND READING (Branch - House Sponsor)

SB 5, A bill to be entitled An Act relating to the administration and business affairs of public institutions of higher education.

SB 5 was read second time on May 12, postponed until 10 a.m. May 13, and was again postponed until 9 a.m. today.

Amendment No. 1

Representative Branch offered the following amendment to **SB 5**:

Amend **SB 5** (house committee printing) as follows:

(1) In SECTION 1.01 of the bill, in added Section 51.003(f), Education Code (page 1, line 17), strike "institution's operations in a foreign country" and substitute "institution's academic and research operations in the foreign country in which the bank is located, provided that no appropriated or tuition funds other than those collected from students enrolled in the affected programs are deposited".

(2) In SECTION 1.05 of the bill, in amended Section 1231.041, Government Code (page 6, lines 16 and 17), strike "unless the general revenue of the state is pledged to the payment of the security." and substitute the following:
if:

(1) the institution or the university system of which the institution is a component has an unenhanced long-term debt rating of at least AA- or its equivalent; and

(2) the general revenue of this state is not pledged to the payment of the security.

(3) In SECTION 4.01 of the bill, in the heading to added Section 61.0573, Education Code (page 15, line 21), strike "PROJECTS EXEMPT FROM BOARD APPROVAL" and substitute "EXPEDITED PROCESS FOR CERTAIN PROJECTS".

(4) In SECTION 4.01 of the bill, in added Section 61.0573(d), Education Code (page 16, line 24), strike "or a new higher education center" and substitute "a new off-campus educational unit, or a new higher education center".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Branch offered the following amendment to **SB 5**:

Amend **SB 5** (house committee printing) as follows:

(1) In SECTION 1.02 of the bill, in added Section 51.012, Education Code (page 4, line 24), strike ", including a payment of salary or wages,".

(2) In SECTION 3.01 of the bill, at the end of added Section 51.9611, Education Code (page 13, between lines 26 and 27), add the following subsection:

(e) This section does not authorize a payroll deduction for dues or membership fees payable to a labor union or employees association.

(3) In ARTICLE 3 of the bill, add the following appropriately numbered SECTION to the ARTICLE and renumber the SECTIONS of that ARTICLE appropriately:

SECTION 3.____. Subchapter E, Chapter 1601, Insurance Code, is amended by adding Section 1601.2041 to read as follows:

Sec. 1601.2041. EMPLOYEE DEDUCTION FOR AUTOMATIC COVERAGE. Each individual automatically enrolled in a uniform program under Section 1601.104 is considered to have authorized a deduction from the participant's monthly compensation in an amount equal to the difference between:

(1) the total cost of the employee's basic coverage; and

(2) the amount contributed by the system for the employee's basic coverage.

Amendment No. 2 was adopted.

Amendment No. 3

Representatives Branch and Crownover offered the following amendment to **SB 5**:

Amend **SB 5** (house committee printing) as follows:

(1) In ARTICLE 6 of the bill, add the following appropriately numbered SECTION to the ARTICLE and renumber the SECTIONS of that ARTICLE appropriately:

SECTION 6.____. Section 51.3062(n), Education Code, is amended to read as follows:

(n) Each institution of higher education, other than a medical and dental unit, shall report annually to the board on the success of its students and the effectiveness of its Success Initiative.

(2) In SECTION 6.02 of the bill, in added Section 51.406(b), Education Code, strike Subdivision (3) (page 23, line 15, referencing Section 51.0051, Education Code), Subdivision (11) (page 23, line 23, referencing Section 2101.011, Government Code), and Subdivision (12) (page 23, line 24, referencing Section 2102.009, Government Code) and renumber the subdivisions of added Section 51.406(b) accordingly.

(3) In SECTION 6.03 of the bill, in added Section 51.914(b), Education Code (page 26, lines 2 and 3), strike "commercialization or research, or that consists of unpublished research results or data" and substitute "commercialization or a proposed research agreement, contract, or grant, or that consists of unpublished research or data that may be commercialized".

(4) Strike SECTION 6.04 of the bill (page 26, lines 9-24, amending Section 61.051(h), Education Code) and SECTION 6.05 of the bill (page 26, line 25, through page 27, line 2, adding Section 61.0582(f), Education Code) and renumber the SECTIONS of ARTICLE 6 of the bill accordingly.

(5) In SECTION 7.01 of the bill, in Subsection (a) (page 32, lines 2-17), insert the following appropriately numbered subdivisions:

() Section 61.9685, Education Code;

() Section 2056.011, Government Code;

(6) In SECTION 7.01 of the bill, in Subsection (a), strike Subdivision (7) (page 32, line 11, referencing Section 62.098, Education Code) and renumber the other subdivisions accordingly.

(7) In SECTION 7.01 of the bill, in Subsection (b) (page 32, line 18, through page 33, line 10), insert the following appropriately numbered subdivision and renumber the other subdivisions accordingly:

() Section 61.0582;

Amendment No. 3 was adopted.

Amendment No. 4

Representative Geren offered the following amendment to **SB 5**:

Amend **SB 5** (amended version) as follows:

(1) In Section 2.03 of the bill, in the introductory language (page 10, line 24) strike "Sections 51.9336 and 51.9337" and insert "Section 51.9336"

(2) In Section 2.03 of the bill (page 11, lines 10-19) strike proposed Section 51.9337 in its entirety

Amendment No. 4 was adopted.

Amendment No. 5

Representative Chisum offered the following amendment to **SB 5**:

Amend **SB 5** (house committee printing) in ARTICLE 3 of the bill, by striking SECTION 3.02 (page 13, line 27, through page 14, line 21), and renumbering subsequent SECTIONS of ARTICLE 3 of the bill appropriately.

Amendment No. 5 was adopted.

Amendment No. 6

Representative Zedler offered the following amendment to **SB 5**:

Amend **SB 5** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.9741 to read as follows:

Sec. 51.9741. INTERNET ACCESS TO FINANCIAL TRANSACTIONS.
(a) Each institution of higher education, as defined by Section 61.003, shall post on the institution's Internet website a copy of the institution's financial transactions to the extent necessary to provide, for each payment drawn from money appropriated from the state general revenue fund or received as student tuition or fee payments:

- (1) the amount of the payment;
- (2) the date of the payment;
- (3) a brief description of the purpose of the payment; and
- (4) the name of the payee.

(b) An institution of higher education may comply with this section by providing on the institution's Internet website an easily noticeable direct link, the purpose of which is clearly identifiable, to an Internet website maintained by the comptroller that provides information concerning the institution that is substantially similar to the information required under Subsection (a).

Amendment No. 6 was adopted.

Amendment No. 7

Representative Hughes offered the following amendment to **SB 5**:

Amend **SB 5** by adding the following appropriately numbered SECTION and by renumbering the existing SECTIONS as appropriate

SECTION _____. Subchapter X, Chapter 54, Education Code, is amended by adding Section 54.552 to read as follows:

Sec. 54.552. STUDENT FEES ADVISORY COMMITTEES; OPEN MEETINGS. Any student fee advisory committee established under this chapter shall be subject to Chapter 551, Government Code.

Amendment No. 7 was adopted.

SB 5, as amended, was passed to third reading.

GENERAL STATE CALENDAR SENATE BILLS SECOND READING

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

CSSB 544 ON SECOND READING (Shelton - House Sponsor)

CSSB 544, A bill to be entitled An Act relating to unlawful acts against and criminal offenses involving the Medicaid program; providing penalties.

CSSB 544 was passed to third reading.

SB 688 ON SECOND READING**(Creighton, Gallego, Carter, Burkett, Coleman, et al. - House Sponsors)**

SB 688, A bill to be entitled An Act relating to the investigation, prosecution, and punishment of criminal Medicaid fraud and certain other offenses related to Medicaid fraud; providing penalties.

SB 688 was passed to third reading.

(Harper-Brown in the chair)

SB 1106 ON SECOND READING**(Madden - House Sponsor)**

SB 1106, A bill to be entitled An Act relating to the exchange of confidential information among certain governmental entities concerning certain juveniles.

Amendment No. 1

Representative Otto offered the following amendment to **SB 1106**:

Amend **SB 1106** (house committee printing) as follows:

(1) Strike the recital to SECTION 3 of the bill (page 9, lines 3 and 4), and substitute the following:

SECTION 3. Section 264.408, Family Code, is amended by amending Subsection (a) and adding Subsection (d-1) as follows:

(2) In SECTION 3 of the bill, in amended Section 264.408, Family Code (page 9, between lines 16 and 17), insert the following:

(d-1) A videotaped interview described by Subsection (d) is subject to production under Article 39.14, Code of Criminal Procedure, and Rule 615, Texas Rules of Evidence. A court shall deny any request by a defendant to copy, photograph, duplicate, or otherwise reproduce a videotape of an interview described by Subsection (d), provided that the prosecuting attorney makes the videotape reasonably available to the defendant in the same manner as property or material may be made available to defendants, attorneys, and expert witnesses under Article 39.15(d), Code of Criminal Procedure.

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

SECTION _____. The changes in law made by Section 264.408, Family Code, as amended by this Act, apply to a criminal action for which the information or indictment was filed on or after the effective date of this Act. A criminal action for which the information or indictment was filed before the effective date of this Act is covered by the law in effect on the date the information or indictment was filed, and the former law is continued in effect for that purpose.

Amendment No. 1 was adopted.

SB 1106, as amended, was passed to third reading.

CSSB 1504 ON SECOND READING
(Lewis - House Sponsor)

CSSB 1504, A bill to be entitled An Act relating to the disposal of waste at the Texas Low-Level Radioactive Waste Disposal Compact waste disposal facility.

CSSB 1504 - POINT OF ORDER

Representative Alonzo raised a point of order against further consideration of **CSSB 1504** under Rule 4, Section 32(c)(4) of the House Rules on the grounds that the committee report is incorrect.

The point of order was withdrawn.

Representative Lewis moved to postpone consideration of **CSSB 1504** until 2:20 p.m. today.

The motion prevailed.

SB 683 ON SECOND READING
(Bonnen - House Sponsor)

SB 683, A bill to be entitled An Act relating to the composition of the board of directors of the Gulf Coast Water Authority.

Amendment No. 1

Representative Bonnen offered the following amendment to **SB 683**:

Amend **SB 683** (house committee printing) by striking SECTION 3 of the bill and substituting:

SECTION 3. This Act takes effect immediately if it 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 Act takes effect September 1, 2011.

Amendment No. 1 was adopted.

SB 683 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE EILAND: Mr. Bonnen, this is basically, it's a water authority that's in my district that was created back in the 40s for industry water needs—bringing water from the port—Brazos River, mostly—down to Texas City, for BP, Valero, all kinds of chemical plants and refineries, right?

REPRESENTATIVE BONNEN: That is absolutely correct.

EILAND: And several years ago—I think it was back in the 90s—they determined that it would be beneficial for them to have Brazoria County cities and municipalities and Fort Bend cities and municipalities as customers. And therefore, they told them if they would enter into option contracts, basically, that they would put a member of each county on the board.

BONNEN: That is correct. And also, I want to point out that Brazoria County industries are also involved.

EILAND: And we thought this early on because we don't want any outsiders on the board. It was created for Galveston County water and industry water; however, the promises are pretty well documented, they're in writing, they're in the board minutes, and it would be pretty not credible to make an argument that this shouldn't be done.

BONNEN: You're exactly right, and I appreciate your saying that.

EILAND: One concern that arose during the committee process is that one of the motivating factors of the Gulf Coast Water Authority not putting Brazos and Fort Bend Counties on this board previously was because, after some kind of Texas A&M water assessment tool came out, they realized that they don't actually have as much water as they thought, and they may not have water to sell to Brazoria or Fort Bend Counties.

BONNEN: That is correct.

EILAND: And, part of the reason of that is because industry, apparently, because it's their original water system, they have the first rights to those waters—senior water rights—and, just as I found out Dow Chemical in your district, as of yesterday I think, gave notice to the TCEQ that they are exercising their senior water rights, and everyone else needs to be notified they're going to take all the water, because they need it all. There may be, at some point in time, where Gulf Coast Water Authority is not able to fulfill the contracts that they currently have with Brazoria County, which is Pearland, and Fort Bend County, which is Sugar Land, right?

BONNEN: That is correct. And also, to be clear, Dow has a facility also in Galveston County, a much smaller facility, but that is correct. There is a great concern as to whether there will be the water resource to meet the contractual obligations to Brazoria and Fort Bend. In those contracts, as you well know, it also states that they do have the ability to refund the money that those communities have paid the Gulf Coast Water Authority and terminate the contract if they're not able to meet their commitment.

EILAND: Right. And so if, in good faith, after the—and I'm going to make sure this is after—if in good faith, after the board members are put on, if they go through the contracts and all the obligations that they have, if they determine that they don't have any water to sell, if in some future legislature, we come back, and after a good faith analysis, and if they terminate the contracts, and according to the contracts, repay the money—the option—payments that have been made, and they refund that money and whatever else the contracts require, there may be a good faith effort in the future that we come back and say, Fort Bend County, Sugar Land, you no longer have the right to buy water from us, we would like you off our board. We all recognize that that might occur?

BONNEN: We recognize that, but we also need to make certain we mention the assets in those counties. Also that they would deal with the fact that Brazoria County, city of Pearland, Ineos has put up bond money for the assets. And those counties—Fort Bend would make a similar argument that all those matters have

been respectfully, and fairly, and agreeably dealt with, that it would be logical that they reconsider having the two board members once the issues of the water contracts and the assets in those communities are resolved.

EILAND: And, I had amendments, and Mr. Taylor had some amendments today that we were going to bring and try to put on the bill in case that happened, so we could provide for trigger mechanism. But rather than involve the rest of the house in a local matter which is just now getting brought together, instead of tearing it apart in the future, we'll just wait until that time to try to come and address it then.

BONNEN: And, I agree. And final point, I want to be clear that you agree with me that it would be needing to resolve the water contracts and the assets that those communities may be a partner in the Gulf Coast with.

EILAND: Correct.

REMARKS ORDERED PRINTED

Representative Eiland moved to print remarks between Representative Bonnen and Representative Eiland.

The motion prevailed.

SB 683, as amended, was passed to third reading.

POSTPONED BUSINESS

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

CSSB 652 ON SECOND READING (Bonnen - House Sponsor)

CSSB 652, A bill to be entitled An Act relating to governmental entities subject to the sunset review process.

CSSB 652 was read second time on May 12, postponed until 7:30 a.m. May 13, postponed until 9 a.m. today, and was again postponed until this time.

Amendment No. 1

Representative Bonnen offered the following amendment to **CSSB 652**:

Amend **CSSB 652** (house committee printing) by adding the following ARTICLE to the bill and renumbering subsequent ARTICLES of the bill as appropriate:

ARTICLE ____ . ENTITIES GIVEN 2023 SUNSET DATE
SECTION ____ . TEXAS INVASIVE SPECIES COORDINATING COMMITTEE. Section 776.007, Government Code, is amended to read as follows:

Sec. 776.007. SUNSET PROVISION. The committee is subject to Chapter 325 (Texas Sunset Act). The committee shall be reviewed during the periods in which the State Soil and Water Conservation Board is reviewed. Unless continued in existence as provided by that chapter, the committee is abolished and this chapter expires on the date on which that agency is subject to abolishment [September 1, 2013].

Amendment No. 1 was adopted.

Amendment No. 2

Representatives L. Taylor and Eiland offered the following amendment to **CSSB 652**:

Amend **CSSB 652** (house committee printing) by striking SECTION 1.09 of the bill (page 4, lines 5-16) and renumbering subsequent SECTIONS of the bill as appropriate.

Amendment No. 2 was adopted.

Amendment No. 3

Representative Weber offered the following amendment to **CSSB 652**:

Amend **CSSB 652** (house committee printing) by adding the following appropriately numbered SECTION to ARTICLE 1 of the bill and renumbering subsequent SECTIONS of the bill as appropriate:

SECTION 1.____. Chapter 72, Government Code, is amended by adding Subchapter F to read as follows:

SUBCHAPTER F. PROCESS SERVER REVIEW BOARD

Sec. 72.091. SUNSET REVIEW. The process server review board established by supreme court order is subject to review under Chapter 325, Government Code (Texas Sunset Act), as if it were a state agency but may not be abolished under that chapter. The review shall be conducted as if the process server review board were scheduled to be abolished September 1, 2013.

AMENDMENT NO. 3 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE WEBER: It's true it was set up by the supreme court. Of course, this agency, as it's becoming, will actually be registering, and will take on the job of enrolling, and licensing, and charging a fee for process servers. Is that correct?

REPRESENTATIVE BONNEN: I really don't know, to be candid.

WEBER: It is.

BONNEN: When will that be happening?

WEBER: It's actually going to—it's started happening already.

BONNEN: What do you mean it started happening already? I imagine there was a date by which that occurred.

WEBER: Well, I can't give you the exact date that the—

BONNEN: Was it within a year?

WEBER: Dennis, I'd lie to you if I told you. It was several years back.

BONNEN: Okay.

WEBER: But, they're wanting them to be registered and licensed, okay?

BONNEN: And who's they?

WEBER: That's the supreme court. And what we're dealing with is an agency that affects everybody's lives, because they deliver—it may be divorce papers, it may be legal papers in a whole variety of instances—and so it has a pretty substantial impact. Were you aware that it has a pretty substantial impact?

BONNEN: Well, I'm aware that we have people who every day deliver and serve documents, but I don't fully understand how that's threatening or concerning to us in this process. There are things that happen every single day in our lives, but I'm not sure I'd put them under Sunset.

WEBER: Well, they are an agency, if you will, that will affect the legal process in a great manner.

BONNEN: And, I think your point is well taken, but my concern is I've not heard a single word out of a local judge, I've not heard a word from a regional judge. I've not heard a word from the supreme court, who has the greatest responsibility over this from the little I'm learning here today. And I'd be incredibly hesitant to add someone into Sunset when we're short on staff at Sunset, and when none of those involved in it, from a responsibility of governing and reviewing them, is suggesting there is a problem and they need help with it.

WEBER: Well, I think it's important that, as important a function that they provide, especially when it comes to court papers, that there should be legislative oversight. And that's why I recommend they go under Sunset review.

BONNEN: I understand that, and putting them under Sunset doesn't guarantee legislative oversight. And I would also really recommend that you look at the schedule. A lot of other things happen from a judicial perspective in 2017. And again, we don't want to add agencies that no one has brought to us as being a problem, concern, or an issue when we have a short budget for not only Sunset, but the entire state to be dealing with.

WEBER: Well, is it a possibility that if we get them into the Sunset process and if they have to be moved to a subsequent session they can be?

BONNEN: Absolutely, but I would recommend that you choose to do that.

WEBER: Okay, well, I hope that we will, because it's an important—

BONNEN: Well, your amendment, I want to be clear members, your amendment says that we're going to do it this next interim. Right now.

WEBER: Right, well that's something I think is an important enough agency that it should be looked at. And as they begin to register process servers, the sooner the better, in my opinion.

REMARKS ORDERED PRINTED

Representative Weber moved to print remarks between Representative Bonnen and Representative Weber.

The motion prevailed.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Eissler requested permission for the Committee on Public Education to meet while the house is in session, at 2:30 p.m. today, in 3W.9, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Public Education, 2:30 p.m. today, 3W.9, for a formal meeting, to consider pending business.

CSSB 652 - (consideration continued)

Amendment No. 3 was withdrawn.

Amendment No. 4

Representative Weber offered the following amendment to **CSSB 652**:

Amend **CSSB 652** (house committee printing) by adding the following appropriately numbered SECTION to ARTICLE 1 of the bill and renumbering subsequent SECTIONS of the bill as appropriate:

SECTION 1.____. Chapter 72, Government Code, is amended by adding Subchapter F to read as follows:

SUBCHAPTER F. PROCESS SERVER REVIEW BOARD

Sec. 72.091. SUNSET REVIEW. The process server review board established by supreme court order is subject to review under Chapter 325, Government Code (Texas Sunset Act), as if it were a state agency but may not be abolished under that chapter. The review shall be conducted as if the process server review board were scheduled to be abolished September 1, 2017.

Amendment No. 4 was adopted.

CSSB 652, as amended, was passed to third reading.

CSSB 1504 ON SECOND READING

(Lewis - House Sponsor)

CSSB 1504, A bill to be entitled An Act relating to the disposal of waste at the Texas Low-Level Radioactive Waste Disposal Compact waste disposal facility.

CSSB 1504 was read second time earlier today and was postponed until this time.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Hunter requested permission for the Committee on Calendars to meet while the house is in session, at 2:38 p.m. today, in 3W.15, to set a calendar.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Calendars, 2:38 p.m. today, 3W.15, for a formal meeting, to set a calendar.

CSSB 1504 - (consideration continued)

CSSB 1504 - POINT OF ORDER

Representative Alonzo raised a point of order against further consideration of **CSSB 1504** under Rule 4, Section 32(c)(4) of the House Rules on the grounds that the committee report is incorrect.

The chair overruled the point of order.

Amendment No. 1

Representative Lewis offered the following amendment to **CSSB 1504**:

Amend **CSSB 1504** (house committee printing) as follows:

(1) In SECTION 2 of the bill, in added Section 401.207(e), Health and Safety Code (page 3, line 17), strike "an average of".

(2) In SECTION 2 of the bill, in added Section 401.207(e), Health and Safety Code (page 3, lines 18-19), strike "annually over the first 10 years of disposal operations, with an annual limit of not more than 220,000 curies" and substitute "annually, except that in the first year the license holder may accept 220,000 curies".

(3) In SECTION 2 of the bill, strike added Sections 401.207(f) and (g), Health and Safety Code (page 4, lines 1-15), and substitute:

(f) Of the total initial licensed capacity of the compact waste disposal facility:

(1) not more than 30 percent of the volume and curie capacity shall be for nonparty compact waste; and

(2) of the remaining capacity, not less than 80 percent of the volume and curie capacity shall be for compact waste generated in the host state and 20 percent of the volume and curie capacity shall be for compact waste generated in Vermont.

(g) The commission shall assess a surcharge for the disposal of nonparty compact waste at the compact waste disposal facility. The surcharge is 20 percent of the total contracted rate under Section 401.2456 and must be assessed in addition to the total contracted rate under that section.

(4) In SECTION 2 of the bill, in amended Section 401.207, Health and Safety Code, between Subsections (h) and (i) of the section (page 4, between lines 17 and 18), insert:

(h-1) The commission shall conduct a study of the surcharge described by Subsection (g) and, not later than December 1, 2016, shall issue the results of the review to the legislature. The commission shall review the operations and expenses of the compact waste disposal facility license holder and shall require the compact waste disposal facility license holder to provide justification of disposal expenses and historical costs associated with the facility through appropriate evidentiary and empirical records, studies, and other applicable

methodologies. The commission shall consider the impact of the surcharge on the overall revenue generated for the state and may request the assistance of the comptroller in conducting the analysis of the impact of the surcharge.

(5) In SECTION 2 of the bill, strike added Sections 401.207(j) and (k), Health and Safety Code (page 4, line 21, through page 5, line 6), and substitute:

(j) An application for the approval of the importation of nonparty compact waste may be submitted to the Texas Low-Level Radioactive Waste Disposal Compact Commission only by the generator of the waste.

(k) The commission, in coordination with the Texas Low-Level Radioactive Waste Disposal Compact Commission, shall adopt rules establishing criteria and thresholds by which incidental commingling of party state compact waste and waste from other sources at a commercial processing facility is considered and reasonably limited. The criteria and thresholds for commingling under this subsection established by commission rule are binding on any criteria and thresholds that may be established by the Texas Low-Level Radioactive Waste Disposal Compact Commission.

(6) In SECTION 3 of the bill, in added Section 401.208(b)(2), Health and Safety Code (page 5, lines 19-20), strike "the result of using decay factors in revising curie capacity limits" and substitute "the calculation of radioactive decay related to the compact waste disposal facility and radiation dose assessments based on the curie capacity".

(7) In SECTION 3 of the bill, in added Section 401.208(b)(3), Health and Safety Code (page 5, line 22), strike "and".

(8) In SECTION 3 of the bill, in added Section 401.208(b)(4), Health and Safety Code (page 5, line 24), between "public" and the underlined period, insert: ; and

(5) the costs and benefits of volume reduction and stabilized waste forms

(9) In SECTION 3 of the bill, strike added Section 401.208(e), Health and Safety Code (page 6, line 5), and substitute:

(e) The commission may conduct a study described by Subsection (a) at any time after December 1, 2012, if the commission determines that a study is necessary.

(10) In SECTION 3 of the bill, strike added Section 401.2085(c), Health and Safety Code (page 6, line 24).

(11) Strike SECTION 4 of the bill (page 6, line 25 through page 7, line 3).

(12) In SECTION 6 of the bill, in added Section 401.245(h), Health and Safety Code (page 8, lines 3-4), strike "case is referred by the commission" and substitute "State Office of Administrative Hearings assumes jurisdiction of the case".

(13) Strike SECTION 7 of the bill (page 8, line 5, through page 11, line 27) and substitute:

SECTION 7. Subchapter F, Chapter 401, Health and Safety Code, is amended by adding Sections 401.2455 and 401.2456 to read as follows:

Sec. 401.2455. INTERIM PARTY STATE COMPACT WASTE DISPOSAL FEES. (a) The commission's executive director may establish interim party state compact waste disposal fees effective only for the period beginning on the date the compact waste disposal facility license holder is approved to accept waste at the disposal facility and ending on the effective date of the rules establishing the fees under Section 401.245.

(b) An extension of the period during which interim rates apply may not be granted. If the State Office of Administrative Hearings has not issued a proposal for decision before the expiration of the period under Section 401.245(h), all disposal at the compact waste disposal facility must cease until the fees are adopted.

Sec. 401.2456. CONTRACTS FOR NONPARTY COMPACT WASTE DISPOSAL. (a) At any time after the commission has granted approval to begin operating the compact waste disposal facility, the compact waste disposal facility license holder may contract rates with nonparty compact waste generators for the disposal of nonparty compact waste at the facility in accordance with the compact waste disposal facility license.

(b) Rates and contract terms negotiated under this section are subject to review and approval by the commission's executive director to ensure they meet all of the requirements of this section.

(c) Rates negotiated under this section must be set both by a price per curie and a price per cubic foot. Fees resulting from the negotiated rates must be greater than, as applicable:

(1) the compact waste disposal fees under Section 401.245 as set by the commission that are in effect at the time the rates are negotiated; or

(2) the interim compact waste disposal fees under Section 401.2455 as set by the commission's executive director that are in effect at the time the rates are negotiated.

(d) A contract under this section must:

(1) be negotiated in good faith;

(2) conform to applicable antitrust statutes and regulations; and

(3) be nondiscriminatory.

(e) Rates set under this section must generate fees sufficient to meet the criteria for party state compact waste under Sections 401.246(a) and (c).

(14) In the recital to SECTION 8 of the bill (page 12, lines 1-2), strike "401.246(a), Health and Safety Code, is amended" and substitute "401.246, Health and Safety Code, is amended by amending Subsection (a) and adding Subsection (c)".

(15) In SECTION 8 of the bill, following amended Section 401.246(a), Health and Safety Code (page 12, between lines 23 and 24), insert:

(c) In determining compact waste disposal fees, the commission shall only consider capital investment in property by the compact waste disposal facility license holder that is used and useful to the compact waste disposal facility as authorized under this chapter. The commission may not consider the capital investment costs or related costs incurred before September 1, 2003, in determining disposal fees.

(16) In SECTION 10 of the bill, strike added Section 401.250(e), Health and Safety Code (page 15, lines 12-14), and substitute:

(e) For the purposes of calculating the amount of a payment required under Section 4.05(5) of the compact, the amount of a payment under this section is considered to be a payment under Article V of the compact.

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

SECTION ____ . Section 401.271, Health and Safety Code, is amended by adding Subsection (c) to read as follows:

(c) A holder of a license or permit issued by the commission under this chapter or Chapter 361 that authorizes the storage, other than disposal, of a radioactive waste or elemental mercury from other persons shall remit each quarter to the commission for deposit into the general revenue fund an amount equal to 20 percent of the license or permit holder's gross receipts received from the storage of the substance for any period after the first anniversary of the date the waste or mercury was initially stored. This subsection applies only to the storage of radioactive waste or elemental mercury at or adjacent to the compact waste disposal facility.

(18) Renumber the SECTIONS of the bill appropriately.

Amendment No. 2

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

Amend Amendment No. 1 by Lewis to **CSSB 1504** as follows:

(1) On page 1 of the amendment, between lines 2 and 3, insert the following subdivision and renumber subsequent subdivisions accordingly:

In SECTION 2 of the bill, at the end of added Section 401.207(b), Health and Safety Code (page 2, line 26), add "The license holder may not accept any nonparty compact waste for disposal at the facility until the license has been modified by the commission to specifically authorize the disposal of nonparty compact waste."

(2) On page 4, line 7 of the amendment, after the period insert the following:

"A generator is not entitled to a refund, and may not be charged a surcharge, for the disposal of waste under interim fees once the final fees have been adopted."

(3) On page 4, line 12 of the amendment, strike "fees" and substitute "rates".

(4) On page 6, lines 11-12, strike "after the first anniversary of the date the waste or mercury was initially stored" and substitute "exceeding one year. This subsection applies only to the storage of the substance for any period exceeding one year".

Amendment No. 2 was adopted.

Amendment No. 1, as amended, was adopted.

Amendment No. 3

Representative Hilderbran offered the following amendment to **CSSB 1504**:

Amend **CSSB 1504** on page ____, line ____, by inserting subsection (h-2) as follows:

(h-2) Upon completion of the study in Sec. 401.207(h-1) the commission shall by rule establish a reasonable rate of return on disposal expenses for the compact facility license holder, not to exceed 30 percent. If the commission finds that the license holder is recouping a return exceeding this amount, the commission shall raise the surcharge under Sec. 401.207(h) to a level sufficient to bring the license holder's return within the limits established under this section. The commission may review the license holder's return and make adjustments to the surcharge periodically, but not more than once in a given year.

(Speaker in the chair)

LEAVE OF ABSENCE GRANTED

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

Hunter on motion of Patrick.

CSSB 1504 - (consideration continued)

Representative Lewis moved to table Amendment No. 3.

The motion to table prevailed by (Record 1136): 86 Yeas, 56 Nays, 1 Present, not voting.

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

Nays — Alonzo; Alvarado; Anchia; Burnam; Carter; Castro; Coleman; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Elkins; Farias; Farrar; Gallego; Garza; Giddings; Gonzales, V.; Gonzalez; Gooden; Gutierrez; Hernandez Luna; Hilderbran; Hochberg; Howard, D.; Isaac; Johnson; King, S.; Lavender; Lozano; Lucio; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Nash; Oliveira; Quintanilla; Raymond; Reynolds; Rodriguez; Simpson; Smithee; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anderson, C.

Absent, Excused, Committee Meeting — Hunter.

Absent — Allen; Frullo; Guillen; Huberty; Lyne.

STATEMENTS OF VOTE

When Record No. 1136 was taken, I was in the house but away from my desk. I would have voted yes.

Frullo

I was shown voting no on Record No. 1136. I intended to vote yes.

Garza

When Record No. 1136 was taken, I was in the house but away from my desk. I would have voted yes.

Huberty

I was shown voting no on Record No. 1136. I intended to vote yes.

Nash

Amendment No. 4

Representative Gallego offered the following amendment to **CSSB 1504**:

Amend **CSSB 1504** (house committee printing) as follows:

(1) On page 5, line 8, strike "401.208 and 401.2085" and substitute "401.208, 401.2085, and 401.2086".

(2) Sec. 401.2086. IMPACT STUDY ON TRANSPORTATION. (a) The commission and the Texas Department of Transportation shall conduct a study to determine the impact on transportation, public health, and public safety of importing waste from nonparty state generators.

(b) The commission and the Texas Department of Transportation in consultation with hospitals, first responders, environmental advocacy groups, and the public, shall consider and make recommendations regarding:

(1) the likelihood of accidents or spills along anticipated transportation routes that would be used to bring imported waste to the disposal facility;

(2) the adequacy of emergency preparedness to respond to accidents or spills along the anticipated routes, including training and equipping of first responders; and

(3) the potential costs of health care, cleanup, and compensation of property owners for contaminated property that would result from modeled accidents or spills.

(c) The executive commissioner of the Health and Human Services Commission may adopt rules adjusting the fee provided for by Section 401.052, based on the results of the study provided for by this section.

Representative Lewis moved to table Amendment No. 4.

The motion to table prevailed by (Record 1137): 81 Yeas, 61 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Hopson;

Howard, C.; Huberty; Hughes; Isaac; Jackson; King, P.; 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; Riddle; Ritter; Schwertner; Scott; Sheffield; Shelton; Smith, T.; Smith, W.; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; Woolley; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Anchia; Burnam; Carter; Castro; Coleman; Davis, J.; Davis, S.; Davis, Y.; Driver; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hernandez Luna; Hilderbran; Hochberg; Howard, D.; Johnson; Keffer; King, S.; King, T.; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Pickett; Price; Quintanilla; Raymond; Reynolds; Rodriguez; Sheets; Simpson; Smithee; Strama; Turner; Veasey; Villarreal; Vo; Walle; White; Workman.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anderson, C.

Absent, Excused, Committee Meeting — Hunter.

Absent — Allen; Deshotel; Harper-Brown; Peña; Thompson.

STATEMENT OF VOTE

When Record No. 1137 was taken, I was in the house but away from my desk. I would have voted no.

Peña

CSSB 1504 - POINT OF ORDER

Representative Burnam raised a point of order against further consideration of **CSSB 1504** under Rule 4, Section 32(c)(3) of the House Rules on the grounds that the committee report is incorrect.

The speaker overruled the point of order.

Amendment No. 5

Representative Legler offered the following amendment to **CSSB 1504**:

Amend **CSSB 1504** (house committee report) as follows:

(1) In SECTION 9 of the bill, in amended Section 401.248(b)(9), Health and Safety Code (page 14, line 4), strike "and".

(2) In SECTION 9 of the bill, in amended Section 401.248(b)(10), Health and Safety Code (page 14, line 5), between "law" and the period, insert:
; and

(11) for a state that becomes a party state after January 1, 2011, require the other state to accept for disposal or storage low-level radioactive waste generated in this state at any low-level radioactive waste disposal storage or disposal facility operated or authorized for operation in that state

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

SECTION _____. Subchapter F, Chapter 401, Health and Safety Code, is amended by adding Section 401.251 to read as follows:

Sec. 401.251. ACCEPTANCE OF LOW-LEVEL RADIOACTIVE WASTE BY OTHER STATES REQUIRED. (a) If a state operates or has authorized the operation of a low-level radioactive waste disposal or storage facility but does not accept waste generated in this state:

(1) that state may not become a party state to the compact; and

(2) the compact waste disposal facility license holder may not accept waste from a generator located in that state as nonparty compact waste, regardless of whether this state has previously accepted waste from that state.

(b) The limitations on the participation in the compact and the acceptance of waste under Subsection (a) do not apply to a state in which a storage or disposal facility is operated by the federal government.

Amendment No. 5 was withdrawn.

Amendment No. 6

Representative Menendez offered the following amendment to **CSSB 1504**:

Amend **CSSB 1504** on page 2, line 23, by striking "The" inserting:

"Beginning after the completion and analysis of the study under section 401.208, the".

Representative Lewis moved to table Amendment No. 6.

The motion to table prevailed by (Record 1138): 95 Yeas, 48 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; 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; 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; Orr; Otto; Parker; Patrick; Peña; Perry; Phillips; Pitts; Price; Quintanilla; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anderson, C.

Absent, Excused, Committee Meeting — Hunter.

Absent — Allen; Nash; Paxton; Torres.

STATEMENT OF VOTE

When Record No. 1138 was taken, I was in the house but away from my desk. I would have voted yes.

Nash

Amendment No. 7

Representative Menendez offered the following amendment to **CSSB 1504**:

Amend **CSSB 1504** in SECTION ____ of the bill, Section 401.207 of the Health and Safety code (page ____, line ____) by inserting a new subsection (e-1) and making the following changes:

(e-1) Prior to the completion of the study under Section 401.208 the compact waste disposal facility license holder may not contract to receive waste that would arrive at the facility after the completion of that study.

~~(e-1)~~ (e-2) The commission's executive director, on completion of the study under Section 401.208, ~~may~~ will determine whether or not to prohibit the license holder from accepting any additional nonparty compact waste if the commission determines from the study that the capacity of the facility will be limited, regardless of whether the limit under Subsection (f) has been reached.

(f) The compact waste disposal facility license holder may not accept a volume of nonparty compact waste that would exceed 30 percent of the total volume and radioactivity established for the facility by the commission in the compact waste disposal facility license.

Representative Lewis moved to table Amendment No. 7.

The motion to table prevailed by (Record 1139): 95 Yeas, 47 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; 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; Pitts; Price; Quintanilla; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Truitt; Weber; White; Woolley; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Anchia; Burnam; Carter; Castro; Coleman; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; Lozano; Lucio; Mallory Caraway; Marquez; Martinez;

Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Pickett; Raymond; Reynolds; Rodriguez; Simpson; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

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

Absent, Excused — Anderson, C.

Absent, Excused, Committee Meeting — Hunter.

Absent — Allen; Oliveira; Torres; Workman.

CSSB 1504, as amended, was passed to third reading by (Record 1140): 108 Yeas, 36 Nays, 2 Present, not voting.

Yeas — Aliseda; Alvarado; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Callegari; Chisum; Christian; Coleman; 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; Harper-Brown; Hartnett; Hilderbran; Hochberg; Hopson; Howard, C.; Huberty; Hughes; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Lægler; Lewis; Lozano; Lyne; Madden; Mallory Caraway; Margo; Martinez; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Truitt; Veasey; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Burnam; Cain; Carter; Castro; Davis, Y.; Dukes; Dutton; Farias; Gallego; Giddings; Gonzales, V.; Gutierrez; Hernandez Luna; Howard, D.; Isaac; Kolkhorst; Lucio; Marquez; Martinez Fischer; McClendon; Menendez; Miles; Naishtat; Raymond; Reynolds; Rodriguez; Simpson; Strama; Thompson; Turner; Villarreal; Vo; Walle.

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

Absent, Excused — Anderson, C.

Absent, Excused, Committee Meeting — Hunter.

Absent — Farrar; Torres.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1140. I intended to vote no.

Alvarado

I was shown voting no on Record No. 1140. I intended to vote yes.

Cain

CSSB 1504 - STATEMENT OF LEGISLATIVE INTENT

It is the intent of **CSSB 1504** to prescribe what the Texas Commission on Environmental Quality (TCEQ) may and may not consider when adopting the "party state compact waste disposal fees." When adopting the party state compact waste disposal fees, the TCEQ may consider the volume of nonparty compact waste disposal but may not consider the revenues received from the disposal of nonparty compact waste by the compact waste disposal facility license holder.

CSSB 1504 stipulates that the TCEQ, when adopting the party state compact waste disposal fees, cannot consider capital investment costs or related costs incurred by the facility license holder before September 1, 2003. **CSSB 1504** prohibits consideration of capital investment costs incurred before September 1, 2003 in order to reduce disposal rates for party state compact waste generators. It is the intent of **CSSB 1504** that capital investment costs incurred by the facility license holder prior to September 1, 2003 can only be recovered from nonparty waste generators.

Lewis

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).

(Hunter now present)

COMMITTEE GRANTED PERMISSION TO MEET

Representative Keffer requested permission for the Committee on Energy Resources to meet while the house is in session, at 5 p.m. today, in 3W.15, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Energy Resources, 5 p.m. today, 3W.15, for a formal meeting, to consider pending business.

**HB 716 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative S. Miller called up with senate amendments for consideration at this time,

HB 716, A bill to be entitled An Act relating to the taking of certain feral hogs and coyotes using a helicopter.

Representative S. Miller moved to concur in the senate amendments to **HB 716**.

The motion to concur in the senate amendments to **HB 716** prevailed by (Record 1141): 141 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; 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.; Driver; 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; 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; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Lucio.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anderson, C.

Absent — Deshotel; Dukes; Peña; Strama; Thompson; Torres.

STATEMENTS OF VOTE

When Record No. 1141 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

When Record No. 1141 was taken, I was in the house but away from my desk. I would have voted yes.

Peña

When Record No. 1141 was taken, I was in the house but away from my desk. I would have voted yes.

Strama

Senate Committee Substitute

CSHB 716, A bill to be entitled An Act relating to the taking of certain feral hogs and coyotes using a helicopter.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter G, Chapter 43, Parks and Wildlife Code, is amended by adding Section 43.1075 to read as follows:

Sec. 43.1075. USING HELICOPTERS TO TAKE CERTAIN ANIMALS. A qualified landowner or landowner's agent, as determined by commission rule, may contract to participate as a hunter or observer in using a helicopter to take depredating feral hogs or coyotes under the authority of a permit issued under this subchapter.

SECTION 2. As soon as practicable after the effective date of this Act, the Parks and Wildlife Commission shall adopt rules as necessary to implement Section 43.1075, Parks and Wildlife Code, as added by this Act.

SECTION 3. This Act takes effect September 1, 2011.

**HB 2694 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

Representative Bonnen called up with senate amendments for consideration at this time,

HB 2694, A bill to be entitled An Act relating to the continuation and functions of the Texas Commission on Environmental Quality and abolishing the On-site Wastewater Treatment Research Council.

Representative Bonnen moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 2694**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 2694**: W. Smith, chair; Bonnen, Burnam, Chisum, and Geren.

FISCAL MATTERS REMARKS

REPRESENTATIVE PITTS: Thank you for giving me a few minutes to talk about the conference committee on the budget. As you know, we passed our budget in **HB 1** on April 3. The senate did not pass a budget to get it back to us until May 5. This has put us in a real time crunch. We've had less than a week so far to meet in conference, but we have made really incredible progress. Your conferees working with the senate have been able to reach consensus on almost all of the budget items except Article III, which is education, and I will talk a little bit more about that in just a minute.

First, I want to thank all of the conferees who are standing with me for their hard work. You know, while you all were home this weekend, we were busy Saturday and Sunday, and we had some guests with us, like the man at the back mic, who helped us with education. As you well know, we had to make some tough choices in order to live within our means, but as we knew it would be when we passed **HB 1** out of this chamber, that was just the beginning of the process, and the budget that we bring back to you will be a better budget. It is better for you and better for your constituents. It will be a budget you can support when you go back home.

Let me tell you a few significant changes your conferees have already made based on the priorities of members of this house. As you know, **HB 1** substantially cut rates to nursing homes and your providers. None of us wanted to do this. If there's one thing that I heard since we passed **HB 1**, it was we cannot close nursing homes, and I know a lot of you wanted to add that funding to the nursing homes and providers. The conference committee has added enough funding to ensure that these providers will remain open and in business for our state's most vulnerable citizens. And I know Dr. Zerwas has spent hours working in the conference committee, and John, I want to thank you for all of your hard work.

We were able to fund transportation bonds. The citizens of Texas voted on Proposition 12 bonds. The conference committee added \$65 million in debt service, so we will be able to fund our transportation projects over the next two years. I want to thank Representative Darby and Representative Turner for their hard work on these projects, and I told Mr. Sheffield yesterday that we added money to help with the congestion on Interstate 35 in the Temple area. I think a lot of you who drive on Interstate 35 know the problems in Temple.

HB 1 underfunded prison capacity and the health care to inmates. The conference committee has added \$120 million to prison capacity and \$150 million to health care to adequately fund that system. I want to thank Representatives Turner and Otto for their hard work on this, and also Representative Madden, who has been involved in, of course, the prison health care, and Representative Shelton for being involved in that also. We were able to fund cancer research in a way that saves a significant amount to general revenue when it left this house.

I know Debbie, you've always been concerned about border security, and it continues to be a significant challenge to the State of Texas. The conference committee was able to boost our presence on the border with an additional \$50 million in general revenue to fund Homeland Security initiatives. Members, that was one area where the introduced bill did not touch, other than one-time capital budget items that was purchased this last biennium, but we gave an additional \$50 million for that effort on Homeland Security.

Members, we are only able to fund these priorities with the savings and the additional non-taxed revenue items that are found in **SB 1811**, which will be on the floor tomorrow. The passage of **SB 1811** is vital to completing the conference committee work, especially on education. Without **SB 1811**, we will not be able to provide the additional funds for the nursing homes, transportation, border security, or our prisons. I have heard concerns on this floor about the tax speed-ups that were in the house bill that was the companion bill to **SB 1811**. Members, there are no tax speed-ups in **SB 1811** as I bring it to the floor tomorrow. All of the tax speed-ups have been removed.

Likewise, some of you have mentioned concerns about the suspension of the sales tax holiday. My perfecting amendment will remove this provision as well, but there is a cost to take these items out. Over \$1 billion of cost that we were depending on for the sales tax holiday and the speed-ups.

That brings me to the pending items still to be considered by the conference committee. I think it's the top priority of the members of this house, and that is public and private education. The house and senate today are nearly \$3.8 billion apart, just on public education, and an additional \$1 billion apart on higher education. Despite these differences, we are still talking, we are still negotiating, and we have not given up that we can find a resolution to these differences. I know the members of this house want to fund our public schools, just as they want their state to live within their means. Just as we, as citizens of the State of Texas, have to live within our means. When we are talking about public education, we are talking about two distinct problems. The first is the amount of money, and the second is how that money should be distributed. Representatives Crownover and Mike Villarreal, Representative Hochberg, and Representative Aycock have worked hours on trying to come up with a solution on our public schools. This morning, with our senate counterparts, they tried to hammer out a solution as to how that money will be distributed. Make no mistake, we are looking for additional revenue in order to fund education, but as you know, our budget must balance. We must, we must live within our means. We need to find additional revenue without raising taxes and without using additional money from the rainy day fund.

Let me give you some examples of what we are doing. **SB 1811**, which comes up tomorrow, which aside has nearly 200 amendments, has \$1.8 billion for public education. Once this bill passes, the difference between the house and the senate will be reduced to \$2 billion. Even at the senate level of funding, we are still reducing public education funding by nearly \$4 billion. We have Representative Orr's bill, which is **HJR 109**, that has passed this house and is now over in the senate. It allows the land commissioner to provide more money directly to the available school fund for our schools, which will generate approximately \$300 million more dollars for public education. Senator Ogden has another bill which allows the state board to allocate \$184 million from the permanent school fund. Today, the comptroller increased her revenue estimate by \$1.2 billion. This is a significant development that reflects the comptroller's faith in the Texas economy. This, along with **SB 1811**, will help us finish up the work of the conference committee and help us close the gap on education funding. I want to assure you that your conferees are doing everything possible to reach an agreement that we live within our means, yet also provide additional funds for public education, nursing homes, prisons, border security, and our highways. Mr. Speaker, I want to thank you for the opportunity to update the members on where we are today, and hopefully, before too long, we'll be able to bring you a conference committee report.

REPRESENTATIVE VILLARREAL: First, I want to say thank you for this update, and thank you for your commitment to improving the budget. I think we still have some important steps forward to make, and a long—more accurately, we still have a long way to go. I just want to ask you a few questions on the education part of the budget. My understanding is that we have not finalized the difference between the senate and the house yet on Article III.

PITTS: That is correct, that is correct.

VILLARREAL: And finalizing that really is going to follow the passage of **SB 1811**?

PITTS: That is correct, and we have to pass **SB 1811** before we know exactly how much money we have to spend for education.

VILLARREAL: If I heard you correctly, we have a gap between the house and the senate of \$1 billion for higher ed?

PITTS: That is correct.

VILLARREAL: And \$3.8 billion for public ed.?

PITTS: That is right.

VILLARREAL: So those combined—nearly \$5 billion—how much does **SB 1811** raise?

PITTS: It raises about \$2.5 billion.

VILLARREAL: Two-point-five—if you add the comptroller's revised revenue estimate, \$3.7.

PITTS: We're getting closer.

VILLARREAL: So there's still a gap, and I guess my question is, will the senate come down even if we pass **SB 1811**?

PITTS: We are negotiating with them.

VILLARREAL: Where will the \$1.2 billion in new revenue be allocated to?

PITTS: Well—

VILLARREAL: Will it all go to Article III, or will it be spread across the other articles?

PITTS: Well, Mike, last night the conferees met and adopted all of the articles except Article III, which is education, and Article IX, which is kind of our clean up article, and so, we have adopted all of the articles before we received the word from the comptroller.

VILLARREAL: But were you anticipating—did you finalize those articles in anticipation of a revised revenue estimate?

PITTS: Yes, we did. We anticipated some money, that she was going to start to revise her revenue estimate.

VILLARREAL: So what is that figure that's going to take away from the \$1.2 billion and not go to Article III?

PITTS: We were estimating that \$700 million would be our figure from the comptroller today.

VILLARREAL: And how much of that is going to go to the non-education articles that allows you to finalize those articles and send them to the printer?

PITTS: We were anticipating using most of that for our—for other articles.

VILLARREAL: For other articles, okay. So about \$700 million, from what I—

PITTS: Kind of throughout the whole budget, we were—

VILLARREAL: So maybe half of the \$1.2 billion in new revenue that the comptroller is estimating is going to be available for Article III—less than half. So that leaves a much wider gap.

PITTS: We have to pass **SB 1811** in order to close that gap.

VILLARREAL: And I want to help you do that.

PITTS: Pardon me?

VILLARREAL: And I want to help you do that, and I think we have a—we need to put on the table, as you know, I've held this opinion for some time, every option to mitigate the cuts to public education, the quality of our children's education from pre-k through college. But this is not—it appears to me we're not moving the needle. We're not even funding the senate's budget.

PITTS: We're not. You know, Mike, there's still cuts. Our revenue in the State of Texas is considerably down. Even with the \$1.2 billion that the comptroller gave us today, is still a huge decrease in the amount of money that we had in the last biennium, and we are making cuts throughout our budget.

VILLARREAL: Are we using any rainy day funds to mitigate the cuts to our children's education over the next two years?

PITTS: We used \$3.1 billion of rainy day funds for our current budget in **HB 275** and also in **HB 4**.

VILLARREAL: And that allows us to not run out of money in this fiscal year?

PITTS: It pays our bills for this fiscal year.

VILLARREAL: It pays our bills for this fiscal year and it prevents us from the embarrassment of not paying our bills this fiscal year.

PITTS: That is correct.

VILLARREAL: Are we using any rainy day funds to finance the next two years?

PITTS: Mike, we are not anticipating the use of any new rainy day funds for the next biennium.

VILLARREAL: Not a single dime?

PITTS: We are not anticipating that.

VILLARREAL: Of this self-replenishing fund?

PITTS: Let me make clear that not only did the comptroller give us \$1.2 billion for available revenue for the next biennium, she also announced she was estimating that the rainy day fund would grow by \$300 million.

VILLARREAL: By \$300 million. So we'll go from about \$600 billion to \$6.3 billion?

PITTS: That is correct.

VILLARREAL: Is it true that part of financing Article II is based on the assumption that the federal government is going to provide us certain waivers to our CHIP program and our Medicaid program that provides health insurance to children?

PITTS: And I would have to call on Dr. Zerwas to speak on this, but the commissioner of Health and Human Services has worked with us so he can apply for certain waivers that would save us money on our Medicaid expenses or the appropriations we have to do for Health and Human Services.

VILLARREAL: I understand some of these waivers we have requested once before. Namely, asking for flexibility on CHIP and Medicaid. Dr. Zerwas, is that accurate?

REPRESENTATIVE ZERWAS: Yeah, these really aren't new waivers. The ideas aren't necessary new, it's just a different time. And it's a time where we think that—as we all know, the federal government is looking at ways to try to let the states create some efficiencies which translates into efficiencies at the federal level.

VILLARREAL: Is it accurate that this particular waiver we have requested of our federal government during the Bush Administration and had been denied?

ZERWAS: I think a couple of things to talk about. I think that one that you are talking about is a block grant waiver, and yes, we were denied that. Rhode Island was given a block grant and has seen a substantial reduction in the cost of their Medicaid program without compromising services. A small pilot project, if you will, about the size of Houston, but it does give you a sense that you can make that work. The Medicaid waiver that perhaps you are referring to is a \$700 million waiver that has multiple facets to it that is intended to enhance the flexibility of the current program that we have in terms of being able to deliver the care.

VILLARREAL: And we've asked the federal government for that waiver once before?

ZERWAS: We've probably asked for parts of that waiver before. Whether we've asked for it as a portfolio of opportunities in order to try to enhance the efficiency of our programs, I don't know if we've actually ever done that. I would also say there are other states that are asking for this exact portfolio of waivers.

VILLARREAL: I also understand we are asking for a waiver that would have the federal government assume financial responsibility for 100 percent of the health care services provided to unauthorized immigrants.

ZERWAS: That's part of that portfolio of initiatives within that flexibility waiver.

VILLARREAL: The LBB is estimating that the federal government will grant us this waiver and giving us credit to balance our budget.

ZERWAS: Well, it's a comment I made the other day, if you don't ask, you're surely not going to get it.

VILLARREAL: Certainly, but it appears that the LBB is assuming that we are going to get that waiver and giving us credit at this time to balance our budget.

ZERWAS: Depends on how you look at it. Chairman Turner and I had this conversation last night as we talked about how does the LBB apportion these savings? They do not use the savings assumed—at least not the full amount of the savings assumed in this bill—in order to determine how far we can fund Medicaid in this biennium. So, when we say how much money do we have to keep the Medicaid program flowing, in terms of dollars, these dollars are not included. These savings are not included in that projection. They are included in the things that we do within the budget to help provide some provider rates reductions and so forth.

VILLARREAL: I have one final question for Chairman Pitts and then I'll let the gentlemen behind me take over. Based on some of the figures that you have offered, it appears if you add—**SB 1811** raises, give me that dollar figure again? How much does **SB 1811** raise?

PITTS: I want to be clear that the way we have this in an amendment to that bill, that will also add some money, but I think at the end of the day, we'll get somewhere around \$2.5 billion.

VILLARREAL: Two-point-five and if you add the unobligated new revenue from the comptroller, that's \$700,000 unobligated balance—

PITTS: That's \$3.2.

REPRESENTATIVE BRANCH: I just want to make sure I understood the math because I thought I heard it differently than I thought. On the rainy day fund, the economic stabilization fund, Chairman?

PITTS: Yes.

BRANCH: The current comptroller's estimate was \$9.4 billion? Before today?

PITTS: It was \$9.4 and then we took out \$3.1.

BRANCH: Right. Right, it was \$9.4 and we were going to use \$3.1?

PITTS: That's correct.

BRANCH: So, that leaves \$6.3 and today we are hearing \$300 million?

PITTS: \$300 additional million.

BRANCH: So, it's \$6.6.

PITTS: That's correct.

REPRESENTATIVE KEFFER: Like others around here, thank you so much for your hard work and the committee's hard work. I mean, I haven't been there, but I've been in situations almost like yours trying to make something good out of something not so good. I've got a concern, though, that has been bothering me. We, along with a lot of other people, have been working with Mr. Hochberg through the session on formulas. On changes, on—we have all heard from our ISDs about the \$4 billion gap, whatever the money is going to be, and also the

problem of not reaching the base and the problem of having to reformulate to meet the criteria there. Whether it's straight out formula or career and technology or bilingual or all these other programs that are there and for whatever reason are important to the different ISDs—in a district like mine that has multiple school districts—Mr. Chisum, Mr. Hardcastle, you know us out in rural Texas. I'm concerned that tomorrow, that we get on the floor and we're taking up this bill, and we're flying fairly blind on what the runs are going to look like, on what the end result on the formulas is going to look like. And not really having the ability to really study anything, as in the past we have been able to do, where we already know we are in a hole, or in a problem, and then we get on a bill like this tomorrow where we have to pass something or feel like the pressure is there to do it, and we have a very sensitive issue on what it's going to mean to our school districts. To make a matter worse is a concern of mine in this situation.

PITTS: I'm going to let Scott visit with you about that.

REPRESENTATIVE HOCHBERG: I was waiting for Mr. Pitts and his Appropriations conferees to finish their discussion, and I had asked the speaker to come up and visit with y'all, as well, but you've raised the question. Members, as an amendment to **SB 1581**—or whatever the education fiscal matters bill is—I have filed essentially a modified version of **HB 2485**, the school finance bill that our public education committee passed and that I was a primary author of. I've made a couple of changes since the bill left committee. One is that we found that we were able, for a very small amount of moving money around, to cap any district's loss at no more than 10 percent versus current law in the first year, and then, for those districts that actually have more loss than 10 percent, no more than a five percent loss—sort of rolling down in future years until they hit whatever the number is.

The second thing I did, Mr. Keffer—that I know is of interest to you—is I restored the career and technology allotments of .35 and made appropriate adjustments elsewhere to take care of that and to fund that. We also added, I think, an amendment from Ms. Kolkhorst that dealt with a situation that one of her districts and one of Mr. Hopson's districts had, and a couple of other districts over the interim. And there's an issue that Mr. Huberty has and a couple of other small things like that. I was asked by the speaker to have that ready to go onto the education fiscal matters bill. I filed it just before two o'clock. It will be available to you. I was just upstairs looking at the final version of the print runs for those changes.

KEFFER: Will we see that before tomorrow?

HOCHBERG: We will see that—we've made arrangements with House Administration to deliver that to everybody's e-mail as soon as we can get them off of the printer and scan them in. But we really tried to make sure that they were right first, which I don't always do, but this time I thought it was important. And so we'll have those to you shortly. Now, I will tell you that, if the amount of money changes, and there have been all sorts of discussions about additional money, different amounts of money, I can guess what that would do, but I

probably can't generate a run that would tell you what that would do. Although we're looking at some other options and if we're able to do that, of course I'll share that with the membership, but I want to make sure it's right before I do that.

KEFFER: And Scott, are these runs based on the assumptions that are in the bill right now? I mean, is that what, if the world is round and we pass it out, then what these runs portray is what is passed, but amended out or whatever, you never know of course, in going through this process. But this is a sum, this is assumed—the runs are assumed on the passing of the bill as is. Is that right?

HOCHBERG: The runs are assumed on the passage of the bill with the modifications, on the passage of the amendment which I've filed, which was the bill plus the modifications that I described to you—10 percent and then stair-step five percent cap on loss—and then the change on career and technology, which helps some of your districts and helps others. But it seemed to be of considerable interest so we went ahead and put it in there so that that wouldn't necessarily need to be a give-and-take floor discussion.

KEFFER: And we will have, what you're saying, we will have those runs tonight or before we start debate on the floor tomorrow?

HOCHBERG: Absolutely. And I just came running down when I heard Mr. Pitts on the microphone because I knew it was a good opportunity to visit with you about that, but I was waiting for the machine to generate the last pages of the runs and put a final eyeball on them and make sure they look like they're right to the best of our ability and put them out to you. And of course, I'm pretty easy to find in terms of discussing those with you. And it will show you the percent losses and the dollars per weighted student losses in each of the next three years under this amendment.

KEFFER: Okay, thank you very much.

REPRESENTATIVE TURNER: With respect to the Foundation School Program, the bill that was initially filed, **HB 1**, I believe the reduction, the reduction to the Foundation School Program was roughly about \$9.8 billion. Is that correct?

HOCHBERG: That is correct as I remember it, yes, sir.

TURNER: Okay. And the Foundation School Program, as I understand it—as long as the law remains as it is today, that is something that we must fund. Is that true?

HOCHBERG: Well, there is a provision in the Foundation School Program language that, as it's currently written, provides for a shortfall in the program and what to do about it. If we don't fully fund the formulas, the current law says that it provides a mechanism for reducing the money to each school district. And it also says that that money that you reduced is then owed to the school districts in the following biennium. So it was designed to kick the can down the road. It really, in this case, would be kicking an oil tanker down the road if we did it that way.

TURNER: Right, so under the current law, the money is owed to the school districts, and if we didn't fully fund it, I think the current law essentially says that the commissioner may have the authority to decompress. Is that true?

HOCHBERG: There's two different pieces in the law, as I read it. One piece was written before 2006, and it was really designed for when your estimates are off and you get to the end. If you don't have enough money, what do you do? And that provided us specific procedure that was intended to reduce each district's revenue so that it would take the same amount of tax increase by each district to bring it back to fill up what they have lost.

TURNER: So, if we did not change the current law, the commissioner could take whatever steps he deems appropriate—well, not deem appropriate—but to decompress—

HOCHBERG: Well, it's two different pieces, and that's where it's confusing. In the first case, the commissioner has the ability to follow the mechanism in the law to reduce payments to all school districts by an amount that would vary depending what their local capacity was to raise this money to replace what was lost.

TURNER: Okay.

HOCHBERG: In the second case, you're talking about language that was put in when we reduced property tax rates, and that language says that to the extent we don't provide enough money for property tax relief, the commissioner—that the commissioner sets the percentage of property tax relief based on the amount of money we provide for property tax relief. Now, what I think is vague is that if we appropriate a certain amount of money to the Foundation School Program, it's sort of—if all the money for the program and tax relief goes to the schools, it's kind of up to how you write the budget bill as to whether you short fund property tax relief or you short fund the schools. Does that make sense to you?

TURNER: That makes sense. With respect to what we did and what's in **HB 1**, right now, if we move forward, we put \$2 billion back—

HOCHBERG: Right.

TURNER: Into the Foundation School Program—

HOCHBERG: And, my bill and the amendments that I've filed, uses the \$7.8 billion reduction that was the 9.8, plus the \$2 billion from the rainy day fund—or the money that moved out of the rainy day fund and was freed up—

TURNER: So, in the house bill, in terms of the Foundation School Program, the house bill, when it left the house, was \$7.8 billion short.

HOCHBERG: Right, and this bill—my bill—does one other thing, and I think it's also in Mr. Pitt's bill, it uses the one—it defers one August payment in the second year of the biennium into September—defers it a few weeks, and you pick up about another 1.8—before the current biennium, you end up six down, but in the future bienniums, as the bill is designed, you can't do that again, so it's designed for 7.8 down.

TURNER: And the reason for your mechanism, what you are doing, is to factor in the reduction in what we may be giving to the local school districts in order to fit within a new formula?

HOCHBERG: That's right, and very specifically, to try to make sure that those districts who have been on the bottom of the target revenue heap are the ones who suffer the least by these additional cuts.

TURNER: But, what I want to make sure that I understand is that the only reason why we are considering this mechanism—what you're putting forth, this new formula—is to factor in the reduction that we are giving to our local school districts. And in your mechanism, assuming that mechanism is adopted, we are saying to the local school districts, that you will get a 10 percent reduction in the first year, and a rolling five percent reduction in the second.

HOCHBERG: Worst case.

TURNER: Right.

HOCHBERG: There are some districts that will lose far less than that, there are some districts that it will take a while to use up those rolling five percents.

TURNER: And the only reason why we are considering this is because of the reduction in funding.

HOCHBERG: Yes, sir, that is correct.

TURNER: Okay, that's—thank you very much. Now, with Chairman Pitts.

PITTS: Yes, Sylvester?

TURNER: With respect to where we are, the house is \$7.8 billion below—

PITTS: That is correct.

TURNER: The current funding for—I mean for the Foundation School Program. The senate proposal is about \$4 billion below?

PITTS: That is correct.

TURNER: Okay, so, whether it is the house version or the senate version, or anywhere in between, neither proposal fully funds the Foundation School Program for our local school districts?

PITTS: That is correct.

TURNER: And, so, what we are being asked to consider, for example, tomorrow with **SB 1811**, or any other bill, is a mechanism in order to provide funding to our local school districts below what they are in—I don't necessarily want to say are entitled to receive, but what they would receive under the existing Foundation School Program allotment.

PITTS: Now, let me make clear—in **SB 1811**, there are some items in that bill that will be able to reduce the cut in our public schools. In the other fiscal matters bills, I think Scott said, was where his bill—his amendment is going—and it is to if we do not fully fund current law on our schools, that his amendment tomorrow is where we would get under current law.

TURNER: So, realistically speaking, from where the Foundation School Program is today, and on the—where it is today to where, likely, it may end up being, what do you foresee the reduction to be?

PITTS: You know, we are somewhere—if we pass **SB 1811**—we will be somewhere between four to \$6 billion reduction to our public schools.

TURNER: Okay, four to \$6 billion short of funding the Foundation School Program as it presently exists?

PITTS: It currently is, yes.

TURNER: What Representative Hochberg, then, is looking at, or proposing, or suggesting is a mechanism to fund that reduction to the Foundation School Program of approximately four to \$6 billion?

PITTS: That is correct.

TURNER: And, so that all of the members fully understand, and I recognize we are doing this because we have made a decision that we're not going to do any more taxes—I accept that, I don't have a problem with that, I don't want to vote for taxes either—but, we've also made a decision that we're not going to use even the rainy day fund to provide funding to our local school districts, based on the Foundation School Program. And it is my understanding—correct me if I'm wrong—that based on the estimate that at least we have looked at for the rainy day fund, by the end of the next biennium, 2013, the rainy day account—the economic stabilization fund—could conservatively be anywhere between nine and \$11 billion.

PITTS: You know, I want to be perfectly clear, when we're talking about our funding of public schools. If we had a \$6 billion cut, we still have to pass 1811 tomorrow.

TURNER: And I fully understand that, and I appreciate the fact that you're taking out—not dealing with the speed-ups—you've made that clear, by not dealing with the sales tax holiday—we're not going to take that away from individuals. I understand that. And, in **SB 1811**, we need that, because that is a payment to the schools of roughly about \$1.8 billion.

PITTS: That is correct.

TURNER: I got that—I got that. I know we need that. I recognize that, but the point that I want to be very clear is regardless with what we're doing with **SB 1811**, or what we're doing with any other bill, we are looking at a reduction to our local school districts. Whether you're in rural Texas, whether you're in suburban, whether you're in urban Texas, whether you're in HISD or the other three school districts that I represent—a reduction to our local school districts, in terms of the Foundation School Program, anywhere between four to \$6 billion.

PITTS: If we pass **SB 1811** it would be somewhere between four and \$6 billion.

TURNER: Now, and I don't want to take up a lot of time, and I'm going to go to my seat. I appreciate what we collectively have done in terms of addressing the provider rates, in terms of addressing nursing homes, but what people also need

to fully understand, because we are not raising taxes, because we are not using the rainy day fund, we are underfunding, we are underfunding Article II, Health and Human Services, Medicaid, which we will have to pay. We are underfunding that by, at a minimum, \$4.8 billion.

PITTS: I started this conversation out today by making it clear that the conferees have not made decisions on Article III. So, it would be hard for me to tell you what the final cuts are going to be, until the conferees do their work.

TURNER: All right, but I'm simply saying, based on the decisions we have already made. Based on the decision we have made last night, we have lowered the provider rates reductions. We've met those needs. We have met the needs for example of the nursing homes. But, we have done it by underfunding Article II, on Medicaid. We have underfunded that by \$4.8 billion.

PITTS: You mean for Article II?

TURNER: For Article II alone. I'm not counting the four to \$6 billion where we are going to underfund the Foundation School Program. I'm not counting—and I just want to be factually correct. I'm not trying to be pro, con, up, or down. But, from a factual point-of-view, the underfunding of Medicaid is \$4.9 billion.

PITTS: Sylvester, we are working on, in Article IX—that I told you last night, that we are working on an Article IX amendment to give more money for Medicaid, and how much that's going to be will also depend on what happens tomorrow. That is still up in the air. One of the things, that I think you remember, from last biennium when we left here June, or May, we thought we were underfunding Medicaid by \$1.8 billion. We thought that when we came back into session this year we would have a supplemental bill of nearly \$2 billion just on Medicaid. You helped pass **HB 4** on this floor, that did not include any amount for Medicaid, because there were certain savings that were made in Medicaid during the biennium. And we have put items in our budget that we feel like we can save money on Medicaid.

TURNER: And I am prepared to do whatever I can to make sure this budget is balanced. But, I'm simply indicating, Mr. Chairman, since we are giving a report to the members, that LBB indicated to us last night that there would be an underfunding of Article II by \$4.9 billion.

PITTS: And that's what LBB tells us on Article II. And, as I visited with you last night, we are anticipating an Article IX amendment.

TURNER: And that is an amount, assuming it remains the same, or any portion thereof, that is an amount that must be eventually paid.

REPRESENTATIVE FARRAR: Mr. Pitts, there's a *Quorum Report* reporting some form of vouchers might present itself, and I believe they call it Taxpayers Savings Grant. Do you plan on accepting that amendment or any other amendment that similarly provides a tax break for those—

PITTS: I've just read what you've read. You know, it's my policy on the house bill, and it's going to be my policy for tomorrow, that any amendment that attempted, in the clerk's office today, that passed a committee, and was in

calendars, and died, I would leave it to the will of the house. If it was not considered in a committee, or it failed to pass out of a committee, I would move to table.

FARRAR: So, if it was considered in a committee, and not passed out, you would move to table?

PITTS: That is correct.

VILLARREAL: Chairman Pitts, you've said that, at most, **SB 1811** would raise \$2.5 billion. That's estimate, ball park.

PITTS: That's right. We'll have that all on a chart tomorrow.

VILLARREAL: My understanding, and correct me if I'm wrong, around \$2 billion in **SB 1811** is represented by a delay in payment to school districts.

PITTS: It's a deferral, yes, that we have done in 2003 and we paid it back the next biennium.

VILLARREAL: So, it's not new revenue, it's a reduction of cost by shifting it into the next budget cycle.

PITTS: Instead of paying the August payment, one month, you pay that payment in September.

VILLARREAL: Thereby increasing, or making more difficult, balancing our boats in the next budget cycle.

PITTS: No, that's not correct. You can continue that deferral until someday you want to pay it off.

VILLARREAL: Okay.

REMARKS ORDERED PRINTED

Representative Villarreal moved to print remarks regarding fiscal matters.

The motion prevailed.

COMMITTEES GRANTED PERMISSION TO MEET

Representative Ritter requested permission for the Committee on Natural Resources to meet while the house is in session, during bill referral today, in 1W.14, to consider **SB 609**, **SB 635**, **SB 765**, **SB 907**, **SB 987**, **SB 1058**, **SB 1073**, **SB 1225**, **SB 1875**, **SB 1877**, **SB 1880**, **SB 1881**, **SB 1899**, and pending business.

Permission to meet was granted.

Representative Smithee requested permission for the Committee on Insurance to meet while the house is in session, during bill referral today, in E2.026.

Permission to meet was granted.

FIVE-DAY POSTING RULE SUSPENDED

Representative Smithee moved to suspend the five-day posting rule to allow the Committee on Insurance to consider **SB 944** and **SB 1300** during bill referral today in E2.026.

The motion prevailed.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Raymond requested permission for the Committee on Human Services to meet while the house is in session, during bill referral today, in 3W.9, to consider pending business.

Permission to meet was granted.

FIVE-DAY POSTING RULE SUSPENDED

Representative Jackson moved to suspend the five-day posting rule to allow the Committee on Judiciary and Civil Jurisprudence to consider **SB 1751** and pending business at 9 a.m. tomorrow in E2.036.

The motion prevailed.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Cook requested permission for the Committee on State Affairs to meet while the house is in session, during bill referral today, in JHR 140, to consider **HCR 158**, **SB 899**, **SB 1638**, and pending business.

Permission to meet was granted.

FIVE-DAY POSTING RULE SUSPENDED

Representative Kolkhorst moved to suspend the five-day posting rule to allow the Committee on Public Health to consider **SB 1424** and previously posted business at 8 a.m. tomorrow in E2.012.

The motion prevailed.

Representative Gallego moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Criminal Jurisprudence to consider pending business at 8 a.m. tomorrow in 3W.15.

The motion prevailed.

Representative Eissler moved to suspend the five-day posting rule to allow the Committee on Public Education to consider **HCR 152**, **SB 66**, **SB 290**, **SB 1114**, **SB 1214**, **SB 1328**, and **SB 1511** at 8 a.m. Thursday, May 19 in E2.036.

The motion prevailed.

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. 28).

FIVE-DAY POSTING RULE SUSPENDED

Representative Smithee moved to suspend the five-day posting rule to allow the Committee on Insurance to consider **SB 1686** during bill referral today in E2.026.

The motion prevailed.

MESSAGE FROM THE SENATE

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

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.)

COMMITTEE GRANTED PERMISSION TO MEET

Representative Solomons requested permission for the Committee on Redistricting to meet while the house is in session, at 11 a.m. tomorrow, in 1W.14, to consider **SB 31**.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Redistricting, 11 a.m. tomorrow, 1W.14, for a formal meeting, to consider **SB 31**.

Criminal Jurisprudence, 8 a.m. tomorrow, 3W.15, for a formal meeting, to consider pending business.

State Affairs, during bill referral today, JHR 140, for a formal meeting, to consider **HCR 158**, **SB 899**, **SB 1638**, and pending business.

Judiciary and Civil Jurisprudence, 9 a.m. tomorrow, E2.036, for a public hearing, to consider **SB 1751** and pending business.

Human Services, during bill referral today, 3W.9, for a formal meeting, to consider pending business.

Insurance, during bill referral today, E2.026, for a public hearing, to consider **SB 944**, **SB 1300**, **SB 1686**, and the previously posted agenda.

Natural Resources, during bill referral today, 1W.14, for a formal meeting, to consider **SB 609**, **SB 635**, **SB 765**, **SB 907**, **SB 987**, **SB 1058**, **SB 1073**, **SB 1225**, **SB 1875**, **SB 1877**, **SB 1880**, **SB 1881**, **SB 1899**, and pending business.

Public Education, 8 a.m. Thursday, May 19, E2.036, for a public hearing, to consider **HCR 152**, **SB 66**, **SB 1114**, **SB 1214**, **SB 1328**, and **SB 1511**.

(L. Taylor in the chair)

ADJOURNMENT

Representative Muñoz moved that the house adjourn until 10 a.m. tomorrow.

The motion prevailed.

The house accordingly, at 5:31 p.m., adjourned 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 31 to Redistricting.

SB 856 to Public Health.

SB 1405 to Ways and Means.

SIGNED BY THE SPEAKER

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

Senate List No. 28

SB 248, SB 331, SB 356, SB 403, SB 509, SB 533, SB 564, SB 604, SB 628, SB 816, SB 1121, SB 1140, SB 1150, SB 1165, SB 1217, SB 1229, SB 1241, SB 1242, SB 1327, SB 1356, SB 1357, SB 1385, SB 1433, SB 1492, SB 1496, SB 1608, SB 1806, SB 1886

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

Tuesday, May 17, 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 35** Menendez SPONSOR: Van de Putte
Relating to extending a local behavioral health intervention pilot project.
- HB 118** McClendon SPONSOR: Uresti
Relating to requiring the provision of notice by certain hospitals regarding patients' medical records.
- HB 184** Johnson SPONSOR: West
Relating to the cancellation of a special election to fill a vacancy in the legislature.
- HB 266** Hilderbran SPONSOR: Duncan
Relating to the use of address-matching software by certain state agencies.
- HB 315** Flynn SPONSOR: Deuell
Relating to the creation of the Hunt County Municipal Utility District No. 1; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.
- HB 345** Kleinschmidt SPONSOR: Wentworth
Relating to limitations on awards in an adjudication brought against a local governmental entity for breach of contract.
(Committee Substitute)
- HB 434** Parker SPONSOR: West
Relating to the minimum standards for licensed child-care facilities and registered family homes.
- HB 460** White SPONSOR: Ogden
Relating to the board of directors of the Trinity Memorial Hospital District.
- HB 479** Orr SPONSOR: Birdwell
Relating to the location of board meetings of certain economic development corporations.
- HB 591** Miller, Doug SPONSOR: Wentworth
Relating to naming a segment of Interstate Highway 10 in Kendall County the Trooper Kurt David Knapp Memorial Highway.
- HB 625** Solomons SPONSOR: Carona
Relating to notice of staff leasing services company workers' compensation claim and payment information; providing an administrative violation.
- HB 650** Castro SPONSOR: Uresti
Relating to property held by certain junior colleges and presumed abandoned.
- HB 679** Button SPONSOR: Carona
Relating to change order approval requirements for certain political subdivisions of the state.
- HB 726** Sheffield SPONSOR: Huffman

Relating to the electronic distribution of information to legislators by state agencies.

HB 885 Rodriguez, Eddie SPONSOR: Watson
Relating to the operation and movement of a vehicle when certain traffic-control signals do not display an indication.

HB 943 Dukes SPONSOR: Nelson
Relating to reporting requirements concerning missing persons, including missing children in the managing conservatorship of the Department of Family and Protective Services.
(Committee Substitute)

HB 988 Kolkhorst SPONSOR: Whitmire
Relating to compensatory time accrued by a correctional officer employed by the Texas Department of Criminal Justice.

HB 989 Kolkhorst SPONSOR: Hegar
Relating to the listing of a business location of certain businesses in print advertisements or on Internet websites.

HB 993 Rodriguez, Eddie SPONSOR: Watson
Relating to the closure of a road or highway by certain firefighters.

HB 1130 Huberty SPONSOR: Seliger
Relating to information provided by the Texas Education Agency to school districts regarding placement of students receiving special education services.

HB 1136 Aycock SPONSOR: Fraser
Relating to requiring an election authority to provide notice to certain county chairs regarding certain election activities.
(Committee Substitute)

HB 1174 Workman SPONSOR: Wentworth
Relating to the expiration of a county burn ban.

HB 1263 Lucio III SPONSOR: Shapiro
Relating to the powers, duties, and financing of certain facilities finance corporations.

HB 1344 Burkett SPONSOR: Deuell
Relating to certain defenses to prosecution for the offense of sale, distribution, or display of harmful material to a minor.

HB 1449 Guillen SPONSOR: Zaffirini
Relating to certain right-of-way easements on land owned by the Parks and Wildlife Department.

HB 1488 Gutierrez SPONSOR: Van de Putte
Relating to examinations for hiring in certain municipal fire departments.

HB 1503 White SPONSOR: Nichols
Relating to the qualifications to serve as a special peace officer at a polling place.

HB 1545 Lewis SPONSOR: Watson
Relating to the authority of certain political subdivisions to change the date of their general elections.

- HB 1550** Aycock SPONSOR: Seliger
Relating to participation in state travel service contracts by open-enrollment charter schools.
- HB 1566** Coleman SPONSOR: Gallegos
Relating to the authority of counties to appoint, contract for, or employ physicians, dentists, or other health care providers for county jails.
- HB 1567** Coleman SPONSOR: Gallegos
Relating to the authority of certain counties to appoint, contract for, or employ physicians, dentists, or other health care providers for county jails.
- HB 1570** Murphy SPONSOR: Williams
Relating to training for deputy voter registrars.
- HB 1770** Madden SPONSOR: Whitmire
Relating to the payment of temporary housing costs for certain inmates released or eligible for release on parole or to mandatory supervision.
- HB 1779** Naishtat SPONSOR: Watson
Relating to an exemption from private security regulation for social workers engaged in the practice of social work.
- HB 1861** Anchia SPONSOR: Whitmire
Relating to the continuation and functions of the Commission on State Emergency Communications.
- HB 1862** Anchia SPONSOR: West
Relating to a tenant's remedies regarding a local government's revocation of a certificate of occupancy due to a landlord's failure to maintain the premises.
- HB 1869** Giddings SPONSOR: West
Relating to local governments that may consider a bidder's principal place of business when awarding a contract.
- HB 2033** Hamilton SPONSOR: Eltife
Relating to the separate statement of the mixed beverage tax for informational purposes.
- HB 2144** Garza SPONSOR: Uresti
Relating to the use of uniform election dates by newly incorporated municipalities.
- HB 2154** Eiland SPONSOR: Ellis
Relating to certain continuing education requirements for agents who sell annuities.
(Committee Substitute)
- HB 2251** Bonnen SPONSOR: Whitmire
Relating to the continuation and functions of the Texas Public Finance Authority.
- HB 2351** McClendon SPONSOR: Van de Putte
Relating to the authority of the Bexar County Hospital District to employ physicians.
- HB 2495** Hernandez Luna SPONSOR: Carona
Relating to cemeteries and perpetual care cemetery corporations; providing a penalty.

- HB 2615** Veasey SPONSOR: Rodriguez
Relating to the provision of information on financial literacy resources to the public.
- HB 2631** Branch SPONSOR: Zaffirini
Relating to the advanced research program.
- HB 2670** Miles SPONSOR: Ellis
Relating to validating certain acts and proceedings of Harris County Improvement District No. 5 and to the boundaries of the district.
- HB 2699** Eiland SPONSOR: Carona
Relating to the requirements for an insurance adjuster license.
- HB 2866** Harper-Brown SPONSOR: Ellis
Relating to the electronic submission of certain documents to the attorney general and the submission of certain documents by the attorney general; imposing certain fees.
- HB 2920** Reynolds SPONSOR: Hegar
Relating to the authority of a governing body of a Type C General Law City to adopt an ordinance to determine the manner of when commissioners run for elected office.
- HB 2935** Castro SPONSOR: Zaffirini
Relating to the appointment of a court reporter by a criminal law magistrate in Bexar County.
- HB 3004** Nash SPONSOR: Carona
Relating to prepaid funeral benefits contracts and the prepaid funeral contract guaranty fund.
- HB 3141** Hartnett SPONSOR: Carona
Relating to the registration and protection of trademarks.
- HB 3255** Strama SPONSOR: Van de Putte
Relating to the creation of guidelines for the Office of the State Demographer to encourage the inclusion of a broad variety of racial/ethnic groups in estimates and projections.
- HB 3389** Workman SPONSOR: Watson
Relating to a seller's disclosure of natural or liquid propane gas on residential real property.
- HB 3570** Smithee SPONSOR: Carona
Relating to insurance coverage requirements for certain amusement rides.
- HB 3726** Guillen SPONSOR: Van de Putte
Relating to the preservation and maintenance of the Alamo by the General Land Office.
(Committee Substitute)
- HB 3847** Lavender SPONSOR: Eltife
Relating to the Riverbend Water Resources District.
- HCR 33** Raymond SPONSOR: Hinojosa
Authorizing the burial of Susana I. Aleman in the State Cemetery.
- HCR 69** Hopson SPONSOR: Eltife

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

SB 856 Van de Putte

Relating to consent to certain medical treatments by a surrogate decision-maker on behalf of certain inmates.

SB 1358 Lucio

Relating to electronically transmitting a warrant for emergency detention.

SB 1405 Hinojosa

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.

SB 1724 Zaffirini

Relating to conditions on the receipt of tuition and fee exemptions at public institutions of higher education.

SB 1925 Eltife

Relating to the designation of a portion of U.S. Highway 271 as the Sergeant Jay M. Hoskins Memorial Highway.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Tuesday, May 17, 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:

HCR 143 Davis, Sarah

SPONSOR: Ellis

Honoring Debra L. Friedkin for her support of the ongoing anthropological research at the Debra L. Friedkin site by Texas A&M University's Center for the Study of the First Americans.

SCR 55 Seliger

Commemorating the lives of John Clinton Formby and Margaret Clark Formby.

THE SENATE HAS CONCURRED IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 132 (31 Yeas, 0 Nays)

SB 977 (31 Yeas, 0 Nays)

SB 1125 (31 Yeas, 0 Nays)

SB 1353 (31 Yeas, 0 Nays)

SB 1693 (30 Yeas, 1 Nay)

THE SENATE HAS REFUSED TO CONCUR IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

SB 316

Senate Conferees: Whitmire - Chair/Carona/Hegar/Hinojosa/Huffman

SB 321

Senate Conferees: Hegar - Chair/Birdwell/Patrick/Wentworth/Whitmire

SB 1087

Senate Conferees: Carona - Chair/Eltife/Lucio/Van de Putte/Watson

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Tuesday, May 17, 2011 - 3

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 31 Seliger

Relating to the composition of the districts for the election of members of the Texas Senate.

Respectfully,

Patsy Spaw

Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

May 16

Appropriations - **SB 23, SB 1581**

Business and Industry - **SB 1368**

County Affairs - **SB 1233**

Criminal Jurisprudence - **SB 882**

Defense and Veterans' Affairs - **SB 100, SB 1732**

Human Services - **SB 63, SB 78, SB 222**

Judiciary and Civil Jurisprudence - **SB 283, SB 886**

Natural Resources - **SB 660, SB 728, SB 942, SB 1132, SB 1295, SCR 2**

Pensions, Investments, and Financial Services - **SB 17**

Public Health - **SB 293, SB 594**

Transportation - **SB 548, SJR 13**

Urban Affairs - **SB 173, SB 233, SB 234, SB 759, SB 768, SB 1030, SB 1882**

ENROLLED

May 16 - HB 205, HB 328, HB 1254, HB 1789, HB 1936, HB 2002, HB 2067, HB 2936, HCR 127, HCR 155

SENT TO THE GOVERNOR

May 16 - HB 457, HB 564, HB 994, HB 1147, HB 1251, HB 1753, HB 2012, HB 2375, HB 2991, HB 3287, HCR 131, HCR 157

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SEVENTY-NINTH DAY — WEDNESDAY, MAY 18, 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 1142).

Present — Mr. Speaker; Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Aycok; Beck; Berman; 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; 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.

Absent, Excused — Anderson, C.; Bohac; Harless.

The invocation was offered by Dr. M. L. Curry, pastor, New St. Paul Baptist Church, Dallas, as follows:

Almighty God, source of all authority and worth, of stability and good government, we pray that you guide our minds with your inspiration and further all our doings with your prevailing help. Persuade us to the keeping of your laws and the promotion of good in all that we enact here today. May each one truly put the good of those whom they represent before all party distinction or rivalry and before their own self-advancement or character. May our comments be appropriate, liberal, and constructive and our decisions fruitful, that this region may truly be a harmonious and happy witness to your goodness. Now, Lord, bless us all one by one and then collectively. In the name of our Lord and Savior. Amen.

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

LEAVES OF ABSENCE GRANTED

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

Bohac on motion of Patrick.

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

Harless on motion of Patrick.

The following member was granted leave of absence temporarily for today to attend a funeral:

C. Anderson on motion of Kleinschmidt.

CAPITOL PHYSICIAN

The speaker recognized Representative Workman who presented Dr. Love D. Paul of Austin as the "Doctor for the Day."

The house welcomed Dr. Paul 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 Workman and by unanimous consent, the reading and referral of bills was postponed until just prior to final recess.

HCR 1 - ADOPTED

(by Hilderbran, Straus, T. King, and Raymond)

Representative Hilderbran moved to suspend all necessary rules to take up and consider at this time **HCR 1**.

The motion prevailed.

The following resolution was laid before the house:

HCR 1, In memory of former Texas governor Dolph Briscoe, Jr.

HCR 1 was read and was unanimously adopted by a rising vote.

On motion of Representatives Raymond, Gallego, and T. King, the names of all the members of the house were added to **HCR 1** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative T. King who introduced family members of former Texas governor Dolph Briscoe, Jr.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence temporarily for today to attend a meeting of the Committee on Redistricting:

Alonzo on motion of Patrick.

Alvarado on motion of Patrick.

Aycock on motion of Patrick.

Branch on motion of Patrick.

Eissler on motion of Patrick.

Geren on motion of Patrick.

Hilderbran on motion of Patrick.

Hunter on motion of Patrick.

Keffer on motion of Patrick.

Madden on motion of Patrick.

Peña on motion of Patrick.

Phillips on motion of Patrick.

Pickett on motion of Patrick.

Solomons on motion of Patrick.

Veasey on motion of Patrick.

Villarreal on motion of Patrick.

HR 1815 - ADOPTED
(by Gooden)

Representative Gooden moved to suspend all necessary rules to take up and consider at this time **HR 1815**.

The motion prevailed.

The following resolution was laid before the house:

HR 1815, Honoring Kinlie Johnson for her service to the Athens community.

HR 1815 was adopted.

INTRODUCTION OF GUESTS

The speaker recognized Representative Y. Davis who introduced members of the Dallas Black Chamber of Commerce Board of Directors.

HR 1735 - PREVIOUSLY ADOPTED
(by Y. Davis)

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

HR 1735, Honoring the members of the Dallas Black Chamber of Commerce Board of Directors for their exemplary public spirit.

On motion of Representatives Giddings and Johnson, the names of all the members of the house were added to **HR 1735** as signers thereof.

(Harper-Brown 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. 31).

**MAJOR STATE CALENDAR
SENATE BILLS
THIRD READING**

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

**SB 5 ON THIRD READING
(Branch - House Sponsor)**

SB 5, A bill to be entitled An Act relating to the administration and business affairs of public institutions of higher education.

Representative Shelton moved to postpone consideration of **SB 5** until 1:59 p.m. today.

The motion prevailed.

**GENERAL STATE CALENDAR
SENATE BILLS
THIRD READING**

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

**SB 544 ON THIRD READING
(Shelton - House Sponsor)**

SB 544, A bill to be entitled An Act relating to unlawful acts against and criminal offenses involving the Medicaid program; providing penalties.

SB 544 was passed by (Record 1143): 129 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Anchia; Anderson, R.; Beck; Berman; Bonnen; 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; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Hartnett; Hernandez Luna; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Isaac; Jackson; Johnson; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Perry; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter;

Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Harper-Brown(C).

Absent, Excused — Anderson, C.; Bohac; Harless.

Absent, Excused, Committee Meeting — Alonzo; Alvarado; Aycock; Branch; Eissler; Geren; Hilderbran; Hunter; Keffer; Madden; Peña; Phillips; Pickett; Solomons; Veasey; Villarreal.

STATEMENT OF VOTE

When Record No. 1143 was taken, I was excused to attend a meeting of the Committee on Redistricting. I would have voted yes.

Madden

SB 688 ON THIRD READING

(Creighton, Gallego, Carter, Burkett, Coleman, et al. - House Sponsors)

SB 688, A bill to be entitled An Act relating to the investigation, prosecution, and punishment of criminal Medicaid fraud and certain other offenses related to Medicaid fraud; providing penalties.

SB 688 was passed by (Record 1144): 129 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Anchia; Anderson, R.; Beck; Berman; Bonnen; 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; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Hartnett; Hernandez Luna; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Isaac; Jackson; Johnson; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Perry; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Harper-Brown(C).

Absent, Excused — Anderson, C.; Bohac; Harless.

Absent, Excused, Committee Meeting — Alonzo; Alvarado; Aycock; Branch; Eissler; Geren; Hilderbran; Hunter; Keffer; Madden; Peña; Phillips; Pickett; Solomons; Veasey; Villarreal.

STATEMENT OF VOTE

When Record No. 1144 was taken, I was excused to attend a meeting of the Committee on Redistricting. I would have voted yes.

Madden

**SB 1106 ON THIRD READING
(Madden - House Sponsor)**

SB 1106, A bill to be entitled An Act relating to the exchange of confidential information among certain governmental entities concerning certain juveniles.

Amendment No. 1

On behalf of Representative Madden, Representative V. Taylor offered the following amendment to **SB 1106**:

Amend **SB 1106** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 58.106(a), Family Code, is amended to read as follows:

(a) Except as otherwise provided by this section, information contained in the juvenile justice information system is confidential information for the use of the department and may not be disseminated by the department except:

(1) with the permission of the juvenile offender, to military personnel of this state or the United States;

(2) to a person or entity to which the department may grant access to adult criminal history records as provided by Section 411.083, Government Code;

(3) to a juvenile justice agency;

(4) to the Texas Youth Commission and the Texas Juvenile Probation Commission for analytical purposes; ~~and~~

(5) to the office of independent ombudsman of the Texas Youth Commission; and

(6) to a county, justice, or municipal court exercising jurisdiction over a juvenile.

Amendment No. 1 was adopted.

SB 1106, as amended, was passed by (Record 1145): 128 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Anchia; Anderson, R.; Beck; Berman; Bonnen; 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; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Hartnett; Hernandez Luna; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Isaac; Jackson; Johnson; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender;

Legler; Lewis; Lozano; Lucio; Lyne; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Perry; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Harper-Brown(C).

Absent, Excused — Anderson, C.; Bohac; Harless.

Absent, Excused, Committee Meeting — Alonzo; Alvarado; Aycock; Branch; Eissler; Geren; Hilderbran; Hunter; Keffer; Madden; Peña; Phillips; Pickett; Solomons; Veasey; Villarreal.

Absent — McClendon.

STATEMENTS OF VOTE

When Record No. 1145 was taken, I was excused to attend a meeting of the Committee on Redistricting. I would have voted yes.

Madden

When Record No. 1145 was taken, I was in the house but away from my desk. I would have voted yes.

McClendon

SB 683 ON THIRD READING (Bonnen - House Sponsor)

SB 683, A bill to be entitled An Act relating to the composition of the board of directors of the Gulf Coast Water Authority.

SB 683 was passed by (Record 1146): 124 Yeas, 2 Nays, 4 Present, not voting.

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

Nays — Eiland; Taylor, L.

Present, not voting — Mr. Speaker; Creighton; Harper-Brown(C); Sheffield.

Absent, Excused — Anderson, C.; Bohac; Harless.

Absent, Excused, Committee Meeting — Alonzo; Alvarado; Aycock; Branch; Eissler; Geren; Hilderbran; Hunter; Keffer; Madden; Peña; Phillips; Pickett; Solomons; Veasey; Villarreal.

Absent — Burnam.

STATEMENT OF VOTE

When Record No. 1146 was taken, I was excused to attend a meeting of the Committee on Redistricting. I would have voted yes.

Madden

SB 652 ON THIRD READING (Bonnen - House Sponsor)

SB 652, A bill to be entitled An Act relating to governmental entities subject to the sunset review process.

SB 652 was passed by (Record 1147): 128 Yeas, 0 Nays, 2 Present, not voting.

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

Present, not voting — Mr. Speaker; Harper-Brown(C).

Absent, Excused — Anderson, C.; Bohac; Harless.

Absent, Excused, Committee Meeting — Alonzo; Alvarado; Aycock; Branch; Eissler; Geren; Hilderbran; Hunter; Keffer; Madden; Peña; Phillips; Pickett; Solomons; Veasey; Villarreal.

Absent — Burnam.

SB 1504 ON THIRD READING**(Lewis - House Sponsor)**

SB 1504, A bill to be entitled An Act relating to the disposal of waste at the Texas Low-Level Radioactive Waste Disposal Compact waste disposal facility.

SB 1504 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE BURNAM: Yesterday, Representative Geren offered an amendment that was suggested as a minor technical amendment, but in reviewing the amendment and the comments, I think there's some confusion created and I'd like for you to try to help clarify that. The distinction between—the license would need to be amended, but in fact it requires the license to be modified. Could you explain your understanding of the amendment? Would it be to amend the license or modify the license? That's substantially different because of the nuance of the TCEQ process.

REPRESENTATIVE LEWIS: Representative, I don't—that was Representative Geren's, or Chairman Geren's, amendment. I accepted that amendment, but as far as the nuances—exactly what that means in TCEQ parlance, I would not be able to speak to that, and I'm not advised.

BURNAM: Well, in fact, for clarification, and for legislative intent, would you say that the amendment itself may speak more clearly for legislative intent than the comments yesterday?

LEWIS: I can't speak for Chairman Geren on what his intention was in that amendment. It's my understanding that the amendment was meant to make sure that the TCEQ still played a role with regard to the—their rules, and the application which they had approved. They still have control of that and management over that decision.

BURNAM: Well, in fact, the amendment says, and I'm reading verbatim from the amendment, "The license holder may not accept any nonparty compact waste for disposal at the facility until the license has been modified," as opposed to amended, "by the commission to specifically authorize the disposal of nonparty compact waste." Would you agree, in fact, that that's what the amendment says?

LEWIS: Lon, I don't have it before me, but if you say that's what it says, I trust your reading of it.

BURNAM: May I offer you a copy of the amendment so we can clarify this?

LEWIS: Yes, I'm reading what you presented to me, which certainly appears to be a copy of the amendment that was adopted, and it adds the language, "The license holder may not accept any nonparty compact waste for disposal at the facility until the license has been modified by the commission to specifically authorize the disposal of nonparty compact waste." That's what it says.

BURNAM: So, for purposes of legislative intent—and you're a judge, you understand why that intent is important—the amendment itself would supersede comments from the floor yesterday?

LEWIS: I think when the courts look at our legislation, if they can determine the intent from the document, and it's clear from the document what was intended, that's what they go by, rather than comments of members. I don't know the extent to which, if it's not clear, the comments of the author or the testimony comes into that, but I think it's sometimes used to help interpretation.

BURNAM: So, we've all made mistakes as we speak, and I think that's what occurred yesterday.

REMARKS ORDERED PRINTED

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

The motion prevailed.

SB 1504 was passed by (Record 1148): 91 Yeas, 38 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, R.; Beck; Berman; Bonnen; Brown; Burkett; Button; Cain; Callegari; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Deshotel; Driver; Eiland; Elkins; Fletcher; Flynn; Frullo; Garza; Gonzales, L.; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harper-Brown(C); Hopson; Howard, C.; Huberty; Hughes; Jackson; Johnson; King, P.; King, S.; King, T.; Kleinschmidt; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lyne; Margo; Martinez; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Perry; Pitts; Price; Quintanilla; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Allen; Anchia; Burnam; Carter; Castro; Coleman; Davis, Y.; Dukes; Dutton; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Isaac; Kolkhorst; Lucio; Mallory Caraway; Marquez; Martinez Fischer; McClendon; Menendez; Miles; Naishtat; Raymond; Reynolds; Riddle; Rodriguez; Simpson; Strama; Turner; Vo; Walle.

Present, not voting — Mr. Speaker.

Absent, Excused — Anderson, C.; Bohac; Harless.

Absent, Excused, Committee Meeting — Alonzo; Alvarado; Aycock; Branch; Eissler; Geren; Hilderbran; Hunter; Keffer; Madden; Peña; Phillips; Pickett; Solomons; Veasey; Villarreal.

Absent — Hartnett.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Pensions, Investments, and Financial Services, during lunch recess today, Desk 6, for a formal meeting, to consider **SB 1285** and **SB 1286**.

Criminal Jurisprudence, during lunch recess today, 3W.9, for a formal meeting, to consider **SB 578**, **SB 1843**, and pending business.

**SCR 50 - ADOPTED
(Workman - House Sponsor)**

Representative Workman moved to suspend all necessary rules to take up and consider at this time **SCR 50**.

The motion prevailed.

The following resolution was laid before the house:

SCR 50, Congratulating Bobby R. Inman for receiving the Joe M. Kilgore Award for Public Service.

SCR 50 was read and was adopted.

On motion of Representative Craddick, the names of all the members of the house were added to **SCR 50** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Workman who introduced Bobby R. Inman and his friends.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Agriculture and Livestock, during lunch recess today, Desk 25, for a formal meeting, to consider pending business.

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. 29).

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, at 2 p.m. today, in 3W.9, to consider **SB 1649**.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Border and Intergovernmental Affairs, 2 p.m. today, 3W.9, for a formal meeting, to consider **SB 1649**.

RECESS

At 11:50 a.m., the chair announced that the house would stand recessed until 2 p.m. today.

AFTERNOON SESSION

The house met at 2 p.m. and was called to order by the speaker.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Otto requested permission for the Committee on Ways and Means to meet while the house is in session, at 3 p.m. today, in 3W.15, to consider **SB 326, SB 422, SB 516, SB 597, SB 682, SB 915, SB 1070, SB 1120, SB 1130, SB 1185, SB 1404, SB 1413, SB 1441, and SJR 14.**

Permission to meet was granted.

FIVE-DAY POSTING RULE SUSPENDED

Representative Zerwas moved to suspend the five-day posting rule to allow the Committee on Public Health to consider **HR 1978, SB 270, and SB 1926** at 8 a.m. tomorrow in E2.030.

The motion prevailed.

COMMITTEES GRANTED PERMISSION TO MEET

Representative Zerwas requested permission for the Committee on Public Health 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.

Representative Fletcher requested permission for the Committee on Homeland Security and Public Safety to meet while the house is in session, at 3:45 p.m. today, in 3W.15, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Ways and Means, 3 p.m. today, 3W.15, for a formal meeting, to consider **SB 326, SB 422, SB 516, SB 597, SB 682, SB 915, SB 1070, SB 1120, SB 1130, SB 1185, SB 1404, SB 1413, SB 1441, and SJR 14.**

Homeland Security and Public Safety, 3:45 p.m. today, 3W.15, for a formal meeting, to consider pending business.

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

Public Health, 8 a.m. tomorrow, E2.030, for a public hearing, to consider **HR 1978, SB 270, SB 1926,** and unfinished business.

(Alonzo, C. Anderson, Aycock, Branch, Hunter, Madden, Peña, Pickett, and Villarreal now present)

PROVIDING FOR A LOCAL, CONSENT, AND RESOLUTIONS CALENDAR

Representative Thompson moved to suspend all necessary rules to set a local, consent, and resolutions calendar for 10 a.m. tomorrow.

The motion prevailed.

COMMITTEES GRANTED PERMISSION TO MEET

Representative Thompson requested permission for the Committee on Local and Consent Calendars to meet while the house is in session, at 3:30 p.m. today, in 1W.14, to set a calendar.

Permission to meet was granted.

Representative Oliveira requested permission for the Committee on Land and Resource Management to meet while the house is in session, at 3:30 p.m. today, in 3N.4, to consider pending business.

Permission to meet was granted.

(Alvarado and Phillips now present)

MESSAGES FROM THE SENATE

Messages from the senate were received at this time (see the addendum to the daily journal, Messages from the Senate, Message Nos. 2 and 3).

(Geren now present)

FIVE-DAY POSTING RULE SUSPENDED

Representative Alvarado moved to suspend the five-day posting rule to allow the Committee on Urban Affairs to consider **SB 649** and **SB 1234** at 3:30 p.m. today in 3N.4.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Urban Affairs, 3:30 p.m. today, 3N.4, for a formal meeting, to consider **SB 649** and **SB 1234**.

Local and Consent Calendars, 3:30 p.m. today, 1W.14, for a formal meeting, to set a calendar.

Land and Resource Management, 3:30 p.m. today, 3N.4, for a formal meeting, to consider pending business.

MAJOR STATE CALENDAR

SENATE BILLS SECOND READING

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

CSSB 1811 ON SECOND READING (Pitts - House Sponsor)

CSSB 1811, A bill to be entitled An Act relating to certain state fiscal matters; providing penalties.

Representative Pitts moved to postpone consideration of **CSSB 1811** until 8 a.m. tomorrow.

The motion prevailed.

CSSB 1581 ON SECOND READING
(Pitts - House Sponsor)

CSSB 1581, A bill to be entitled An Act relating to state fiscal matters, and certain public health and safety matters, related to public and higher education; providing penalties.

Representative Pitts moved to postpone consideration of **CSSB 1581** until 8 a.m. tomorrow.

The motion prevailed.

(Hilderbran, Keffer, and Solomons now present)

CSSB 23 ON SECOND READING
(Zerwas - House Sponsor)

CSSB 23, A bill to be entitled An Act relating to the administration of and efficiency, cost-saving, fraud prevention, and funding measures for certain health and human services and health benefits programs, including the medical assistance and child health plan programs.

Representative Zerwas moved to postpone consideration of **CSSB 23** until 8 a.m. tomorrow.

The motion prevailed.

POSTPONED BUSINESS

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

SB 5 ON THIRD READING
(Branch - House Sponsor)

SB 5, A bill to be entitled An Act relating to the administration and business affairs of public institutions of higher education.

SB 5 was read third time earlier today and was postponed until this time.

Representative Branch moved to postpone consideration of **SB 5** until 7:59 a.m. tomorrow.

The motion prevailed.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Cook requested permission for the Committee on State Affairs to meet while the house is in session, at 3:30 p.m. today, in 1W.14, to consider **SB 365**, **SB 855**, **SB 1068**, **SB 1069**, and pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

State Affairs, 3:30 p.m. today, 1W.14, for a formal meeting, to consider **SB 365**, **SB 855**, **SB 1068**, **SB 1069**, and pending business.

**MAJOR STATE CALENDAR
(consideration continued)**

**SB 662 ON SECOND READING
(Anchia - House Sponsor)**

SB 662, A bill to be entitled An Act relating to the continuation and functions of the State Board of Examiners for Speech-Language Pathology and Audiology; providing an administrative penalty.

SB 662 was passed to third reading.

**SB 650 ON SECOND READING
(Cook - House Sponsor)**

SB 650, A bill to be entitled An Act relating to management of certain metropolitan rapid transit authorities.

Amendment No. 1

Representative Rodriguez offered the following amendment to **SB 650**:

Amend **SB 650** (house committee printing) by adding the following appropriately numbered SECTIONS and renumbering the remaining SECTIONS as appropriate:

SECTION _____. Section 451.610, Transportation Code, is amended to read as follows:

Sec. 451.610. CONTINUATION OF SERVICES TO PERSONS WITH DISABILITIES. (a) An authority shall continue to provide transportation services for persons with disabilities in a withdrawn unit of election. The authority may not charge a fare for transportation services to persons with disabilities in the withdrawn unit that is more than the fare for those services for persons in the authority.

(b) An authority shall provide the same level of transportation services under Subsection (a) to persons with disabilities in a unit of election that withdrew from the authority before January 1, 2011, as those persons received on January 1, 2011. This subsection applies only to an authority to which Subchapter C-1 applies.

SECTION _____. Subchapter M, Chapter 451, Transportation Code, is amended by adding Section 451.6101 to read as follows:

Sec. 451.6101. CONTINUATION OF SERVICES TO PERSONS WITH DISABILITIES; ALTERNATIVE PROGRAM. (a) This section applies only to an authority to which Subchapter C-1 applies.

(b) Notwithstanding Section 451.610, an authority shall establish an alternative program to provide transportation services to persons with disabilities in a withdrawn unit of election who are eligible to receive services under the program. An authority shall require interested persons with disabilities to apply to be program participants. The program must be available to a person with a disability who:

(1) resides, at the time of application to the program, in a withdrawn unit of election;

(2) can prove, at the time of application, residence in the corporate limits of the withdrawn unit of election as those limits existed at the time of the withdrawal and continuous residence in the corporate limits of the withdrawn unit of election since withdrawal;

(3) meets eligibility criteria established by the authority for demand-responsive transportation service for persons with disabilities and can prove, at the time of application, that the person has had the same disability since the unit of election withdrew; and

(4) applies to the program before January 1, 2012.

(c) The program must:

(1) include only transportation services that meet the requirements of all applicable federal laws, rules, or regulations; and

(2) include transportation services between the residence of a program participant and a destination within the authority's service area or a destination within the withdrawn unit of election where the person with a disability resides that is:

(A) the participant's place of work or a place where the participant is seeking employment;

(B) a physician's office;

(C) a pharmacy;

(D) the participant's place of voting;

(E) a grocery store within five miles of the participant's residence or within the withdrawn unit of election; or

(F) a government building.

(d) Subsection (c)(1) does not expand the service area or add to the destinations in Subsection (c)(2).

(e) The requirement for transportation services to a grocery store under Subsection (c)(2)(E) is for services once per week. The requirement for transportation services to a government building under Subsection (c)(2)(F) is for services twice per week.

(f) A withdrawn unit of election must reimburse the authority for the costs of all services in the manner provided by Section 451.616 unless otherwise agreed to in a memorandum of understanding between the authority and the withdrawn unit of election.

(g) A withdrawn unit of election that does not provide transportation services to a program participant in the withdrawn unit of election through a third-party service provider shall provide the participant with use of the authority's transportation services. If a withdrawn unit of election chooses to have a third-party service provider provide services under this subsection, the authority may, with the withdrawn unit's consent:

(1) provide necessary dispatch services; and

(2) ensure the provider receives payment from the withdrawn unit of election.

(h) An individual may not receive transportation services under the program and subsequently receive transportation services under Section 451.610.

(i) A person who ceases to reside in the withdrawn unit of election may not continue as a program participant.

(j) This section and any program established under this section expire on January 1, 2020.

AMENDMENT NO. 1 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE SCHWERTNER: Representative Rodriguez, just a few questions as to the legislative intent of your amendment. Is it true that Section 451.610, Transportation Code, requires Cap Metro to continue providing door-to-door transportation services to people with disabilities who live in cities that voted to withdraw from Cap Metro?

REPRESENTATIVE RODRIGUEZ: Yes, that's correct, and it's my understanding that today, Capital Metro serves seven people under this requirement. The intention of the language I'm proposing, as a new section—new subsection, excuse me—451.610(b), is to make clear that for those seven existing customers, Cap Metro is required to continue providing each of those seven people the same level of service that that person received on January 1 of 2011, no more or no less.

SCHWERTNER: One final question—is it true that Section 451.610(g) allows a withdrawn city to use a third-party provider instead of Cap Metro to transport eligible citizens? I want to make sure that the withdrawn cities have the choice to use a third-party provider instead of Cap Metro if they want to. There are a lot of safe and reputable organizations that may be able to provide services more efficiently to these withdrawn cities, and those cities should be able to serve their citizens through a third-party provider, should they choose to.

RODRIGUEZ: Yes, your understanding of that subsection is correct. I completely agree with that, a withdrawn city should be able to use a third-party provider if they want to, and that's my intention with this legislation.

REMARKS ORDERED PRINTED

Representative Schwertner moved to print remarks between Representative Rodriguez and Representative Schwertner.

The motion prevailed.

Amendment No. 1 was adopted.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Gallego requested permission for the Committee on Criminal Jurisprudence to meet while the house is in session, at 4 p.m. today, in 3N.4, to consider pending business.

Permission to meet was granted.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today to attend a committee meeting:

Laubenberg on motion of Sheets.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Criminal Jurisprudence, 4 p.m. today, 3N.4, for a formal meeting, to consider pending business.

SB 650 - (consideration continued)

Amendment No. 2

Representative Workman offered the following amendment to **SB 650**:

Amend **SB 650** (house committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 451.132(a)(5)(D), Transportation Code (page 2, line 4), strike "and".

(2) In SECTION 1 of the bill, in added Section 451.132(a)(5)(E), Transportation Code (page 2, line 5), between "tracking" and the period, insert:

;

(F) participation of historically underutilized businesses; and

(G) cost-benefit analyses

(3) In SECTION 1 of the bill, following added Section 451.132(d), Transportation Code (page 2, between lines 14 and 15), insert:

(e) The board may not adopt a plan for participation of historically underutilized businesses in capital improvement projects that require a quota or any similar requirement. The board may not conduct a capital improvement project in a way that has the effect of creating a quota for the participation of historically underutilized businesses.

(4) In SECTION 1 of the bill, following added Section 451.133(c), Transportation Code (page 2, between lines 23 and 24), insert:

(d) The board shall maintain, update, and post on the authority's Internet website accounting records for each authority account, including:

(1) the account's balance at the end of the fiscal year;

(2) deposits to the account;

(3) account expenditures; and

(4) interest income to the account.

(5) In SECTION 1 of the bill, in added Section 451.134(a), Transportation Code (page 2, line 27), strike "budgeted operating expenses for two months" and substitute "actual operating expenses for 90 days".

(6) In SECTION 1 of the bill, strike added Section 451.134(b), Transportation Code (page 3, lines 1-3), and substitute:

(b) The board shall adjust the amount held in the reserve account at least once annually based on the authority's actual operating reserves for the 12 months immediately preceding the adjustment.

(7) In SECTION 1 of the bill, in Section 451.137(c), Transportation Code (page 5, line 22), strike "two" and substitute "eight".

(8) In SECTION 1 of the bill, in Section 451.137(c), Transportation Code (page 5, line 24), strike "15" and substitute "60".

(9) In SECTION 3 of the bill (page 7, line 12), strike "September 1, 2016," and substitute "January 1, 2012".

(10) In SECTION 3 of the bill (page 7, line 15), between "account" and the period, insert ". The metropolitan rapid transit authority shall fully fund the account by December 31, 2014".

Amendment No. 2 was adopted.

SB 650, as amended, was passed to third reading. (C. Howard, Perry, and Zedler recorded voting no.)

**GENERAL STATE CALENDAR
SENATE BILLS
SECOND READING**

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

**SB 430 ON SECOND READING
(Christian - House Sponsor)**

SB 430, A bill to be entitled An Act relating to written notice to a groundwater conservation district of groundwater contamination.

SB 430 was passed to third reading.

**SB 764 ON SECOND READING
(Ritter - House Sponsor)**

SB 764, A bill to be entitled An Act relating to a prohibition against use of school district resources for a hotel.

SB 764 was passed to third reading.

**SB 800 ON SECOND READING
(Elkins - House Sponsor)**

SB 800, A bill to be entitled An Act relating to the qualifications and operations of workers' compensation data collection agents.

SB 800 was passed to third reading.

RESOLUTIONS CALENDAR

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

**HCR 129
(by Patrick, Torres, and Legler)**

HCR 129, Notifying the U.S. Department of Education that certain career schools or colleges are legally authorized by the state of Texas to operate educational programs beyond secondary education.

HCR 129 was adopted by (Record 1149): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; 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; 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; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Lavender; Legler; Lewis; Lozano; Lucio; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Harless; Laubenberg.

Absent, Excused, Committee Meeting — Eissler; Veasey.

Absent — Johnson; Lyne.

HCR 50

(by Creighton, L. Taylor, L. Gonzales, Bonnen, Hilderbran, et al.)

HCR 50, Affirming the pride of all Texans in both our one and indivisible national union and our one and indivisible state, claiming sovereignty under the Tenth Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the U.S. Constitution, serving notice to the federal government to cease and desist from certain mandates, and providing that certain federal legislation be prohibited or repealed.

(Veasey now present)

Amendment No. 1

Representative Veasey offered the following amendment to **HCR 50**:

Amend **HCR 50** on page 2, line 26, by striking "now, therefore, be it" and substituting the following:

and

WHEREAS, Although in our nation's history, the Tenth Amendment has been used to support and promote segregation, and references to "states' rights" have been understood by some as veiled references to segregation, that is not the intention here; and

WHEREAS, This resolution is not intended as a criticism of the current presidential administration; now, therefore, be it

(Eissler and Laubenberg now present)

Amendment No. 1 was withdrawn.

Amendment No. 2

Representative Veasey offered the following amendment to **HCR 50**:

Amend **HCR 50** on page 2, line 26, by striking "now, therefore, be it" and substituting the following:

and

WHEREAS, Although in our nation's history, the Tenth Amendment has been used to support and promote segregation, and references to "states' rights" have been understood by some as veiled references to segregation, that is not the intention here; and

WHEREAS, This resolution is not intended as a criticism of any particular presidential administration; now, therefore, be it

Amendment No. 2 was adopted.

HCR 50 - POINT OF ORDER

Representative Burnam raised a point of order against further consideration of **HCR 50** under Rule 4, Section 11(a) of the House Rules on the grounds that proper notice of the committee meeting was not given.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Eissler requested permission for the Committee on Public Education to meet while the house is in session, at 4:15 p.m. today, in 3N.4, to consider pending business.

Permission to meet was granted.

FIVE-DAY POSTING RULE SUSPENDED

Representative Eissler moved to suspend the five-day posting rule to allow the Committee on Public Education to consider **SB 346** at 8 a.m. tomorrow in E2.036.

The motion prevailed.

HCR 50 - (consideration continued)

The speaker overruled the point of order.

HCR 50 - POINT OF ORDER

Representative Martinez raised a point of order against further consideration of **HCR 50** under Rule 4, Section 20(a) and Rule 4, Section 18(b) of the House Rules on the grounds that the sworn statement of witnesses is incomplete and the committee minutes are incomplete.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Dutton requested permission for the Committee on Urban Affairs to meet while the house is in session, at 4:30 p.m. today, in 1W.14, to consider **SB 1234**.

Permission to meet was granted.

HCR 50 - (consideration continued)

The speaker overruled the point of order.

HCR 50, as amended, was adopted by (Record 1150): 102 Yeas, 44 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycocck; Beck; Berman; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eiland; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; 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; 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; Burnam; Castro; Coleman; 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; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Harless.

Absent — Pickett.

REASON FOR VOTE

This is the second session in a row that we have before us a resolution that combines inflammatory rhetoric with bad public policy. This resolution, which invokes the Tenth Amendment, undermines the integrity of this legislative body and stirs up reminders of our state's darker history. Indeed, we have a long history associated with invoking the Tenth Amendment, states' rights, nullification, and state sovereignty. But I don't think it is a history that anyone in this chamber should be proud of. It appears, however, that some are.

About 150 years ago, the conversation in this state was about state sovereignty, states' rights, and pushing back against an "overreaching federal government." Back then, Washington was trying to stop the people of this state from doing something they wanted to do: own slaves. Next, this state was once again in a battle with Washington over states' rights. Only this time, the state invoked its sovereignty to enact laws keeping blacks away from the voting booths and keep schools segregated. When Washington finally decided to stop this

state-sanctioned bigotry, people in this very chamber decried the "federal overreach" and claimed that laws like the Civil Rights Act and the Voting Rights Act were a violation of "states' rights".

Since this state's last big push-back against Washington during the Civil Rights movement, we haven't heard much about state sovereignty and states' rights. But last session, after the election of President Obama, members once again decided that this was a pressing issue. We didn't have these state sovereignty resolutions when we didn't have an African American president, and I don't think there is a person in this chamber naïve enough to think that it's just a coincidence. I want to make a few things clear. It was Washington, not Texas, that freed my ancestors from slavery. It was Washington, not Texas, that made sure that people like me wouldn't be turned away from the voting booth, and it was Washington, not Texas, that ensured that I can send my children to the same schools and universities as anyone else.

Not one time have I heard this house invoke states' rights or the Tenth Amendment to help those whom this rhetoric has been traditionally used to hurt. Instead, it continues to invoke states' rights to justify laws that disproportionately harm minorities and people of color. And frankly, sometimes it's difficult to believe that it is not doing it for that exact reason. I would like to believe that this house of representatives is better than this resolution. This may have been our past, but it doesn't have to be our present, and God forbid it is our future. I write on behalf of myself and all of those past and present who have been on the wrong side of this states right to hurt and discriminate. This resolution is offensive, divisive, and completely contrary to what this country is about: one nation, under God, indivisible, with liberty and justice for all.

Coleman

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Public Education, 8 a.m. tomorrow, E2.036, for a public hearing, to consider **SB 346** and pending business.

Public Education, 4:15 p.m. today, 3N.4, for a formal meeting, to consider pending business.

Urban Affairs, 4:30 p.m. today, 1W.14, for a formal meeting, to consider **SB 1234**.

HCR 66

(by Hancock, et al.)

HCR 66, Urging the United States Congress to prevent the Environmental Protection Agency from regulating greenhouse gases for stationary sources.

Representative Hancock moved to postpone consideration of **HCR 66** until 9 a.m. Friday, May 20.

The motion prevailed.

CSHCR 21
(by Gallego)

CSHCR 21, Urging Congress to reauthorize the Water Resources Development Act of 2007, Section 5056, and to appropriate sufficient funds so that efforts to solve the salt problem in the Amistad International Reservoir can continue.

Representative Gallego moved to postpone consideration of **CSHCR 21** until 7:30 a.m. tomorrow.

The motion prevailed.

HCR 60
(by Burkett, Flynn, Brown, Paxton, et al.)

HCR 60, Urging Congress to propose and submit to the states for ratification the Parental Rights Amendment to the U.S. Constitution.

HCR 60 was adopted by (Record 1151): 123 Yeas, 21 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Dukes; Eiland; Eissler; Elkins; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Gonzales, L.; Gonzales, V.; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; 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; Margo; Martinez; Martinez Fischer; Menendez; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Veasey; Villarreal; Vo; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Alvarado; Anchia; Davis, Y.; Deshotel; Dutton; Farias; Farrar; Giddings; Gonzalez; Howard, D.; Mallory Caraway; Marquez; McClendon; Miles; Naishtat; Oliveira; Rodriguez; Strama; Thompson; Turner; Walle.

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

Absent, Excused — Bohac; Harless.

Absent — Alonzo; Coleman.

HCR 87
(by Veasey and Naishtat)

HCR 87, Urging Congress to expand the Healthy Incentives Pilot for Supplemental Nutrition Assistance Program recipients to communities across the country.

(S. King in the chair)

HCR 87 failed of adoption by (Record 1152): 54 Yeas, 91 Nays, 2 Present, not voting.

Yeas — Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Cook; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Hunter; Isaac; Johnson; King, T.; Kolkhorst; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Morrison; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Vo; Walle.

Nays — Aliseda; Allen; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Jackson; Keffer; King, P.; Kleinschmidt; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; 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.

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

Absent, Excused — Bohac; Harless.

Absent — Villarreal.

STATEMENT OF VOTE

I was shown voting no on Record No. 1152. I intended to vote yes.

Allen

CSHCR 94

(by Flynn, Keffer, Creighton, Chisum, et al.)

CSHCR 94, Urging Congress to repeal the Dodd-Frank Wall Street Reform and Consumer Protection Act.

CSHCR 94 was adopted by (Record 1153): 101 Yeas, 44 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; 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; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, T.; 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.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; 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; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

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

Absent, Excused — Bohac; Harless.

Absent — Pickett.

STATEMENT OF VOTE

I was shown voting yes on Record No. 1153. I intended to vote no.

Guillen

(Lozano in the chair)

HB 1840 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Phillips called up with senate amendments for consideration at this time,

HB 1840, A bill to be entitled An Act relating to the creation and functions of the Texas Grain Producer Indemnity Board.

Representative Phillips moved to concur in the senate amendments to **HB 1840**.

The motion to concur in the senate amendments to **HB 1840** prevailed by (Record 1154): 144 Yeas, 2 Nays, 2 Present, not voting.

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

Nays — Christian; White.

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

Absent, Excused — Bohac; Harless.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 1840** (senate committee printing) in SECTION 3 of the bill as follows:

(1) Strike added Sections 41.204(a)(2)(A) through (D), Agriculture Code (page 2, lines 24-32), and substitute the following:

(A) one representative of the Texas Agricultural Cooperative Council or its successor organization;

(B) one representative of the Texas Grain & Feed Association or its successor organization;

(C) one representative of the non-warehouse grain-buying industry;
and

(D) one member with expertise in production agriculture financing.

(2) In added Section 41.205, Agriculture Code (page 2, line 45), between "BOARD." and "The board", insert "(a)".

(3) In added Section 41.205, Agriculture Code (page 2, line 46), strike "once each year" and substitute "quarterly".

(4) After added Section 41.205, Agriculture Code (page 2, between lines 55 and 56), insert the following:

(b) Notwithstanding Chapter 551, Government Code, the board may hold an open or closed meeting by telephone conference call or video conference if:

(1) immediate action or a quarterly meeting is required; and

(2) the location at which a quorum of the board convenes is inconvenient for any member of the board.

(c) A meeting under Subsection (b) is subject to the notice requirements of Chapter 551, Government Code.

(d) Notice of a meeting under Subsection (b) must specify that the location at which meetings of the board are usually held is the location of the meeting.

(e) Each part of an open meeting under Subsection (b) shall be conducted in a manner that is audible to the public at the location specified in the notice of the meeting. The board shall ensure that each open meeting is tape recorded and that the tape recording is made available to the public after the meeting.

(5) After added Section 41.206(c), Agriculture Code (page 2, between lines 68 and 69), insert the following:

(d) The board shall notify the grain producer of the manner by which the grain producer may initiate a claim under Section 41.208. The notice may be provided in a manner determined by the board.

(6) Strike added Section 41.208(b)(1), Agriculture Code (page 3, lines 30-31), and substitute the following:

(1) be initiated:

(A) not more than 60 days after the applicable claim initiation date;

or

(B) before a date determined by the board to be reasonable, if the board determines such a date; and

(7) After added Section 41.209(b), Agriculture Code (page 3, between lines 48 and 49), insert the following:

(c) The board shall make a determination under Subsection (a) within a reasonable period of time as established by the board.

(8) Strike added Section 41.209(e)(1), Agriculture Code (page 3, lines 65-66), and substitute the following:

(1) if the grain producer has failed to pay assessments for the current growing season under Section 41.206;

(9) After added Section 41.209(e), Agriculture Code (page 4, between lines 17 and 18), insert the following new subsection, appropriately lettered:

() Notwithstanding Subsection (f)(3), if the board determines that the documentation submitted in support of a grain producer's claim is incomplete, the board shall give the grain producer an opportunity to provide complete documentation.

(10) Reletter the subsections of added Section 41.209, Agriculture Code, and correct cross-references appropriately.

(11) In added Section 41.212(e), Agriculture Code (page 4, lines 56-57), strike "a simple majority of votes are cast in favor of the referendum", and substitute "the referendum meets the requirements of Section 41.031".

(12) In added Section 41.213(b), Agriculture Code (page 5, lines 10 and 11), strike "60" both places it appears and substitute "90".

HB 1146 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Kuempel called up with senate amendments for consideration at this time,

HB 1146, A bill to be entitled An Act relating to the registration and regulation of appraisal management companies and the composition of the Texas Appraiser Licensing and Certification Board; providing penalties.

Representative Kuempel moved to concur in the senate amendments to **HB 1146**.

The motion to concur in the senate amendments to **HB 1146** prevailed by (Record 1155): 145 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher;

Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; 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; 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; Lozano(C).

Absent, Excused — Bohac; Harless.

Absent — Christian.

Senate Committee Substitute

CSHB 1146, A bill to be entitled An Act relating to the registration and regulation of appraisal management companies; providing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter D, Chapter 1103, Occupations Code, is amended by adding Section 1103.157 to read as follows:

Sec. 1103.157. ADVISORY COMMITTEE. (a) The board shall establish an advisory committee to advise the board and make recommendations on matters related to the regulation of appraisal management companies under Chapter 1104.

(b) The advisory committee consists of the assistant presiding officer of the board and two persons appointed by the governor as follows:

(1) a controlling person of an appraisal management company registered under Chapter 1104; and

(2) a public member with recognized business ability.

(c) The assistant presiding officer of the board shall serve as the presiding officer of the advisory committee.

(d) The members of the advisory committee appointed by the governor serve staggered two-year terms, with the terms of the appraisal management company member and the public member expiring on January 31 of alternating years.

SECTION 2. Subtitle A, Title 7, Occupations Code, is amended by adding Chapter 1104 to read as follows:

CHAPTER 1104. APPRAISAL MANAGEMENT COMPANIES

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 1104.001. SHORT TITLE. This chapter may be cited as the Texas Appraisal Management Company Registration and Regulation Act.

Sec. 1104.002. PURPOSE. The purpose of this chapter is to establish and enforce standards related to appraisal management services for appraisal reports on residential properties located in this state with fewer than five units.

Sec. 1104.003. DEFINITIONS. (a) The definitions in Section 1103.003 apply to this chapter.

(b) In this chapter:

(1) "Appraisal management company" means, in connection with valuing properties collateralizing mortgage loans or mortgages incorporated in a securitization, an external third party authorized either by a creditor of a consumer credit transaction secured by a consumer's principal dwelling or by an underwriter of or other principal in the secondary mortgage markets that directly or indirectly performs appraisal management services.

(2) "Appraisal management service" means to directly or indirectly perform any of the following acts:

(A) administer an appraisal panel;

(B) recruit, retain, or select an appraiser;

(C) contract with an appraiser to perform an appraisal assignment;

(D) provide a completed appraisal performed by an appraiser to

one or more clients; or

(E) manage the process of having an appraisal performed,

including:

(i) receiving and assigning appraisal orders and reports;

(ii) tracking and determining the status of orders for appraisals;

(iii) conducting quality control of a completed appraisal before

delivery of the appraisal to the person who ordered the appraisal;

(iv) collecting fees from creditors and underwriters for services

provided; or

(v) reimbursing appraisers for services performed.

(3) "Appraisal panel" means a pool of licensed or certified appraisers who perform appraisals as independent contractors for an appraisal management company.

(4) "Appraisal review" means the act or process of developing and communicating an opinion about the quality of another appraiser's work that was performed as part of an appraisal assignment. The term does not include an examination of an appraisal for grammatical, typographical, mathematical, or other similar administrative errors that do not involve the appraiser's professional judgment, including compliance with the elements of the client's statement of work.

(5) "Appraiser" means a person licensed or certified under Chapter 1103.

(6) "Controlling person" means:

(A) an owner, officer, or director of an appraisal management company;

(B) an individual employed, appointed, or authorized by an appraisal management company that has the authority to enter into a contractual relationship with other persons for the performance of appraisal management services and the authority to enter into agreements with appraisers for the performance of appraisals; or

(C) an individual who possesses, directly or indirectly, the power to direct or cause the direction of the management or policies of an appraisal management company.

(7) "Financial institution" means:

(A) a bank, savings bank, or savings and loan association or a subsidiary or affiliate of a bank, savings bank, or savings and loan association;

(B) a state or federal credit union or a subsidiary, affiliate, or credit union service organization of a state or federal credit union;

(C) an insurance company licensed or authorized to do business in this state under the Insurance Code;

(D) a mortgage banker registered under Chapter 157, Finance Code;

(E) a person licensed under Chapter 156, Finance Code;

(F) a lender licensed under Chapter 342, Finance Code;

(G) a farm credit system institution; or

(H) a political subdivision of this state conducting an affordable home ownership program.

(8) "Uniform Standards of Professional Appraisal Practice" means the Uniform Standards of Professional Appraisal Practice adopted by the Appraisal Standards Board of the Appraisal Foundation.

Sec. 1104.004. EXEMPTIONS. (a) This chapter does not apply to:

(1) a person who exclusively employs appraisers on an employer and employee basis for the performance of appraisals;

(2) a person acting as an appraisal firm as defined by board rule that at all times during a calendar year employs on an exclusive basis as independent contractors not more than 15 appraisers for the performance of appraisals;

(3) a financial institution, including a department or unit within the institution, that is regulated by an agency of this state or the United States government;

(4) subject to Subsection (b), a person who enters into an agreement with an appraiser for the performance of an appraisal that on completion results in a report signed by both the appraiser who completed the appraisal and the appraiser who requested completion of the appraisal;

(5) an appraisal management company with an appraisal panel of not more than 15 appraisers at all times during a calendar year; or

(6) an appraisal management company that is a subsidiary owned and controlled by a financial institution that is subject to appraisal independence standards at least as stringent as those under Section 1104.203 or the Truth in Lending Act (15 U.S.C. Section 1601 et seq.) through regulation by an agency of this state or the United States government.

(b) An appraisal management company may not require an employee of the appraisal management company who is an appraiser to sign an appraisal that is completed by another appraiser who contracts with the appraisal management company in order to avoid the requirements of this chapter.

[Sections 1104.005-1104.050 reserved for expansion]

SUBCHAPTER B. BOARD POWERS AND DUTIES

Sec. 1104.051. RULES. The board may adopt rules necessary to administer the provisions of this chapter.

Sec. 1104.052. FEES. (a) Subject to Subsection (b), the board by rule shall establish application, renewal, and other fees in amounts so that the sum of the fees paid by all appraisal management companies seeking registration under this chapter is sufficient for the administration of this chapter.

(b) The board shall collect from each appraisal management company registered under this chapter the national registry fee required by the appraisal subcommittee for each person who is on the appraisal panel of the company and licensed or certified as an appraiser in this state. The board shall deposit the registry fees to the credit of the appraiser registry account in the general revenue fund.

(c) The fees collected under Subsection (b) shall be sent to the appraisal subcommittee regularly as required by federal law.

[Sections 1104.053-1104.100 reserved for expansion]

SUBCHAPTER C. REGISTRATION REQUIREMENTS

Sec. 1104.101. REGISTRATION REQUIRED. Unless a person is registered under this chapter, a person may not:

(1) act or attempt to act as an appraisal management company;
(2) provide or attempt to provide appraisal management services; or
(3) advertise or represent or attempt to advertise or represent the person as an appraisal management company.

Sec. 1104.102. ELIGIBILITY FOR REGISTRATION; OWNERSHIP. (a) A person who has had a license or certificate to act as an appraiser denied, revoked, or surrendered in lieu of revocation in any state may not own in any manner more than one percent of an appraisal management company registered or applying for registration under this chapter unless the person has subsequently had a license or certificate to act as an appraiser granted or reinstated.

(b) An entity more than 10 percent of which is owned by a person who has had a license or certificate to act as an appraiser denied, revoked, or surrendered in lieu of revocation in any state may not own more than 10 percent of an appraisal management company registered or applying for registration under this chapter unless the person has subsequently had a license or certificate to act as an appraiser granted or reinstated.

(c) A person owning more than 10 percent of an appraisal management company in this state must:

(1) be of good moral character, as determined by the board; and
(2) submit to a background investigation, as determined by the board.

(d) An appraisal management company applying for registration under this chapter shall certify to the board that:

(1) it has reviewed each entity that owns more than 10 percent of the company; and

(2) no entity reviewed under Subdivision (1) is more than 10 percent owned by a person who has had a license or certificate to act as an appraiser denied, revoked, or surrendered in lieu of revocation and who has not subsequently had a license or certificate to act as an appraiser granted or reinstated.

Sec. 1104.103. APPLICATION FOR REGISTRATION OR RENEWAL.

(a) An applicant for registration or registration renewal under this chapter must submit:

(1) an application on a form approved by the board; and

(2) the application or renewal fee established under Section 1104.052(a).

(b) The application must contain:

(1) the name, business address, and telephone contact information of the entity seeking registration;

(2) if the entity is not a corporation domiciled in this state, the name and contact information for the company's agent for service of process in this state;

(3) the name, address, and contact information for any individual or any corporation, partnership, or other business entity that owns more than 10 percent of the appraisal management company;

(4) the name, address, and contact information for at least one controlling person;

(5) the designation of a primary contact under Section 1104.104;

(6) the name and contact information of at least one appraiser designated by the company to respond to and communicate with appraisers on the company's appraisal panel regarding appraisal assignments;

(7) a certification that the entity has a system in place to ensure compliance with Subchapter D and Section 129E of the Truth in Lending Act (15 U.S.C. Section 1601 et seq.);

(8) a written irrevocable consent to service of process; and

(9) any other information required by the board to approve the application.

(c) The board shall adopt rules regarding the renewal of a registration under this chapter.

Sec. 1104.104. DESIGNATION OF PRIMARY CONTACT. (a) An appraisal management company applying for registration under this chapter shall designate one controlling person as the primary contact for all communication between the board and the company.

(b) The controlling person designated under Subsection (a):

(1) must:

(A) be certified as an appraiser in at least one state at all times during the designation; or

(B) have completed:

(i) the 15-hour national Uniform Standards of Professional Appraisal Practice course; and

(ii) the seven-hour national Uniform Standards of Professional Appraisal Practice update course not more than two years before the renewal of the appraisal management company's registration;

(2) may not have had a license or certificate to act as an appraiser denied, revoked, or surrendered in lieu of revocation in any state unless the person has subsequently had a license or certificate to act as an appraiser granted or reinstated;

(3) must be of good moral character, as determined by the board; and

(4) shall submit to a background investigation, as determined by the board.

Sec. 1104.105. DENIAL OF REGISTRATION. (a) The board may deny a registration:

(1) to an applicant who fails to satisfy a requirement of this chapter; or

(2) on a determination by the board that:

(A) there is reasonable evidence that any person who owns more than 10 percent of the appraisal management company or any controlling person of the company has, within the 24 months preceding the date of the application, had a license or certification as an appraiser or a registration as an appraisal management company suspended, revoked, or put on probation in any state;

(B) the applicant has, while registered under this chapter, demonstrated incompetency, untrustworthiness, or conduct or practices that render the registrant unfit to perform appraisal management services; or

(C) the applicant no longer performs appraisal management services in good faith and is a source of detriment, injury, or loss to the public.

(b) The board shall immediately provide written notice to the applicant of the board's denial of a registration under this chapter.

(c) An appeal of the denial of a registration is governed by Chapter 2001, Government Code.

Sec. 1104.106. ISSUANCE AND PUBLICATION OF REGISTRATION NUMBER. The board shall:

(1) issue a unique registration number to each appraisal management company registered under this chapter; and

(2) publish annually a list of the companies registered under this chapter and the registration number of each company.

Sec. 1104.107. EXPIRATION OF REGISTRATION. Unless renewed, a registration issued under this chapter expires on the second anniversary of the date the registration is issued.

[Sections 1104.108-1104.150 reserved for expansion]

SUBCHAPTER D. PRACTICE BY APPRAISAL MANAGEMENT COMPANY

Sec. 1104.151. EMPLOYMENT OF CERTAIN PERSONS PROHIBITED.

(a) An appraisal management company registered under this chapter may not knowingly:

(1) employ a person in a position in which the person has the responsibility to order appraisals or to review completed appraisals if the person has had a license or certificate to act as an appraiser denied, revoked, or surrendered in lieu of revocation in any state;

(2) enter into any independent contractor arrangement for the provision of appraisals or appraisal management services with any person who has had a license or certificate to act as an appraiser denied, revoked, or surrendered in lieu of revocation in any state; or

(3) enter into any contract, agreement, or other business relationship for the provision of appraisals or appraisal management services with any entity that employs, has entered into an independent contract arrangement, or has entered into any contract, agreement, or other business relationship with any person who has ever had a license or certificate to act as an appraiser denied, revoked, or surrendered in lieu of revocation in any state.

(b) An appraisal management company is not in violation of Subsection (a) if the person whose license or certification was denied, revoked, or surrendered in lieu of revocation has since that denial, revocation, or surrender had a license or certificate granted or reinstated and the person maintains the license or certificate in good standing.

Sec. 1104.152. VERIFICATION OF LICENSURE OR CERTIFICATION. An appraisal management company registered under this chapter must verify that an individual to whom the company is making an assignment for the completion of an appraisal:

(1) is licensed or certified under Chapter 1103; and

(2) has not had a license or certificate as an appraiser denied, revoked, or surrendered in lieu of revocation since the last time the company made an assignment for an appraisal to the appraiser.

Sec. 1104.153. APPRAISAL REVIEW. A person who performs an appraisal review for an appraisal management company must be licensed or certified under Chapter 1103 with at least the same certification for the property type as the appraiser who completed the report being reviewed.

Sec. 1104.154. COMPETENCY OF APPRAISERS. Before making an assignment to an appraiser, an appraisal management company must verify that the appraiser receiving the assignment satisfies each provision of the competency rule of the Uniform Standards of Professional Appraisal Practice for the appraisal being assigned.

Sec. 1104.155. PROFESSIONAL STANDARDS. An appraisal management company registered under this chapter shall on a periodic basis perform an appraisal review of the work of appraisers performing appraisal services for the company to ensure that the services comply with:

(1) the edition of the Uniform Standards of Professional Appraisal Practice in effect at the time of the appraisal; or

(2) other standards prescribed by board rule.

Sec. 1104.156. BUSINESS RECORDS. (a) An appraisal management company registered under this chapter or that has applied for registration under this chapter shall retain for at least five years all business records relating to each service request that the company receives and the appraiser who performs the appraisal for the company.

(b) The board may audit the records of an appraisal management company registered under this chapter to ensure compliance with this chapter, board rules, and the Uniform Standards of Professional Appraisal Practice.

(c) A written record of all substantive communications between an appraisal management company registered under this chapter and an appraiser relating to inclusion on an appraisal panel or to an appraisal assignment must be maintained as provided under Subsection (a).

Sec. 1104.157. COMPENSATION OF APPRAISERS. (a) An appraisal management company shall:

(1) except in cases of breach of contract or substandard performance of services, pay an appraiser for the completion of an appraisal or valuation assignment not later than the 60th day after the date the appraiser provides the completed appraisal or valuation assignment to the company or its assignee; and

(2) compensate appraisers at a rate that is reasonable and customary for appraisals being performed in the market area of the property being appraised consistent with the presumptions under federal law.

(b) An appraiser who is aggrieved under this section may file a complaint with the board against the appraisal management company if the matter remains unresolved after the appraiser completes the company's dispute resolution process under Section 1104.162.

Sec. 1104.158. STATEMENT OF FEES. (a) In reporting to a client, an appraisal management company shall separately state the fees:

(1) paid to an appraiser for the completion of an appraisal; and

(2) charged by the company for appraisal management services.

(b) An appraisal management company may not:

(1) prohibit an appraiser from recording in the body of the report that is submitted by the appraiser to the company the fee that the appraiser was paid by the company for completing the appraisal; or

(2) include any fees for appraisal management services performed by the company in the amount the company reports as charges for the actual completion of an appraisal by an appraiser.

Sec. 1104.159. DISCLOSURE OF REGISTRATION NUMBER. An appraisal management company registered under this chapter shall disclose the company's registration number on all documents used to procure appraisals in this state.

Sec. 1104.160. MANDATORY REPORTING. An appraisal management company that has a reasonable basis to believe an appraiser is failing to comply with the Uniform Standards of Professional Appraisal Practice in a manner that materially affects a value conclusion, violating applicable laws, or otherwise engaging in unethical or unprofessional conduct shall refer the matter to the board in the manner provided by Section 1104.204.

Sec. 1104.161. REMOVAL OF APPRAISER FROM APPRAISAL PANEL. (a) Other than during the first 30 days after the date an appraiser is first added to the appraisal panel of an appraisal management company, a company may not remove an appraiser from its panel, or otherwise refuse to assign requests for appraisal services to an appraiser without:

(1) notifying the appraiser in writing of the reasons for removal from the company's panel;

(2) if the appraiser is being removed from the panel for illegal conduct, a violation of the Uniform Standards of Professional Appraisal Practice, or a violation of this chapter, notifying the appraiser of the nature of the alleged conduct or violation; and

(3) providing an opportunity for the appraiser to respond in writing to the notification.

(b) An appraiser who is removed from the appraisal panel of an appraisal management company for alleged illegal conduct, a violation of the Uniform Standards of Professional Appraisal Practice, or a violation of this chapter, may file a complaint with the board for a review of the decision of the company if the matter remains unresolved after the appraiser completes the company's dispute resolution process under Section 1104.162.

(c) In a review under Subsection (b), the board may not make any determination regarding the nature of the business relationship between the appraiser and the appraisal management company that is unrelated to the grounds for the removal.

(d) The board shall hear and resolve a complaint filed under Subsection (b) not later than the 180th day after the date the complaint is filed with the board.

(e) If after opportunity for hearing and review, the board determines that an appraiser did not commit the alleged violation, the board shall order that the appraiser be returned to the appraisal panel of the appraisal management company. The appraisal management company may not refuse to make assignments for appraisal services or otherwise penalize the appraiser after returning the appraiser to the company's appraisal panel.

Sec. 1104.162. DISPUTE RESOLUTION. An appraisal management company shall make a dispute resolution process available to review a written request by an appraiser who:

(1) is dismissed from the company's appraisal panel for a reason stated in Section 1104.161(a)(2);

(2) is not paid as required by Section 1104.157; or

(3) alleges a violation by the company of one or more prohibitions in Section 1104.203.

[Sections 1104.163-1104.200 reserved for expansion]

SUBCHAPTER E. DISCIPLINARY ACTIONS AND PROCEDURES AND ADMINISTRATIVE PENALTIES

Sec. 1104.201. DISCIPLINARY POWERS OF BOARD. (a) The board may reprimand an appraisal management company or conditionally or unconditionally suspend or revoke any registration issued under this chapter if the board determines that the appraisal management company has:

(1) violated or attempted to violate this chapter or any rule adopted by the board under this chapter; or

(2) procured or attempted to procure a license or registration by fraud, misrepresentation, or deceit.

(b) The board may probate the suspension or revocation of a registration under reasonable terms determined by the board.

Sec. 1104.202. ADMINISTRATIVE PENALTY. (a) In addition to any other disciplinary action under this chapter, the board may impose an administrative penalty against a person who violates this chapter or a rule adopted under this chapter.

(b) The amount of the administrative penalty may not exceed \$10,000 for each violation. Each day of a continuing violation is a separate violation.

(c) The amount of the penalty shall be based on:

(1) the seriousness of the violation;

(2) the history of previous violations;

(3) the amount necessary to deter a future violation;

(4) efforts made to correct the violation; and

(5) any other matter that justice may require.

Sec. 1104.203. PROHIBITED PRACTICES. (a) An appraisal management company or an employee, director, officer, or agent of an appraisal management company may not:

(1) cause or attempt to cause the appraised value of a property assigned under an appraisal to be based on any factor other than the independent judgment of the appraiser;

(2) cause or attempt to cause the mischaracterization of the appraised value of a property in conjunction with a consumer credit transaction;

(3) seek to influence an appraiser or otherwise to encourage a targeted value in order to facilitate the making or pricing of a consumer credit transaction;

(4) alter, modify, or otherwise change a completed appraisal report submitted by an appraiser by:

(A) altering or removing the appraiser's signature or seal; or

(B) adding information to, removing information from, or changing information contained in the appraisal report, including any disclosure submitted by an appraiser in or with the report;

(5) condition the request for an appraisal or the payment of an appraisal fee, salary, or bonus on the opinion, conclusion, or valuation to be reached, or on a preliminary estimate or opinion requested from an appraiser;

(6) request that an appraiser provide an estimated, predetermined, or desired valuation in an appraisal report, or provide estimated values or comparable sales at any time before the appraiser's completion of an appraisal;

(7) provide to an appraiser an anticipated, estimated, encouraged, or desired value for a subject property or a proposed or target amount to be loaned to the borrower, except that a copy of the sales contract for a purchase transaction may be provided;

(8) make any part of the appraiser's fee or the appraisal management company's fee contingent on a favorable outcome, including:

(A) a loan closing; or

(B) a specific valuation being achieved by the appraiser in the appraisal report;

(9) withhold or threaten to withhold timely payment for an appraisal report or appraisal services rendered when the appraisal report or services are provided in accordance with the contract between the parties;

(10) withhold or threaten to withhold future business from an appraiser;

(11) demote or terminate or threaten to demote or terminate an appraiser;

(12) expressly or impliedly promise future business, promotions, or increased compensation for an appraiser;

(13) provide to an appraiser, or any person related to the appraiser, stock or other financial or nonfinancial benefits;

(14) allow the removal of an appraiser from an appraisal panel, without prior written notice to the appraiser;

(15) obtain, use, or pay for a second or subsequent appraisal or order an automated valuation model in connection with a mortgage financing transaction unless:

(A) there is a reasonable basis to believe that the initial appraisal was flawed or tainted and that basis is clearly and appropriately noted in the loan file;

(B) the subsequent appraisal or automated valuation model is done under a bona fide pre-funding or post-funding appraisal review or quality control process; or

(C) the subsequent appraisal or automated valuation model is otherwise required or permitted by federal or state law;

(16) prohibit legal and allowable communication between the appraiser and:

(A) the lender;

(B) a real estate license holder; or

(C) any other person from whom the appraiser, in the appraiser's own professional judgment, believes information would be relevant;

(17) refuse to accept an appraisal report prepared by more than one appraiser if an appraiser provides substantial assistance to another appraiser in the preparation of the report, unless the appraisal assignment names an individual appraiser or the statement of work requires an unassisted report; or

(18) require an appraiser to:

(A) prepare an appraisal report if the appraiser, in the appraiser's own professional judgment, believes the appraiser does not have the necessary expertise for the specific geographic area and the appraiser has notified the company of this belief;

(B) prepare an appraisal report under a schedule that the appraiser, in the appraiser's own professional judgment, believes does not afford the appraiser the ability to meet all the relevant legal and professional obligations if the appraiser has notified the company of this belief;

(C) provide the appraisal management company with the appraiser's digital signature or seal;

(D) modify any aspect of an appraisal report without the appraiser's agreement that the modification is appropriate;

(E) engage in any act or practice that does not comply with:

(i) the Uniform Standards of Professional Appraisal Practice;

or

(ii) any assignment conditions and certifications required by the client;

(F) engage in any other act or practice that impairs or attempts to impair an appraiser's independence, objectivity, or impartiality;

(G) enter into an agreement to not serve on the panel of another appraisal management company;

(H) indemnify or hold harmless the appraisal management company against liability except liability for errors and omissions by the appraiser; or

(I) pay a fee imposed on the appraisal management company under Section 1104.052.

(b) Subsection (a) may not be construed to prohibit:

(1) an appraiser from reimbursing an appraisal management company for the actual cost of discretionary services provided to the appraiser;

(2) an appraiser from voluntarily providing the appraiser's digital signature to another person;

(3) an appraisal management company from asking an appraiser, after a report is delivered, to:

(A) consider additional appropriate property information, including the consideration of additional comparable properties to make or support an appraisal;

(B) provide further detail, substantiation, or explanation for the appraiser's value conclusion; or

(C) correct errors in the appraisal report;

(4) an appraisal management company from requiring an appraiser to provide advance notice of and an opportunity for the appraisal management company to participate in any legal and allowable communications between the appraiser and a lender; or

(5) a copy of an executed contract for a purchase transaction being provided to an appraiser.

(c) The board may institute a disciplinary action or impose an administrative penalty under Chapter 1103 against an appraiser who, while acting as an employee, officer, or agent of an appraisal management company, engages in conduct prohibited by Subsection (a).

Sec. 1104.204. COMPLAINT. (a) Any person, including a member of the board, may file with the board a written complaint on a form prescribed by the board.

(b) The board, on its own motion, may file a complaint against an appraisal management company registered under this chapter.

Sec. 1104.205. REVIEW AND INVESTIGATION. (a) On receipt of a complaint or on its own motion, the board shall review and investigate an alleged act or omission that the board believes is a ground for disciplinary action.

(b) An investigator designated by the presiding officer of the board or commissioner shall investigate each allegation in a complaint to determine whether probable cause exists for a hearing on the complaint.

(c) If the board determines that a complaint does not present facts that are grounds for disciplinary action, the board or the commissioner shall dismiss the complaint and may not take further action.

Sec. 1104.206. GENERAL SUBPOENA AUTHORITY. (a) The board may request and, if necessary, compel by subpoena:

(1) the attendance of witnesses for examination under oath; and

(2) the production of records, documents, and other evidence relevant to the investigation of an alleged violation of this chapter for inspection and copying.

(b) The board may also issue a subpoena for purposes of an investigation of a complaint to determine whether the board should institute a contested case proceeding.

(c) If a person does not comply with a subpoena, the board, acting through the attorney general, may file suit to enforce the subpoena in a district court in Travis County or in the county in which a hearing conducted by the board may be held.

(d) The court shall order compliance with the subpoena if the court finds that good cause exists for the issuance of the subpoena.

Sec. 1104.207. REPORT OF INVESTIGATION REQUIRED. (a) At the conclusion of the investigation of a complaint, the investigator shall submit to the board a written report to enable the board to determine what further action is necessary.

(b) The report must contain:

(1) statements of fact;

(2) the recommendations of the investigator; and

(3) the position or defense of the investigated appraisal management company.

Sec. 1104.208. ACTION BASED ON REPORT. (a) Based on the report submitted under Section 1104.207, the board may:

(1) order further investigation of the complaint;

(2) determine that there is not probable cause to believe that a violation occurred and dismiss the case; or

(3) determine that there is probable cause to believe that a violation occurred and enter into an agreed order with the respondent or proceed as the complainant with a contested case hearing under Chapter 2001, Government Code.

(b) The board by rule may delegate any of its authority under Subsection (a) to the commissioner.

Sec. 1104.209. NOTICE OF VIOLATION AND PENALTY. (a) If, after investigating a possible violation and the facts surrounding that possible violation, the board determines that a violation occurred, the board shall give written notice of the violation to the person alleged to have committed the violation.

(b) The notice must:

- (1) include a summary of the alleged violation;
- (2) state the recommended sanction, including the amount of the proposed administrative penalty; and
- (3) inform the person of the person's right to a hearing on the occurrence of the violation, the amount of the penalty, or both.

(c) Not later than the 20th day after the date the person receives the notice, the person may:

- (1) accept the board's determination, including the proposed administrative penalty; or
- (2) make a written request for a hearing on that determination.

Sec. 1104.210. PENALTY TO BE PAID OR HEARING REQUESTED. If the person accepts the board's determination or fails to respond to the notice in a timely manner, the board by order shall approve the determination and impose the proposed penalty.

Sec. 1104.211. TEMPORARY SUSPENSION. (a) The presiding officer of the board shall appoint a three-member disciplinary panel consisting of board members to determine whether a person's registration under this chapter should be temporarily suspended.

(b) If the disciplinary panel determines from the information presented to the panel that a person registered under this chapter would, by the person's continuation in practice, constitute a continuing threat to the public welfare, the disciplinary panel shall temporarily suspend the person's registration.

(c) A registration may be suspended under this section without notice or hearing on the complaint if:

- (1) institution of proceedings for a contested case hearing is initiated simultaneously with the temporary suspension; and
- (2) a hearing is held under Chapter 2001, Government Code, and this chapter as soon as possible.

(d) A temporary suspension under this section automatically expires after 45 days if the board has not scheduled a hearing to take place within that time or if, at the board's request, the hearing is continued beyond the 45th day.

(e) Notwithstanding Chapter 551, Government Code, the disciplinary panel may hold a meeting by telephone conference call if immediate action is required and convening the panel at one location is inconvenient for any member of the panel.

Sec. 1104.212. NOTICE OF HEARING. Not later than the 30th day before the hearing date of a contested case involving an appraisal management company, the board shall personally deliver or send by certified mail to the company notice of the hearing.

Sec. 1104.213. APPLICABILITY OF ADMINISTRATIVE PROCEDURE LAW. Except as otherwise provided by this chapter, a proceeding under this subchapter is subject to Chapter 2001, Government Code.

Sec. 1104.214. ACTION AFTER HEARING. On conclusion of a contested case hearing under this subchapter, the administrative law judge shall:

- (1) make findings of fact and conclusions of law; and
- (2) issue to the board a proposal for decision that the board shall take one or more of the following actions:
 - (A) dismiss the charges;
 - (B) revoke the appraisal management company's registration;
 - (C) suspend the registration of the appraisal management company for a period of not more than five years;
 - (D) impose a period of probation, with or without conditions;
 - (E) issue a public or private reprimand or a warning;
 - (F) impose an administrative penalty; or
 - (G) require the payment of costs expended by the board associated with the contested case, including legal fees and administrative costs.

Sec. 1104.215. DECISION BY BOARD. (a) Based on the findings of fact and conclusions of law and the recommendations of the hearings examiner, the board by order may determine that:

(1) a violation has occurred and may impose an administrative penalty or another sanction; or

(2) a violation did not occur.

(b) The board shall give notice of the order to the person. The notice must include:

- (1) separate statements of the findings of fact and conclusions of law;
- (2) the amount of any penalty imposed or a description of any sanction imposed; and
- (3) a statement of the right of the person to judicial review of the order.

Sec. 1104.216. APPLICATION FOR REHEARING. (a) Not later than the 20th day after the date a final decision is issued in a contested case, a party may file an application with the board for a rehearing. The application must state:

(1) the specific grounds for rehearing; and

(2) the relief sought.

(b) The application is denied if the board does not grant it before the 120th day after the date the commissioner is served with the application.

Sec. 1104.217. DECISION ON REHEARING. (a) The decision made at the conclusion of the original contested case hearing may not be reversed or modified for a procedural, evidentiary, or other error that did not cause substantial injustice to the parties.

(b) The decision made on a rehearing may incorporate by reference any part of the decision made at the conclusion of the original hearing.

(c) On rehearing, the administrative law judge shall consider facts not presented in the original hearing if:

(1) the facts arose after the original hearing was concluded;

(2) the party offering the evidence could not reasonably have provided the evidence at the original hearing; or

(3) the party offering the evidence was misled by a party regarding the necessity for offering the evidence at the original hearing.

[Sections 1104.218-1104.250 reserved for expansion]

SUBCHAPTER F. OTHER ENFORCEMENT PROVISIONS

Sec. 1104.251. INJUNCTION. (a) The board may institute an action in its own name against any person, including a person who is not registered under this chapter, to enjoin a violation of this chapter or a rule adopted by the board under this chapter.

(b) An action under this section must be brought in a district court in Travis County. The attorney general shall act as legal advisor to the board and provide necessary legal assistance.

Sec. 1104.252. CIVIL PENALTY FOR ENGAGING IN ACTIVITY WITHOUT REQUIRED REGISTRATION. (a) A person who receives consideration for engaging in an activity for which registration is required under this chapter and who is not registered is liable for a civil penalty.

(b) The amount of a civil penalty imposed under this section may not be less than the amount of money equal to the value of the consideration received or more than three times the amount of money equal to the value of the consideration received.

(c) At the request of the board, the attorney general or a district or county attorney may bring an action in district court to recover a civil penalty under this section.

(d) A civil penalty recovered in an action under this section shall be deposited in the state treasury.

Sec. 1104.253. CRIMINAL PENALTY FOR ENGAGING IN ACTIVITY WITHOUT REQUIRED REGISTRATION. (a) A person commits an offense if the person engages in an activity for which registration is required under this chapter without being registered.

(b) An offense under this section is a Class A misdemeanor.

SECTION 3. Not later than January 31, 2013, the governor shall appoint the members of the advisory committee established under Section 1103.157, Occupations Code, as added by this Act.

SECTION 4. Not later than January 1, 2012, the Texas Appraiser Licensing and Certification Board shall adopt all rules, fees, and forms as required by Chapter 1104, Occupations Code, as added by this Act.

SECTION 5. (a) The Real Estate Center at Texas A&M University shall conduct a study of the reasonable and customary rates of compensation for appraisals performed by appraisers in various market areas of this state.

(b) Not later than November 1, 2012, the Real Estate Center at Texas A&M University shall submit to the appropriate standing committees of the legislature a report containing the findings of the study conducted under Subsection (a) of this section.

SECTION 6. Notwithstanding Section 7(b) of this Act, an appraisal management company conducting business in this state on or before the effective date of this Act may continue to conduct business in this state without registering under Chapter 1104, Occupations Code, as added by this Act, until the 120th day after the date the registration process created by the Texas Appraiser Licensing and Certification Board under Chapter 1104, Occupations Code, as added by this Act, takes effect if that process is not in effect on March 1, 2012.

SECTION 7. (a) Except as provided by Subsection (b) of this section, this Act takes effect September 1, 2011.

(b) Section 1104.101 and Subchapters E and F, Chapter 1104, Occupations Code, as added by this Act, take effect March 1, 2012.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Hunter requested permission for the Committee on Calendars to meet while the house is in session, at 5 p.m. today, in 1W.14, to set a calendar.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Calendars, 5 p.m. today, 1W.14, for a formal meeting, to set a calendar.

**HB 2014 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Thompson called up with senate amendments for consideration at this time,

HB 2014, A bill to be entitled An Act relating to certain criminal and civil consequences of trafficking of persons, compelling prostitution, and certain other related criminal offenses and to the prevention, prosecution, and punishment of those offenses.

Representative Thompson moved to concur in the senate amendments to **HB 2014**.

The motion to concur in the senate amendments to **HB 2014** prevailed by (Record 1156): 146 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; 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; 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; 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; Lozano(C).

Absent, Excused — Bohac; Harless.

Senate Committee Substitute

CSHB 2014, A bill to be entitled An Act relating to certain criminal and civil consequences of trafficking of persons, compelling prostitution, and certain other related criminal offenses and to the prevention, prosecution, and punishment of those offenses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE 1. CHANGES RELATING TO ALCOHOLIC BEVERAGE CODE

SECTION 1.01. Section 11.44(b), Alcoholic Beverage Code, is amended to read as follows:

(b) The commission or administrator shall refuse to issue for a period of three years a permit or license for any location to an applicant who submitted a prior application that expired or was voluntarily surrendered before the hearing on the application was held on a protest involving allegations of prostitution, a shooting, stabbing, or other violent act, or an offense involving drugs or trafficking of persons. The three-year period commences on the date the prior application expired or was voluntarily surrendered.

SECTION 1.02. Section 11.46(c), Alcoholic Beverage Code, is amended to read as follows:

(c) The commission or administrator shall refuse to issue for a period of one year after cancellation a mixed beverage permit or private club registration permit for a premises where a license or permit has been canceled during the preceding 12 months as a result of a shooting, stabbing, or other violent act, or as a result of an offense involving drugs, prostitution, or trafficking of persons.

SECTION 1.03. Section 11.64(a), Alcoholic Beverage Code, is amended to read as follows:

(a) When the commission or administrator is authorized to suspend a permit or license under this code, the commission or administrator shall give the permittee or licensee the opportunity to pay a civil penalty rather than have the permit or license suspended, unless the basis for the suspension is a violation of Section 11.61(b)(14), 22.12, 28.11, 32.17(a)(2), 32.17(a)(3), 61.71(a)(5), 61.71(a)(6), 61.74(a)(14), 69.13, 71.09, 101.04, 101.63, 106.03, 106.06, or 106.15, the sale or offer for sale of an alcoholic beverage during hours prohibited by Chapter 105, consumption or the permitting of consumption of an alcoholic beverage on the person's licensed or permitted premises during hours prohibited by Chapter 105 or Section 32.17(a)(7), or an offense relating to prostitution, trafficking of persons, or gambling, in which case the commission or

administrator shall determine whether the permittee or licensee may have the opportunity to pay a civil penalty rather than have the permit or license suspended. The commission shall adopt rules addressing when suspension may be imposed pursuant to this section without the opportunity to pay a civil penalty. In adopting rules under this subsection, the commission shall consider the type of license or permit held, the type of violation, any aggravating or ameliorating circumstances concerning the violation, and any past violations of this code by the permittee or licensee. In cases in which a civil penalty is assessed, the commission or administrator shall determine the amount of the penalty. The amount of the civil penalty may not be less than \$150 or more than \$25,000 for each day the permit or license was to have been suspended. If the licensee or permittee does not pay the penalty before the sixth day after the commission or administrator notifies him of the amount, the commission or administrator shall impose the suspension.

SECTION 1.04. Section 61.42(c), Alcoholic Beverage Code, is amended to read as follows:

(c) The county judge, commission, or administrator shall refuse to approve or issue for a period of one year a retail dealer's on-premise license or a wine and beer retailer's permit for a premises where a license or permit has been canceled during the preceding 12 months as a result of a shooting, stabbing, or other violent act, or as a result of an offense involving drugs, prostitution, or trafficking of persons.

ARTICLE 2. CHANGES RELATING TO CODE OF CRIMINAL PROCEDURE

SECTION 2.01. Article 17.153(a), Code of Criminal Procedure, is amended to read as follows:

(a) This article applies to a defendant charged with a felony offense under any of the following provisions of the Penal Code, if committed against a child younger than 14 years of age:

- (1) Chapter 21 (Sexual Offenses);
- (2) Section 25.02 (Prohibited Sexual Conduct); ~~[ø]~~
- (3) Section 43.25 (Sexual Performance by a Child);
- (4) Section 20A.02 (Trafficking of Persons), if the defendant is alleged

to have:

(A) trafficked the child with the intent or knowledge that the child would engage in sexual conduct, as defined by Section 43.25, Penal Code; or

(B) benefited from participating in a venture that involved a trafficked child engaging in sexual conduct, as defined by Section 43.25, Penal Code; or

- (5) Section 43.05(a)(2) (Compelling Prostitution).

SECTION 2.02. Chapter 42, Code of Criminal Procedure, is amended by adding Article 42.0372 to read as follows:

Art. 42.0372. MANDATORY RESTITUTION FOR CHILD VICTIMS OF TRAFFICKING OF PERSONS OR COMPELLING PROSTITUTION. (a) The court shall order a defendant convicted of an offense under Section 20A.02 or

43.05(a)(2), Penal Code, to pay restitution in an amount equal to the cost of necessary rehabilitation, including medical, psychiatric, and psychological care and treatment, for any victim of the offense who is younger than 18 years of age.

(b) The court shall, after considering the financial circumstances of the defendant, specify in a restitution order issued under Subsection (a) the manner in which the defendant must pay the restitution.

(c) A restitution order issued under Subsection (a) may be enforced by the state, or by a victim named in the order to receive the restitution, in the same manner as a judgment in a civil action.

(d) The court may hold a hearing, make findings of fact, and amend a restitution order issued under Subsection (a) if the defendant fails to pay the victim named in the order in the manner specified by the court.

SECTION 2.03. Section 13B(b), Article 42.12, Code of Criminal Procedure, is amended to read as follows:

(b) This section applies to a defendant placed on community supervision for an offense:

(1) under Section 43.05(a)(2), 43.25, or 43.26, Penal Code;

(2) under Section 21.08, 21.11, 22.011, 22.021, or 25.02, Penal Code;

(3) under Section 20.04(a)(4), Penal Code, if the defendant committed the offense with the intent to violate or abuse the victim sexually; ~~or~~

(4) under Section 30.02, Penal Code, punishable under Subsection (d) of that section, if the defendant committed the offense with the intent to commit a felony listed in Subdivision (2) or (3) of this subsection; or

(5) under Section 20A.02, Penal Code, if the defendant:

(A) trafficked the victim with the intent or knowledge that the victim would engage in sexual conduct, as defined by Section 43.25, Penal Code;
or

(B) benefited from participating in a venture that involved a trafficked victim engaging in sexual conduct, as defined by Section 43.25, Penal Code.

SECTION 2.04. Article 59.01(2), Code of Criminal Procedure, as amended by Chapters 153 (**SB 2225**), 1130 (**HB 2086**), and 1357 (**SB 554**), Acts of the 81st Legislature, Regular Session, 2009, is reenacted and amended to read as follows:

(2) "Contraband" means property of any nature, including real, personal, tangible, or intangible, that is:

(A) used in the commission of:

(i) any first or second degree felony under the Penal Code;

(ii) any felony under Section 15.031(b), 20.05, 21.11, 38.04, or ~~Subchapter B of~~ Chapter 43, 20A, ~~or Chapter~~ 29, 30, 31, 32, 33, 33A, or 35, Penal Code;

(iii) any felony under The Securities Act (Article 581-1 et seq., Vernon's Texas Civil Statutes); or

(iv) any offense under Chapter 49, Penal Code, that is punishable as a felony of the third degree or state jail felony, if the defendant has been previously convicted three times of an offense under that chapter;

- (B) used or intended to be used in the commission of:
 - (i) any felony under Chapter 481, Health and Safety Code (Texas Controlled Substances Act);
 - (ii) any felony under Chapter 483, Health and Safety Code;
 - (iii) a felony under Chapter 153, Finance Code;
 - (iv) any felony under Chapter 34, Penal Code;
 - (v) a Class A misdemeanor under Subchapter B, Chapter 365, Health and Safety Code, if the defendant has been previously convicted twice of an offense under that subchapter;
 - (vi) any felony under Chapter 152, Finance Code;
 - (vii) any felony under Chapter 32, Human Resources Code, or Chapter 31, 32, 35A, or 37, Penal Code, that involves the state Medicaid program;
 - (viii) a Class B misdemeanor under Chapter 522, Business & Commerce Code;
 - (ix) a Class A misdemeanor under Section 306.051, Business & Commerce Code; ~~or~~
 - (x) any offense under Section 42.10, Penal Code;
 - (xi) ~~(x)~~ any offense under Section 46.06(a)(1) or 46.14, Penal Code; or
 - (xii) ~~(x)~~ any offense under Chapter 71, Penal Code;

(C) the proceeds gained from the commission of a felony listed in Paragraph (A) or (B) of this subdivision, a misdemeanor listed in Paragraph (B)(viii), (x), (xi), or (xii) ~~[(B)(viii) or (x)]~~ of this subdivision, or a crime of violence;

(D) acquired with proceeds gained from the commission of a felony listed in Paragraph (A) or (B) of this subdivision, a misdemeanor listed in Paragraph (B)(viii), (x), (xi), or (xii) ~~[(B)(viii) or (x)]~~ of this subdivision, or a crime of violence; ~~or~~

(E) used to facilitate or intended to be used to facilitate the commission of a felony under Section 15.031 or 43.25, Penal Code; or

(F) used to facilitate or intended to be used to facilitate the commission of a felony under Section 20A.02 or Chapter 43, Penal Code.

SECTION 2.05. Article 60.051(g), Code of Criminal Procedure, is amended to read as follows:

(g) In addition to the information described by Subsections (a)-(f), information in the computerized criminal history system must include the age of the victim of the offense if the defendant was arrested for or charged with an offense under:

- (1) Section 21.02 (Continuous sexual abuse of young child or children), Penal Code;
- (2) Section 21.11 (Indecency with a child), Penal Code;
- (3) Section 22.011 (Sexual assault) or 22.021 (Aggravated sexual assault), Penal Code;
- (4) Section 43.25 (Sexual performance by a child), Penal Code;

(5) Section 20.04(a)(4) (Aggravated kidnapping), Penal Code, if the defendant committed the offense with intent to violate or abuse the victim sexually; ~~or~~

(6) Section 30.02 (Burglary), Penal Code, if the offense is punishable under Subsection (d) of that section and the defendant committed the offense with intent to commit an offense described by Subdivision (2), (3), or (5);

(7) Section 20A.02 (Trafficking of persons), Penal Code, if the defendant:

(A) trafficked a person with the intent or knowledge that the person would engage in sexual conduct, as defined by Section 43.25, Penal Code; or

(B) benefited from participating in a venture that involved a trafficked person engaging in sexual conduct, as defined by Section 43.25, Penal Code; or

(8) Section 43.05(a)(2) (Compelling prostitution), Penal Code.

ARTICLE 3. CHANGES RELATING TO GOVERNMENT CODE

SECTION 3.01. Subchapter C, Chapter 71, Government Code, is amended by adding Section 71.0353 to read as follows:

Sec. 71.0353. TRAFFICKING OF PERSONS INFORMATION. As a component of the official monthly report submitted to the Office of Court Administration of the Texas Judicial System, a district court or county court at law shall report the number of cases filed for the following offenses:

(1) trafficking of persons under Section 20A.02, Penal Code;

(2) prostitution under Section 43.02, Penal Code; and

(3) compelling prostitution under Section 43.05, Penal Code.

SECTION 3.02. Section 411.042(b), Government Code, is amended to read as follows:

(b) The bureau of identification and records shall:

(1) procure and file for record photographs, pictures, descriptions, fingerprints, measurements, and other pertinent information of all persons arrested for or charged with a criminal offense or convicted of a criminal offense, regardless of whether the conviction is probated;

(2) collect information concerning the number and nature of offenses reported or known to have been committed in the state and the legal steps taken in connection with the offenses, and other information useful in the study of crime and the administration of justice, including information that enables the bureau to create a statistical breakdown of:

(A) offenses in which family violence was involved;

(B) ~~and a statistical breakdown of~~ offenses under Sections 22.011 and 22.021, Penal Code; and

(C) offenses under Sections 20A.02 and 43.05, Penal Code;

(3) make ballistic tests of bullets and firearms and chemical analyses of bloodstains, cloth, materials, and other substances for law enforcement officers of the state;

(4) cooperate with identification and crime records bureaus in other states and the United States Department of Justice;

(5) maintain a list of all previous background checks for applicants for any position regulated under Chapter 1702, Occupations Code, who have undergone a criminal history background check under Section 411.119, if the check indicates a Class B misdemeanor or equivalent offense or a greater offense;

(6) collect information concerning the number and nature of protective orders and all other pertinent information about all persons on active protective orders. Information in the law enforcement information system relating to an active protective order shall include:

(A) the name, sex, race, date of birth, personal descriptors, address, and county of residence of the person to whom the order is directed;

(B) any known identifying number of the person to whom the order is directed, including the person's social security number or driver's license number;

(C) the name and county of residence of the person protected by the order;

(D) the residence address and place of employment or business of the person protected by the order, unless that information is excluded from the order under Section 85.007, Family Code;

(E) the child-care facility or school where a child protected by the order normally resides or which the child normally attends, unless that information is excluded from the order under Section 85.007, Family Code;

(F) the relationship or former relationship between the person who is protected by the order and the person to whom the order is directed; and

(G) the date the order expires;

(7) grant access to criminal history record information in the manner authorized under Subchapter F;

(8) collect and disseminate information regarding offenders with mental impairments in compliance with Chapter 614, Health and Safety Code; and

(9) record data and maintain a state database for a computerized criminal history record system and computerized juvenile justice information system that serves:

(A) as the record creation point for criminal history record information and juvenile justice information maintained by the state; and

(B) as the control terminal for the entry of records, in accordance with federal law and regulations, federal executive orders, and federal policy, into the federal database maintained by the Federal Bureau of Investigation.

SECTION 3.03. Section 508.187(a), Government Code, is amended to read as follows:

(a) This section applies only to a releasee serving a sentence for an offense under:

(1) Section 43.25 or 43.26, Penal Code;

(2) Section 21.02, 21.11, 22.011, 22.021, or 25.02, Penal Code;

(3) Section 20.04(a)(4), Penal Code, if the releasee committed the offense with the intent to violate or abuse the victim sexually; [✗]

(4) Section 30.02, Penal Code, punishable under Subsection (d) of that section, if the releasee committed the offense with the intent to commit a felony listed in Subdivision (2) or (3);

(5) Section 43.05(a)(2), Penal Code; or

(6) Section 20A.02, Penal Code, if the defendant:

(A) trafficked the victim with the intent or knowledge that the victim would engage in sexual conduct, as defined by Section 43.25, Penal Code;

or

(B) benefited from participating in a venture that involved a trafficked victim engaging in sexual conduct, as defined by Section 43.25, Penal Code.

SECTION 3.04. Sections 772.006(e) and (f), Government Code, are amended to read as follows:

(e) The legislature may appropriate money from the trafficking of persons investigation and prosecution account created under Subsection (d) only to the criminal justice division for the purposes of this subsection. The division may use the appropriated money solely to distribute grants to qualified applicants, as determined by the division, that:

(1) ~~[counties that apply for the grants and that]~~ have dedicated full-time or part-time personnel to identify, prevent, investigate, or prosecute offenses under Chapter 20A, Penal Code; ~~or [and]~~

(2) ~~[nongovernmental organizations that apply for the grants and that]~~ provide comprehensive services in this state to prevent the commission of offenses under Chapter 20A, Penal Code, or to address the needs of victims of those offenses, including public awareness activities, community outreach and training, victim identification services, legal services, and other services designed to assist victims.

(f) The total amount of grants that may be distributed under this section ~~[to counties and nongovernmental organizations]~~ from the trafficking of persons investigation and prosecution account during each state fiscal year may not exceed \$10 million.

ARTICLE 4. CHANGES RELATING TO PENAL CODE

SECTION 4.01. Section 25.08(c), Penal Code, is amended to read as follows:

(c) An offense under this section is a felony of the third degree, except that the offense is a felony of the second degree if the actor commits the offense with intent to commit an offense under Section 20A.02, 43.02, 43.05, or 43.25.

SECTION 4.02. Section 43.02(c), Penal Code, is amended to read as follows:

(c) An offense under this section is a Class B misdemeanor, except that the offense is:

(1) a Class A misdemeanor if [unless] the actor has previously been convicted one or two times of an offense under this section;

(2) a state jail felony if [in which event it is a Class A misdemeanor. If] the actor has previously been convicted three or more times of an offense under this section;

(3) a felony of the third degree if the person solicited is 14 years of age or older and younger than 18 years of age; or

(4) a felony of the second degree if the person solicited is younger than 14 years of age[, the offense is a state jail felony].

SECTION 4.03. Section 43.251(c), Penal Code, is amended to read as follows:

(c) An offense under this section is a felony of the second degree, except that the offense is a felony of the first degree if the child is younger than 14 years of age at the time the offense is committed [Class A misdemeanor].

ARTICLE 5. TRANSITION; EFFECTIVE DATE

SECTION 5.01. Except as provided by Section 5.02 of this Act, the changes in law made by this Act apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 5.02. The changes in law made by this Act to Sections 11.44, 11.46, 11.64, and 61.42, Alcoholic Beverage Code, apply only to an application for a license filed on or after the effective date of this Act. An application for a license filed before the effective date of this Act is governed by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.

SECTION 5.03. To the extent of any conflict, this Act prevails over another Act of the 82nd Legislature, Regular Session, 2011, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 5.04. This Act takes effect September 1, 2011.

**HB 1123 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Dutton called up with senate amendments for consideration at this time,

HB 1123, A bill to be entitled An Act relating to the regulation of athlete agents; providing administrative and criminal penalties.

Representative Dutton moved to concur in the senate amendments to **HB 1123**.

The motion to concur in the senate amendments to **HB 1123** prevailed by (Record 1157): 140 Yeas, 0 Nays, 3 Present, not voting.

Yeas — Aliseda; Allen; Alvarado; Anchia; Anderson, C.; Aycock; Beck; Berman; 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; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; 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; 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; 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; Bonnen; Lozano(C).

Absent, Excused — Bohac; Harless.

Absent — Alonzo; Anderson, R.; Coleman; Harper-Brown; Simpson.

Senate Amendment No. 1 (Senate Committee Amendment No. 1)

Amend **HB 1123** (house engrossed) as follows:

(1) On page 4, lines 8-10, strike the following:

"an arrest for a crime that in this state is an offense other than a Class C misdemeanor;"

(2) On page 4, lines 13-20, reletter the paragraphs of Section 2051(b)(3), Occupations Code, accordingly.

(3) On page 7, line 10, strike "arrest for" and substitute "conviction of".

(4) On page 7, line 17, strike "the arrest" and substitute "conviction."

HR 1795 - ADOPTED (by Villarreal)

Representative Garza moved to suspend all necessary rules to take up and consider at this time **HR 1795**.

The motion prevailed.

The following resolution was laid before the house:

HR 1795, Congratulating the educators and administrators who have earned 2011 H-E-B Excellence in Education Awards.

HR 1795 was adopted.

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. 32).

RECESS

Representative Peña moved that the house recess until 9 a.m. tomorrow in memory of John Austin Peña of Edinburg.

The motion prevailed.

The house accordingly, at 5:03 p.m., recessed until 9 a.m. tomorrow.

ADDENDUM

SIGNED BY THE SPEAKER

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

House List No. 31

HB 27, HB 563, HB 699, HB 843, HB 848, HB 908, HB 1028, HB 1106, HB 1380, HB 1390, HB 1401, HB 1405, HB 1829, HB 1956, HB 2229, HB 3000, HCR 69, HCR 100

House List No. 32

HB 35, HB 118, HB 184, HB 266, HB 315, HB 434, HB 460, HB 479, HB 625, HB 650, HB 679, HB 716, HB 726, HB 885, HB 988, HB 989, HB 993, HB 1061, HB 1130, HB 1174, HB 1263, HB 1344, HB 1449, HB 1488, HB 1503, HB 1545, HB 1566, HB 1567, HB 1570, HB 1674, HB 1779, HB 1861, HB 1862, HB 1869, HB 2033, HB 2035, HB 2144, HB 2251, HB 2271, HB 2351, HB 2360, HB 2376, HB 2495, HB 2615, HB 2631, HB 2670, HB 2699, HB 2866, HB 2920, HB 2935, HB 3004, HB 3141, HB 3255, HB 3389, HB 3487, HB 3570, HB 3847, HCR 33, HCR 143

Senate List No. 29

SB 14, SB 118, SB 132, SB 328, SB 420, SB 977, SB 1125, SB 1353, SB 1693, SCR 25

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
Wednesday, May 18, 2011

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 923

Deuell

Relating to creating a branch winery permit.

SB 1021 Rodriguez
Relating to certain examination requirements for physicians.

SB 1807 Lucio
Relating to the composition of the 444th Judicial District.

SB 1913 Watson
Relating to the creation of the Southeast Travis County Municipal Utility District No. 1; providing authority to impose a tax and issue bonds.

SB 1914 Watson
Relating to the creation of the Southeast Travis County Municipal Utility District No. 2; providing authority to impose a tax and issue bonds.

SB 1915 Watson
Relating to the creation of the Southeast Travis County Municipal Utility District No. 3; providing authority to impose a tax and issue bonds.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Wednesday, May 18, 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 215 Gallego SPONSOR: Ellis
Relating to photograph and live lineup identification procedures in criminal cases.

HB 252 Hilderbran SPONSOR: Estes
Relating to eligibility for an exemption from ad valorem taxation of the residence homestead of a person.
(Committee Substitute/Amended)

HB 417 Anchia SPONSOR: Ellis
Relating to claims for compensation for wrongful imprisonment.
(Committee Substitute/Amended)

HB 423 Guillen SPONSOR: Williams
Relating to the powers of rural and urban transit districts.

- HB 555** Howard, Donna SPONSOR: Watson
 Relating to reportable boating accidents and the penalties for certain boating accidents.
- HB 871** Davis, Yvonne SPONSOR: Zaffirini
 Relating to indigent health care services that may be provided by a county.
 (Amended)
- HB 901** Thompson SPONSOR: Harris
 Relating to spousal maintenance.
- HB 1573** Gallego SPONSOR: Carona
 Relating to certain pretrial and post-trial procedures in a criminal case.
 (Amended)
- HB 1899** Pickett SPONSOR: Rodriguez
 Relating to the posting of signs in school crossing zones regarding the prohibited use of a wireless communication device while operating a motor vehicle.
 (Committee Substitute)
- HB 2007** Shelton SPONSOR: Davis
 Relating to payment by the Benbrook Water Authority for certain damages caused by the authority's operation of a sanitary sewer system.
- HB 2170** Raymond SPONSOR: Davis
 Relating to assisting a foster child in obtaining the child's credit report.
 (Amended)
- HB 2342** Truitt SPONSOR: Watson
 Relating to certain violations of and offenses under The Securities Act; providing penalties.
- HB 2851** Mallory Caraway SPONSOR: Rodriguez
 Relating to deferral of certain surcharge payments for military personnel deployed outside of the continental United States.
- HB 2973** Hunter SPONSOR: Ellis
 Relating to encouraging public participation by citizens by protecting a person's right to petition, right of free speech, and right of association from meritless lawsuits arising from actions taken in furtherance of those rights.
 (Committee Substitute)
- HB 3051** Pickett SPONSOR: Rodriguez
 Relating to the provision of child care by certain facilities exempt from child-care licensing requirements.
- HB 3234** Hernandez Luna SPONSOR: Davis
 Relating to the prioritization of requests to release certain case records maintained by the Department of Family and Protective Services.
- HB 3302** Reynolds SPONSOR: Hegar
 Relating to the authority of certain Type A economic development corporations to undertake certain categories of projects.
 (Amended)
- HB 3342** Naishtat SPONSOR: Rodriguez

Relating to representation of and by the state and joinder of the state in certain mental health proceedings.

(Committee Substitute)

HB 3510

Hamilton

SPONSOR: Carona

Relating to the regulation of the towing, booting, and storage of vehicles.

(Committee Substitute)

HJR 130

Branch

SPONSOR: Birdwell

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.

(Committee Substitute)

THE SENATE HAS REFUSED TO CONCUR IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

SB 602

Senate Conferees: Rodriguez - Chair/Eltife/Gallegos/Uresti/Wentworth

SB 647

Senate Conferees: Hegar - Chair/Birdwell/Huffman/Nelson/Uresti

THE SENATE HAS GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

HB 1112

Senate Conferees: Nichols - Chair/Rodriguez/Shapiro/Watson/Williams

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE
SENATE CHAMBER

Austin, Texas

Wednesday, May 18, 2011 - 3

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 1425

Wentworth

Relating to an account for construction retainage; providing a civil penalty.

SB 1916

Watson

Relating to the creation of the Southeast Travis County Municipal Utility District No. 4; providing authority to impose a tax and issue bonds.

Respectfully,

Patsy Spaw

Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

May 17

Agriculture and Livestock - **SB 811**

Business and Industry - **SB 142**

County Affairs - **SB 303, SB 1906**

Criminal Jurisprudence - **SB 167, SB 1701**

Culture, Recreation, and Tourism - **SB 252**

Defense and Veterans' Affairs - **HCR 71, SB 1477, SB 1660**

Economic and Small Business Development - **SB 1534, SB 1714**

Higher Education - **SB 74, SB 179, SB 514, SB 1414**

Human Services - **SB 71, SB 223, SB 681, SB 1878**

Judiciary and Civil Jurisprudence - **SB 1197, SB 1236**

Licensing and Administrative Procedures - **SB 1000, SB 1001**

Natural Resources - **HB 3864, HB 3865**

Pensions, Investments, and Financial Services - **SB 29, SB 155, SB 249, SB 579, SB 1008**

Public Education - **SB 35, SB 226, SB 419, SB 1410, SB 1484, SB 1543, SB 1619**

Public Health - **SB 263, SB 594, SB 736**

Transportation - **SB 802, SB 1035**

ENROLLED

May 17 - HB 1401, HB 3000

SIGNED BY THE GOVERNOR

**May 17 - HB 558, HB 801, HB 905, HB 1551, HB 1808, HB 1944,
HCR 9**

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SEVENTY-NINTH DAY (CONTINUED) — THURSDAY, MAY 19, 2011

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

The roll of the house was called and a quorum was announced present (Record 1158).

Present — Mr. Speaker; Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycocck; 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 Edward Alonzo, pastor, Salvation Army, Pasadena.

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

(Harper-Brown in the chair)

CAPITOL PHYSICIAN

The chair recognized Representative P. King who presented Dr. Mark Eidson of Weatherford as the "Doctor for the Day."

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

HR 1980 - ADOPTED
(by Legler)

Representative Legler moved to suspend all necessary rules to take up and consider at this time **HR 1980**.

The motion prevailed.

The following resolution was laid before the house:

HR 1980, Honoring country music star Mickey Gilley.

HR 1980 was read and was adopted.

On motion of Representative L. Taylor, the names of all the members of the house were added to **HR 1980** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Legler who introduced Mickey Gilley and members of his family and friends.

HCR 116 - PREVIOUSLY ADOPTED
(by J. Davis and Nash)

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

HCR 116, In memory of the Reverend Clinton Roderick Dobson of Arlington.

On motion of Representative Nash, the names of all the members of the house were added to **HCR 116** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Nash who introduced family members of Reverend Clinton Roderick Dobson.

COMMITTEE GRANTED PERMISSION TO MEET

Representative L. Taylor requested permission for the Committee on Elections to meet while the house is in session, upon first adjournment today, at Desk 81, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Elections, upon first adjournment today, Desk 81, for a formal meeting, to consider pending business.

HR 2067 - ADOPTED
(by Dutton)

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 2067**.

The motion prevailed.

The following resolution was laid before the house:

HR 2067, Honoring U.S. Army Colonel Pamela A. DeLancy for her distinguished military service.

HR 2067 was read and was adopted.

On motion of Representative Berman, the names of all the members of the house were added to **HR 2067** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Dutton who introduced U.S. Army Colonel Pamela A. DeLancy and members of her family and friends.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

County Affairs, upon first adjournment today, Desk 44, for a formal meeting, to consider pending business.

HR 1459 - ADOPTED (by Branch)

Representative Branch moved to suspend all necessary rules to take up and consider at this time **HR 1459**.

The motion prevailed.

The following resolution was laid before the house:

HR 1459, In memory of Robert Leland Shaw, Jr., of Dallas.

HR 1459 was read and 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 1459** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Branch who introduced family members of Robert Leland Shaw, Jr.

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 JOINT RESOLUTIONS ON FIRST READING AND REFERRAL TO COMMITTEES RESOLUTIONS REFERRED TO COMMITTEES

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. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

HR 1164 - PREVIOUSLY ADOPTED (by Callegari)

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

HR 1164, Congratulating Dr. Mark Bing on his induction into the Texas High School Football Hall of Fame.

On motion of Representative S. Miller, the names of all the members of the house were added to **HR 1164** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Callegari who introduced Dr. Mark Bing and his wife, Kelley.

HR 1890 - ADOPTED (by Darby)

Representative Darby moved to suspend all necessary rules to take up and consider at this time **HR 1890**.

The motion prevailed.

The following resolution was laid before the house:

HR 1890, Honoring H. E. "Gene" Crump, Jr., on his retirement as deputy executive director of the Texas Workforce Commission.

HR 1890 was adopted.

(McClendon in the chair)

CONGRATULATORY AND MEMORIAL CALENDAR

The following congratulatory resolutions were laid before the house:

SCR 53 (Guillen - House Sponsor), Recognizing the Texas Heritage Songwriters' Association for fostering and preserving Texas culture.

HCR 149 was withdrawn.

HCR 153 (by Dukes), Honoring the Austin Area Urban League.

HCR 162 (by J. Davis), Congratulating the Space Center Intermediate Band in Houston on its receipt of a 2010 Sudler Cup.

HCR 164 (by Smithee), Honoring Jean Hilfiger of Saint-Nabord, France, for his courageous actions in assisting U.S. military forces in France during World War II.

HR 24 was withdrawn.

HR 25 was withdrawn.

HR 1023 (by Carter), Welcoming members of the State Republican Executive Committee to the State Capitol.

HR 1149 (by Madden), Welcoming members of the Texas Catholic Conference to the State Capitol on April 6, 2011.

HR 1150 (by Sheffield), Recognizing April 4 through 8, 2011, as Connect a Million Minds Week.

HR 1254 (by Rodriguez), Recognizing March 31, 2011, as Dove Springs Community Family Health Day at Consuelo Mendez Middle School in Austin.

HR 1442 (by Hartnett), Commending the Service Learning Adventures in North Texas 45 initiative for promoting community service among young people.

HR 1457 was withdrawn.

HR 1485 (by Solomons), Recognizing November 5-9, 2012, as Municipal Courts Week in Texas.

HR 1486 (by Solomons), Recognizing November 7-11, 2011, as Municipal Courts Week in Texas.

HR 1571 (by Muñoz), Commemorating 2011 as the Year of the Farmworker Child.

HR 1600 (by D. Howard), Recognizing the third full week of May 2011 as Neuropathy Awareness Week.

HR 1675 (by Gallego), Recognizing May 6, 2011, as Lucy Rede Franco Day.

HR 1754 (by D. Howard and S. King), Recognizing May 6 through 12, 2011, as Nurses Week in Texas.

HR 1763 (by Callegari), Honoring the University of Houston System at Cinco Ranch on its 30th anniversary.

HR 1765 (by Callegari), Congratulating Joe Hegar on his retirement as Katy city attorney.

HR 1766 (by Callegari), Congratulating LaCenterra at Cinco Ranch/Vista Equities Group on its selection as Business of the Year for 2009 by the Katy Area Chamber of Commerce.

HR 1767 (by Callegari), Congratulating the Honorable William "Bill" Yeoman on being named the 2009 Citizen of the Year by the Katy Area Chamber of Commerce.

HR 1769 (by Madden), Congratulating Dr. Lannette Linthicum on her receipt of the 2011 E. R. Cass Correctional Achievement Award from the American Correctional Association.

HR 1772 (by Farrar), Congratulating Nicholas David Reed on being sworn in as an attorney on May 7, 2011, at the State Capitol.

HR 1773 (by Vo), Commemorating the 2011 Taiwanese American Heritage Week celebratory concert in Houston.

HR 1775 (by Gonzalez, Marquez, Quintanilla, and Pickett), Honoring Donald Leon Williams for his service as chair of the Black El Paso Democrats.

HR 1779 (by Perry), Congratulating the students from Seminole High School who have participated in the 2011 UIL One-Act Play competitions.

HR 1780 (by Perry), Congratulating the Seminole High School academic team for their achievements in 2011 UIL competition.

HR 1781 (by Perry), Congratulating the student competitors from Plains High School on their triumph in the regional round of the UIL One-Act Play Contest and extending them best wishes for success at the state meet.

HR 1782 (by Isaac), Honoring the Salt Lick in Driftwood on its participation in the "Bar-B-Quesday" hall lunch during the 82nd Legislative Session.

HR 1783 (by Isaac), Honoring Chisholm Trail Bar-B-Que in Lockhart on its participation in the "Bar-B-Quesday" hall lunch during the 82nd Legislative Session.

HR 1784 (by Isaac), Honoring Black's Barbecue in Lockhart on its participation in the "Bar-B-Quesday" hall lunch during the 82nd Legislative Session.

HR 1785 (by Isaac), Honoring Ronnie's BBQ in Johnson City on its participation in the "Bar-B-Quesday" hall lunch during the 82nd Legislative Session.

HR 1786 (by Gutierrez), Congratulating Wesley George Dempster on his graduation from The Citadel.

HR 1787 (by Gutierrez), Congratulating Lorene Wallace on being nominated for the Presidential Award for Excellence in Mathematics and Science Teaching.

HR 1788 (by Gutierrez), Recognizing May 1-7, 2011, as Public Service Recognition Week in Texas.

HR 1789 (by Schwertner), Commemorating the dedication of a Texas Historical Marker at the First National Bank of Cameron.

HR 1790 (by Flynn), Congratulating Carl and Ruth Evans of Fruitvale on their 50th wedding anniversary.

HR 1791 (by Flynn), Congratulating Brady and Laretta Bass of Cash on their 52nd wedding anniversary.

HR 1792 (by Flynn), Congratulating Doug and Jo Ann Morris of Campbell on their 25th wedding anniversary.

HR 1793 (by Pitts), Congratulating the Texas Department of Licensing and Regulation on being named one of the top workplaces in the Austin area by the Austin American-Statesman. (Simpson recorded voting no.)

HR 1794 (by Zedler), Congratulating Arlington Municipal Airport on being named the 2011 Reliever Airport of the Year by the Texas Department of Transportation Aviation Division.

HR 1795 was previously adopted.

HR 1796 (by Parker), Commemorating the Flower Mound High School Circle of Friends 2011 Grande Ball.

HR 1797 (by Parker), Congratulating the Destination ImagiNation team from Clayton Downing Middle School in Flower Mound on its first-place finish at the 2011 Texas Destination ImagiNation Affiliate Tournament.

HR 1798 (by Parker), Congratulating the North Texas Municipal Water District on its receipt of the 2011 Texas Environmental Excellence Award for water conservation.

HR 1799 (by Parker), Honoring members of the Zumwalt, Kent, and Burket families for their service during the Texas Revolution and the period of the Texas Republic.

HR 1802 (by V. Gonzales), Recognizing May 16-20, 2011, as Diabetic Peripheral Neuropathy Awareness Week.

HR 1803 (by Lozano), Congratulating Mike and Judy Muzyczyn of the Kleberg County Airport on their selection as the 2011 General Aviation Management Team of the Year by the Texas Department of Transportation, Aviation Division.

HR 1804 (by Riddle), Congratulating Lawrence J. "Doc" Cohen on being inducted into the International Franchise Association Hall of Fame.

HR 1808 (by Madden), Congratulating Judge Curt B. Henderson on his retirement as senior state district judge for the 219th Judicial District Court.

HR 1810 (by Carter), Congratulating Analisa Anastasi of Dallas on her receipt of the Girl Scout Gold Award.

HR 1811 (by Carter), Congratulating Emily Andrews of Dallas on her receipt of the Girl Scout Gold Award.

HR 1812 (by Carter), Congratulating Lauren Elizabeth Baskett of Dallas on her receipt of the Girl Scout Gold Award.

HR 1813 (by Carter), Congratulating Victoria Elena Christiansen of Dallas on her receipt of the Girl Scout Gold Award.

HR 1814 (by Y. Davis), Honoring James Baugh on the occasion of his retirement as city manager of DeSoto.

HR 1815 was previously adopted.

HR 1816 (by Cain), Congratulating Bobby and Brenda Vaughan of Powderly on their 50th wedding anniversary.

HR 1817 (by Morrison), Congratulating Larry Wheeler of Victoria on his retirement as a Walgreens store manager and pharmacist.

HR 1818 (by Murphy, et al.), Commemorating the 40th anniversary of Houston Community College.

HR 1820 (by Hunter), Congratulating Martha McLeod of the Fulton 4-5 Learning Center in Rockport on her receipt of the Presidential Award for Excellence in Science Teaching for the State of Texas.

HR 1822 (by Guillen), Honoring John Eric Pena on his 51st birthday.

HR 1823 (by Carter), Congratulating Katherine Ruth Seitz of Dallas on her receipt of the Girl Scout Gold Award.

HR 1824 (by Carter), Congratulating Rabbi Yerachmiel D. Fried on his selection as an Outstanding Community Leader by the Texas Legislative Black Caucus.

HR 1825 (by Carter), Congratulating Lois Finkelman on being appointed as head of the Dallas Gas Drilling Task Force.

HR 1826 (by Carter), Congratulating Amelia Catherine Mugavero of Dallas on her receipt of the Girl Scout Gold Award.

HR 1827 (by Carter), Congratulating Victoria Knight of Dallas on her receipt of the Girl Scout Gold Award.

HR 1828 (by Carter), Congratulating Carly H. Kaplan of Dallas on her receipt of the Girl Scout Gold Award.

HR 1829 (by Carter), Congratulating Allison Claire Marie Golden of Dallas on her receipt of the Girl Scout Gold Award.

HR 1830 (by Carter), Congratulating Dana LeeAnn Flinn of Dallas on her receipt of the Girl Scout Gold Award.

HR 1831 (by Carter), Congratulating Jillian Fisher of Dallas on her receipt of the Girl Scout Gold Award.

HR 1832 (by Carter), Congratulating Katherine Dodgen of Dallas on her receipt of the Girl Scout Gold Award.

HR 1833 (by Carter), Congratulating Julia Anne Dankberg of Dallas on her receipt of the Girl Scout Gold Award.

HR 1834 (by Carter), Recognizing May 2011 as Tuberos Sclerosis Complex Awareness Month in Texas.

HR 1835 (by Menendez), Honoring Michael Gerber for his service as executive director of the Texas Department of Housing and Community Affairs.

HR 1836 (by Craddick), Congratulating J. B. and Lorene Woodruff of Midland on their 60th wedding anniversary.

HR 1838 (by Harper-Brown), Congratulating the Bowie Middle School seventh-grade boys' track team on winning the 2011 Irving ISD city championship.

HR 1839 (by Muñoz), Honoring R. P. "Bob" Sanchez for his distinguished career and his service to his community, state, and nation.

HR 1840 (by Muñoz), Honoring Dr. Cayetano E. Barrera III of McAllen for his distinguished medical career and service to his community.

HR 1842 (by Veasey), Congratulating Dorothy Louise Stewart on her retirement from the Fort Worth Independent School District.

HR 1844 (by Hopson), Congratulating Cord Fletcher of Henderson High School on winning the UIL state wrestling championship in the 215-pound weight class.

HR 1845 (by Madden), Congratulating John Roach on his retirement as district attorney of Collin County.

HR 1846 (by Woolley), Congratulating Benjamin McPhaul on his graduation from The University of Texas at Austin.

HR 1847 (by Woolley), Congratulating Carson Elizabeth Brown of Houston on her graduation from Episcopal High School and her admission to the University of Mississippi.

HR 1848 (by Margo), Congratulating Ellen Negrete of Polk Elementary School in El Paso on being named the Region 19 Nurse of the Year by the Texas School Nurses Organization.

HR 1850 (by Perry), Congratulating Dean B. Stanzione II on his graduation from the Institute for Court Management's Court Executive Development Program.

HR 1851 (by D. Howard), Congratulating Austin Wayne Self on his victory in the opening event of the 2011 NASCAR Texas Whelen All-American Series.

HR 1855 (by Reynolds), Commending Fort Bend county commissioner Grady Prestage for his service to the community.

HR 1857 (by Reynolds), Honoring Stephen K. Brown II for his service as chair of the Fort Bend County Democratic Party.

HR 1859 (by Reynolds), Congratulating Danielle Murray Moss of Fleming Elementary School in Houston for being named 2011-2012 Elementary Teacher of the Year by the Fort Bend Independent School District.

HR 1860 (by Reynolds), Congratulating Yolanda Clarke of Travis High School in Richmond for being named 2011-2012 Secondary Teacher of the Year by the Fort Bend Independent School District.

HR 1861 (by Reynolds), Congratulating the Honorable Joel C. Clouser, Sr., on his 18 years of service as justice of the peace of Precinct 2 in Fort Bend County.

HR 1862 (by Reynolds), Honoring Carlos A. Garcia for his service as secretary of the Fort Bend County Democratic Party.

HR 1863 (by Reynolds), Commending Vivian Burley for her service as a Volunteers in Public Schools coordinator in the Fort Bend Independent School District.

HR 1864 (by Reynolds), Commending Shana Barron for her service as a Volunteers in Public Schools coordinator in the Fort Bend Independent School District.

HR 1865 (by Reynolds), Commending JoAnne Johnson for her service as a Volunteers in Public Schools coordinator in the Fort Bend Independent School District.

HR 1866 (by Reynolds), Commending Alma Ramirez for her service as a Volunteers in Public Schools coordinator in the Fort Bend Independent School District.

HR 1867 (by Reynolds), Commending Kiesha Guillory for her service as a Volunteers in Public Schools coordinator in the Fort Bend Independent School District.

HR 1868 (by Reynolds), Commending Clarissa Heard for her service as a Volunteers in Public Schools coordinator in the Fort Bend Independent School District.

HR 1869 (by Reynolds), Commending Geraldine Pace for her service as a Volunteers in Public Schools coordinator in the Fort Bend Independent School District.

HR 1870 (by Reynolds), Commending Doris Edwards for her service as a Volunteers in Public Schools coordinator in the Fort Bend Independent School District.

HR 1871 (by Reynolds), Commending Bernice Coleman for her service as a Volunteers in Public Schools coordinator in the Fort Bend Independent School District.

HR 1872 (by Reynolds), Commending Stevenia Love for her service as a Volunteers in Public Schools coordinator in the Fort Bend Independent School District.

HR 1873 (by Reynolds), Commending Kristi Mack for her service as a Volunteers in Public Schools coordinator in the Fort Bend Independent School District.

HR 1874 (by Reynolds), Commending Renee Blankson for her service as a Volunteers in Public Schools coordinator in the Fort Bend Independent School District.

HR 1875 (by Reynolds), Commending Kimberly Warren for her service as a Volunteers in Public Schools coordinator in the Fort Bend Independent School District.

HR 1876 (by Madden), Honoring the legislative interns of State Representative Jerry Madden.

HR 1877 (by Madden), Honoring Kathy Ward for her service as a Collin County commissioner.

HR 1878 (by Madden), Honoring Steve Deffibaugh on his retirement as the fire marshal of Collin County.

HR 1882 (by Madden), Congratulating Hannah Kunkle on her retirement as Collin County district clerk.

HR 1884 (by Schwertner), Congratulating Wayne and Catherine Long of Georgetown on their 60th wedding anniversary.

HR 1886 (by Craddick), Honoring Irene Buchanan on her 100th birthday.

HR 1888 (by Guillen), Honoring Roel Omar Guerra of Rio Grande City for his personal and professional achievements.

HR 1889 (by T. King), Congratulating the Castroville Area Economic Development Council on its first anniversary.

HR 1890 was previously adopted.

HR 1892 (by Carter), Congratulating Richland College on its receipt of the 2010 WasteWise College/University Partner of the Year Award from the EPA and on its first-place statewide finish in the RecycleMania competition.

HR 1893 (by Zedler), Commemorating the 60th anniversary of the incorporation of Crowley.

HR 1895 (by C. Anderson), Honoring the Waco Convention & Visitors Bureau on the occasion of Texas Travel and Tourism Week.

HR 1913 (by C. Anderson), Congratulating Alec Sanchez of McGregor for receiving a 2011 Prudential Spirit of Community Certificate of Excellence and a President's Volunteer Service Award.

HR 1914 (by C. Anderson), Congratulating Buddy and Judy Baker of Mart on their 50th wedding anniversary.

HR 1915 (by Carter), Congratulating Charles Pickitt, principal of Richardson High School, on being named a regional finalist for the 2011 H-E-B Excellence in Education Principal Award.

HR 1925 (by V. Gonzales), Commending Oscar Moreno for organizing the first McAllen Book Fair.

HR 1926 (by V. Gonzales), Honoring Lydia G. Sandoval on her 25 years of service with Lone Star National Bank in McAllen.

HR 1932 (by C. Anderson), Congratulating Avery Rae Williams and John Adam Kerley on their wedding.

HR 1942 (by C. Anderson), Congratulating Sonny and Carol Ludwig on their 50th wedding anniversary.

HR 1944 (by C. Anderson), Congratulating Howard and Mary Ann Thompson of Woodway on their 30th wedding anniversary.

HR 1946 (by C. Anderson), Commemorating the "First Things First" Juneteenth Kick Off Celebration in Waco.

HR 1947 (by Veasey), Honoring the Fort Worth Metropolitan Black Chamber of Commerce and its PATHS Forward leadership development program.

HR 1948 (by Martinez), Congratulating Juan and Olga Lugo of Donna on their 50th wedding anniversary.

HR 1952 (by Callegari), Honoring U.S. Army Staff Sergeant Austin McCall of Katy on his receipt of the Bronze Star and the Purple Heart for his bravery in Afghanistan.

HR 1953 (by Callegari), Honoring Brazos Valley Schools Credit Union for its many contributions to the Katy Independent School District.

HR 1954 (by Callegari), Congratulating Jo Marie Hestilow on her selection as the 2010 Senior Citizen of the Year by the City of Katy.

HR 1956 (by Dutton), Honoring the Galveston/Houston Archdiocesan Council of Catholic Women.

HR 1975 was withdrawn.

The resolutions were adopted.

The following memorial resolutions were laid before the house:

SCR 54 (Keffer - House Sponsor), In memory of Gregory Mack Simmons.

HCR 151 (by Lavender), In memory of Bowie County Transport Deputy Sherri Jones.

HCR 160 (by Hughes), In memory of former state representative Dr. Bob Glaze.

HR 1771 (by McClendon), In memory of the Reverend Dr. Laymon H. Frank Mills.

HR 1800 (by Parker), In memory of U.S. Army First Lieutenant Robert F. Welch III of Denton.

HR 1801 (by V. Gonzales), In memory of Immigration and Customs Enforcement Special Agent Jaime Jorge Zapata.

HR 1805 (by Hunter), In memory of Michael James Ellis of Corpus Christi.

HR 1806 (by Madden), In memory of Joseph Allen Hill of Collin County.

HR 1807 (by Madden), In memory of former Plano mayor Robert Lee Harrington, Jr.

HR 1849 (by Margo), In memory of Frank Gillespie McKnight.

HR 1853 was withdrawn.

HR 1856 (by Reynolds), In memory of Acie John Butler of Houston.

HR 1858 (by Reynolds), In memory of Richard David Jones, Jr.

HR 1879 (by Madden), In memory of James Herbert Boswell of Plano.

HR 1880 (by Madden), In memory of Dale Ralph "Cactus" Martin, a former member of the Plano Fire Department.

HR 1881 (by Madden), In memory of Denise Short Smith of Plano.

HR 1885 (by Hilderbran), In memory of Brenda Reagor of Llano.

HR 1887 (by Guillen), Honoring the memory of Ramiro Barrera, Sr., of Roma for his public service.

HR 1891 (by Larson), In memory of Stephanie Ashley Flores.

HR 1894 (by C. Anderson), In memory of Jeremy Pat Pryor of Waco.

HR 1896 (by C. Anderson), In memory of Debi Deiterman of Waco.

HR 1897 (by C. Anderson), In memory of Maria Maciel of Waco.

HR 1898 (by C. Anderson), In memory of Jessie Mae Pruett of Hewitt.

HR 1899 (by C. Anderson), In memory of Stanley Louis Jahn of Waco.

HR 1900 (by C. Anderson), In memory of Anna Marie Guajardo of Waco.

HR 1901 (by C. Anderson), In memory of Megan Lynn Self of Crawford.

HR 1902 (by C. Anderson), In memory of Esther Mae Williams.

HR 1903 (by C. Anderson), In memory of Janie "Tootsie" Dickson of Waco.

HR 1904 (by C. Anderson), In memory of Dolores Patricia Jones Skelton of Waco.

HR 1905 (by C. Anderson), In memory of Floyd Darvin Parnell of Waco.

HR 1906 (by C. Anderson), In memory of Helen Ruth Marek of West.

HR 1907 (by C. Anderson), In memory of Charlsie Ann Rowland of Waco.

HR 1908 (by C. Anderson), In memory of Charles W. Green of Waco.

HR 1909 (by C. Anderson), In memory of Alfred Pomerence of McGregor.

HR 1910 (by C. Anderson), In memory of Martha Wade Crone.

HR 1912 (by C. Anderson), In memory of James Robert Morrow, Sr., of Elm Mott.

HR 1916 (by C. Anderson), In memory of Domingo Suasa of Waco.

HR 1917 (by C. Anderson), In memory of Nellie Effie Sutton of Bellmead.

HR 1918 (by C. Anderson), In memory of Victor Guerrero III of China Spring.

HR 1919 (by C. Anderson), In memory of Irene A. Hendrix of Waco.

HR 1920 (by C. Anderson), In memory of Jarrell Dean Cantrell of Lacy-Lakeview.

HR 1921 (by C. Anderson), In memory of Edna Delle Hammit of Crawford.

HR 1922 (by C. Anderson), In memory of Nina Leathers-Hunt of Waco.

HR 1923 (by C. Anderson), In memory of Albert Galindo of Waco.

HR 1924 (by C. Anderson), In memory of Anne Perlman Harris.

HR 1927 (by V. Gonzales), Honoring the life of Colonel James "Nikki" Rowe of McAllen on the 22nd anniversary of his death.

HR 1928 (by C. Anderson), In memory of Billy G. White of Waco.

HR 1929 (by C. Anderson), In memory of Daniel A. Mynarcik, Sr., of Elm Mott.

HR 1930 (by C. Anderson), In memory of Keenan Rhae-Von Hubert of Waco.

HR 1931 (by C. Anderson), In memory of Virginia Frances Donaldson.

HR 1933 (by C. Anderson), In memory of Dr. Richard George Fadal of Waco.

HR 1934 (by C. Anderson), In memory of Joe M. Rodriguez.

HR 1935 (by C. Anderson), In memory of Virginia Baskett of Waco.

HR 1936 (by C. Anderson), In memory of Norman E. Vinson of Waco.

HR 1937 (by C. Anderson), In memory of Donna Jean Evetts of Hewitt.

HR 1938 (by C. Anderson), In memory of Beverly Louise Bryan of Waco.

HR 1939 (by C. Anderson), In memory of Betty Ruth Ritterhoff Armstrong of Waco.

HR 1940 (by C. Anderson), In memory of Edna E. Henderson Anderson of Waco.

HR 1941 (by C. Anderson), In memory of John Poe of Moody.

HR 1943 (by C. Anderson), In memory of Ira McCleese Mathews, Sr., of Waco.

HR 1945 (by C. Anderson), In memory of Cleo Frances Malone of West.

HR 1949 (by Martinez), In memory of longtime Weslaco resident Janie Cuellar Salinas.

HR 1959 (by Muñoz), In memory of Border Patrol agent Eduardo Lee "Eddie" Vela of Mission.

HR 1966 (by Flynn and Garza), In memory of the Reverend David Wilkerson of Lindale, the founding pastor of Times Square Church in New York City and best-selling author.

HR 1974 (by Pitts), In memory of U.S. Army Private First Class Joel Ramirez of Waxahachie.

HR 1988 (by Eissler), In memory of U.S. Army Private First Class Kyle Matthew Holder of The Woodlands.

HR 1989 (by Eissler), In memory of U.S. Marine Corps Corporal Jeffrey Warren Johnson of Tomball.

The resolutions were unanimously adopted by a rising vote.

NAMES ADDED

On motion of Representative Sheets, the names of all the members of the house were added to **HR 1800**, **HR 1974**, **HR 1988**, and **HR 1989** as signers thereof.

On motion of Representative S. Miller, the names of all the members of the house were added to **HCR 151**, **HR 1801**, and **HR 1880** as signers thereof.

On motion of Representative Hughes, the names of all the members of the house were added to **HCR 160** as signers thereof.

HR 2092 - ADOPTED
(by Martinez Fischer)

Representative Martinez Fischer moved to suspend all necessary rules to take up and consider at this time **HR 2092**.

The motion prevailed.

The following resolution was laid before the house:

HR 2092, In memory of Susan C. Rocha of San Antonio.

HR 2092 was read and was unanimously adopted by a rising vote.

On motion of Representatives Farias and Menendez, the names of all the members of the house were added to **HR 2092** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Martinez Fischer who introduced family members of Susan C. Rocha.

(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):

SB 27 was deferred until the end of today's local, consent, and resolutions calendar.

CSSB 61 (Walle - House Sponsor), A bill to be entitled An Act relating to juvenile case managers.

SB 82 (Gallego, Hartnett, and Rodriguez - House Sponsors), A bill to be entitled An Act relating to the prosecution of the offense of stalking.

SB 101 (Farias - House Sponsor), A bill to be entitled An Act relating to the regulation of nonjudicial foreclosure on residences owned by certain members of the military, including foreclosure by a property owners' association.

SB 116 (Castro - House Sponsor), A bill to be entitled An Act relating to protective orders against dating violence.

Amendment No. 1

Representative Castro offered the following amendment to **SB 116**:

Amend **SB 116** (house committee printing) as follows:

(1) In SECTION 2 of the bill, strike amended Section 71.0021(a), Family Code (page 1, lines 8-17), and substitute the following:

(a) "Dating violence" means an act, other than a defensive measure to protect oneself, by an actor [individual] that:

(1) is committed against a victim:

(A) [another individual] with whom the actor [that person] has or has had a dating relationship; or

(B) because of the victim's marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage; and

(2) ~~[that]~~ is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the victim [individual] in fear of imminent physical harm, bodily injury, assault, or sexual assault ~~[- but does not include defensive measures to protect oneself].~~

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

SECTION _____. Section 82.002(b), Family Code, is amended to read as follows:

(b) With regard to family violence under Section 71.004(3), an application for a protective order to protect the applicant may be filed by:

(1) an adult member of the dating relationship; or

(2) an adult member of the marriage, if the victim is or was married as described by Section 71.0021(a)(1)(B).

(3) In SECTION 3 of the bill (page 1, lines 18-19), strike "Section 71.0021," and substitute "Sections 71.0021 and 82.002,".

Amendment No. 1 was adopted.

SB 166 was deferred until the end of today's local, consent, and resolutions calendar.

SB 179 (Hardcastle - House Sponsor), A bill to be entitled An Act relating to the service area of the North Central Texas College District. (White recorded voting no.)

SB 191 (S. King - House Sponsor), A bill to be entitled An Act relating to disposition of a contested case by the Texas Medical Board.

SB 199 (Hernandez Luna - House Sponsor), A bill to be entitled An Act relating to agricultural projects in certain schools, including the eligibility of nonprofit organizations that partner with schools to receive grants. (White recorded voting no.)

SB 227 (S. King - House Sponsor), A bill to be entitled An Act relating to the nondisciplinary resolution of certain complaints filed against physicians.

SB 260 (Raymond - House Sponsor), A bill to be entitled An Act relating to minimum training standards for employees of certain child-care facilities. (White recorded voting no.)

Amendment No. 1

Representative Raymond offered the following amendment to **SB 260**:

Amend **SB 260** (house committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Section 42.0421, Human Resources Code, is amended by amending Subsection (a) and adding Subsections (f) and (g) to read as follows:

(a) The minimum training standards prescribed by the department under Section 42.042(p) for an employee, director, or operator of a day-care center, ~~or~~ group day-care home, or registered family home must include:

(1) 24 ~~eight~~ hours of initial training that must be completed not later than the 90th day after the employee's first day of employment for an employee of a day-care center who has no previous training or less than two years of employment experience in a regulated child-care facility, eight hours of which must ~~to~~ be completed before the employee is given responsibility for a group of children;

(2) 24 ~~15~~ hours of annual training for each employee of a day-care center or group day-care home, excluding the director, which must include at least six hours of training in one or more of the following areas:

- (A) child growth and development;
- (B) guidance and discipline;
- (C) age-appropriate curriculum; and
- (D) teacher-child interaction; and

(3) 30 ~~20~~ hours of annual training for each director of a day-care center or group day-care home, or operator of a registered family home, which must include at least six hours of training in one or more of the following areas:

- (A) child growth and development;
- (B) guidance and discipline;
- (C) age-appropriate curriculum; and
- (D) teacher-child interaction.

(f) In adopting the minimum training standards under Section 42.042(p), the department may not require more training hours than the number of hours prescribed by Subsection (a) for a day-care center, group day-care home, or a registered family home.

(g) The executive commissioner by rule shall adopt minimum training standards for before-school or after-school and school-age programs as required by Section 42.042(p). In adopting minimum training standards for before-school or after-school and school-age programs under this subsection, the executive commissioner may not require more initial or annual training hours than the number of hours required by Subsection (a) immediately before September 1, 2011.

SECTION 2. Section 42.0426, Human Resources Code, is amended by adding Subsection (c) to read as follows:

(c) Not later than the seventh day after the date an employee begins employment at a day-care center, group day-care home, or registered family home, the employee must complete an orientation to the facility.

SECTION 3. (a) Section 42.0421(a)(1), Human Resources Code, as amended by this Act, and Section 42.0426(c), Human Resources Code, as added by this Act, apply only to an employee who is initially employed by a child-care

facility on or after the effective date of this Act. An employee who is initially employed by a child-care facility before that date is subject to the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

(b) Sections 42.0421(a)(2) and (3), Human Resources Code, as amended by this Act, apply to an employee or director of a child-care facility regardless of the date the person began employment with or service as director of the child-care facility.

SECTION 4. This Act takes effect September 1, 2011.

Amendment No. 1 was adopted.

SB 283 (Scott - House Sponsor), A bill to be entitled An Act relating to the appointment of associate judges in child protective services cases.

SB 303 was withdrawn.

SB 324 (J. Davis - House Sponsor), A bill to be entitled An Act relating to the course levels offered by the University of Houston-Clear Lake.

CSSB 329 (Chisum and Naishtat - House Sponsors), A bill to be entitled An Act relating to the sale, recovery, and recycling of certain television equipment; providing administrative penalties. (Flynn, Garza, Sheffield, Simpson, White, and Zedler recorded voting no.)

CSSB 329 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE ALISEDA: Isn't it correct that this bill does not include computer equipment because the legislature previously enacted a computer equipment recycling program?

REPRESENTATIVE CHISUM: Yes.

ALISEDA: Although there are similarities between the computer equipment recycling program and the television recycling bill before us, isn't one of the more significant differences the establishment of the Recycling Leadership Program whereby members can participate and collectively report, as opposed to individually report their recycling numbers to the TCEQ?

CHISUM: Yes.

ALISEDA: And this is different from computer equipment which is required to individually report its recycling numbers to the TCEQ; there is no collective or aggregate reporting option?

CHISUM: That is correct.

ALISEDA: I think you have a good bill, but I urge this body to closely monitor the implementation of this program because we may want to revisit this in the future to make sure we don't have just a few television manufacturers recycling and reporting large numbers for the benefit of all manufacturers participating in a particular Recycling Leadership Program.

REMARKS ORDERED PRINTED

Representative Chisum moved to print remarks between Representative Aliseda and Representative Chisum.

The motion prevailed.

SB 373 (Darby - House Sponsor), A bill to be entitled An Act relating to the office of county treasurer. (White recorded voting no.)

SB 412 (Elkins - House Sponsor), A bill to be entitled An Act relating to payment of costs of improvements of a public improvement district designated by a municipality or county. (Kolkhorst recorded voting no.)

SB 434 (Raymond - House Sponsor), A bill to be entitled An Act relating to the establishment of a task force to address the relationship between domestic violence and child abuse and neglect.

SB 470 (Anchia - House Sponsor), A bill to be entitled An Act relating to an exception to disclosure under the public information law concerning officers and employees of a hospital district.

SB 485 (Carter - House Sponsor), A bill to be entitled An Act relating to proper venue for certain criminal prosecutions of mortgage fraud.

SB 493 (W. Smith - House Sponsor), A bill to be entitled An Act relating to the idling of motor vehicles. (Flynn recorded voting no.)

SB 499 was withdrawn.

SB 508 (Lozano and Oliveira - House Sponsors), A bill to be entitled An Act relating to the extent of extraterritorial jurisdiction of certain less populous municipalities located on a barrier island. (Flynn and Zedler recorded voting no.)

SB 510 (Gutierrez - House Sponsor), A bill to be entitled An Act relating to a voluntary statewide diabetes mellitus registry. (Flynn, Landtroop, Perry, Simpson, and White recorded voting no.)

SB 524 (Morrison - House Sponsor), A bill to be entitled An Act relating to the issuance of certain permits for the movement of oversize or overweight vehicles.

SB 579 (Hancock - House Sponsor), A bill to be entitled An Act relating to the total benefit amount under a prepaid funeral contract.

SB 613 (Alvarado - House Sponsor), A bill to be entitled An Act relating to educational requirements for licensing as a speech-language pathologist or audiologist.

SB 633 (Hunter - House Sponsor), A bill to be entitled An Act relating to the educational scope of Texas A&M University—Corpus Christi.

CSSB 639 (Branch - House Sponsor), A bill to be entitled An Act relating to tuition and fee exemptions at public institutions of higher education for certain military personnel, veterans, and dependents residing in this state.

SB 747 was withdrawn.

SB 768 was withdrawn.

SB 778 (Huberty - House Sponsor), A bill to be entitled An Act relating to the inclusion of professional staff who educate students with disabilities on district-level and campus-level planning and decision-making committees. (Garza recorded voting no.)

SB 866 (Jackson - House Sponsor), A bill to be entitled An Act relating to the education of public school students with dyslexia, the education and training of educators who teach students with dyslexia, and the assessment of students with dyslexia attending an institution of higher education.

SB 880 (Madden - House Sponsor), A bill to be entitled An Act relating to the operation of pretrial intervention and certain other programs by a community supervision and corrections department.

SB 888 (Harper-Brown - House Sponsor), A bill to be entitled An Act relating to the authority of a regional transportation authority to create a local government corporation. (Kolkhorst, Landtroop, Lavender, Perry, and White recorded voting no.)

SB 900 (Thompson - House Sponsor), A bill to be entitled An Act relating to the Aldine Improvement District; providing authority to impose a tax. (Berman, Flynn, Huberty, Lavender, Perry, and Zedler recorded voting no.)

Amendment No. 1

Representative Thompson offered the following amendment to **SB 900**:

Amend **SB 900** (house committee report) by striking SECTION 6 of the bill (page 3, line 18, through page 6, line 1) and substituting the following:

SECTION 6. (a) The following territory is added to the territory of the East Aldine Management District, formerly known as the Aldine Improvement District:

Tract 1-BEGINNING at the northwestern corner of the boundary of the East Aldine Management District at the north right of way of Aldine Bender Road and the east boundary of Greater Greenspoint Management District;

THENCE, northerly along the east boundary of Greater Greenspoint Management District to the southern boundary of Greens Parkway Municipal Utility District ("GPMUD");

THENCE, east along the southern boundary of GPMUD to the point at which the GPMUD boundary turns north at the right of way of Greens Road;

THENCE, continuing east along the north right of way of Greens Road to the intersection of Greens Road and the City of Houston full-purpose boundary line;

THENCE, south along the City of Houston full-purpose boundary line, across Beltway 8 to the point at which the City of Houston full-purpose boundary line intersects the northern boundary of East Aldine Management District at Aldine Bender Road;

THENCE, west along the northern boundary line of East Aldine Management District, TO THE POINT OF BEGINNING.

Tract 2-BEGINNING at the point at which the northern boundary line of the East Aldine Management District intersects the City of Houston full-purpose boundary line on the east side of the right of way of Aldine Bender Road;

THENCE, north along the City of Houston full-purpose boundary line to the point at which the City of Houston full-purpose boundary line turns east;

THENCE, generally east along the City of Houston full-purpose boundary line to the point at which the City of Houston full-purpose boundary line reaches the right of way of John F. Kennedy Boulevard, then south along the same City of Houston full-purpose boundary line to the right of way of Aldine Bender Road where it meets the north boundary line of East Aldine Management District;

THENCE, west along the north boundary line of East Aldine Management District, to the POINT OF BEGINNING.

Tract 3-BEGINNING at the point at which the western boundary line of the East Aldine Management District intersects the north easement of Harris County Flood Control District (HCFCD) drainage ditch (#9 DD-7, P138-00-00 tributary 24.97 to Greens Bayou);

THENCE, westerly along the north easement of HCFCD drainage ditch (#9 DD-7, P138-00-00 tributary 24.97 to Greens Bayou) to east boundary of City of Houston full-purpose boundary line;

THENCE, south along east boundary of City of Houston full-purpose boundary line, across HCFCD easement of drainage ditch (#9 DD-7, P138-00-00 tributary 24.97 to Greens Bayou) to north boundary of Colonial Hills Subdivision

THENCE, west along the north boundary of Colonial Hills Subdivision to northwest corner of said subdivision;

THENCE, southerly along the west boundary of Colonial Hills Subdivision to southwest corner of said subdivision;

THENCE east along the south boundary of Colonial Hills Subdivision to southeast corner of said subdivision;

THENCE, north along the east boundary of Colonial Hills Subdivision to northeast corner of said subdivision and south easement of HCFCD drainage ditch (#9 DD-7, P138-00-00 tributary 24.97 to Greens Bayou);

THENCE easterly along the south easement of HCFCD drainage ditch (#9 DD-7, P138-00-00 tributary 24.97 to Greens Bayou) to west boundary of existing East Aldine Management District;

THENCE, north along west boundary of existing East Aldine Management District, across easement of HCFCD drainage ditch (#9 DD-7, P138-00-00 tributary 24.97 to Greens Bayou), to the POINT OF BEGINNING.

(b) The territory described by Subsection (a) of this section does not include any territory, as of the effective date of this Act, that:

(1) is in the City of Houston; or

(2) the City of Houston has annexed for limited purposes under Section 43.0751 or Subchapter F, Chapter 43, Local Government Code, except for the right-of-way of Greens Bayou.

(c) A change to a boundary described by Subsection (b) of this section after the effective date of this Act does not change the boundaries of the East Aldine Management District.

Amendment No. 1 was adopted.

CSSB 932 (Eiland - House Sponsor), A bill to be entitled An Act relating to oyster beds and shells and an oyster shell recovery and replacement program. (Garza and White recorded voting no.)

SB 942 (Lucio - House Sponsor), A bill to be entitled An Act relating to the creation and financing of the Lakeway Regional Medical Center Defined Area in Travis County Water Control and Improvement District No. 17; providing authority to impose a tax and issue bonds. (The vote was reconsidered later today, and **SB 942** was withdrawn.)

SB 990 (Harper-Brown - House Sponsor), A bill to be entitled An Act relating to regulation of high occupancy vehicle lanes operated, managed, or maintained by a regional transportation authority; providing penalties. (Garza, Landtroop, Lavender, Perry, and White recorded voting no.)

SB 1008 (Orr - House Sponsor), A bill to be entitled An Act relating to the composition of the Finance Commission of Texas. (Flynn and Zedler recorded voting no.)

SB 1065 (Hamilton - House Sponsor), A bill to be entitled An Act relating to critical incident stress management and crisis response services.

SB 1100 (Harper-Brown - House Sponsor), A bill to be entitled An Act relating to the designation of the Irving Diamond Interchange.

SB 1132 (Thompson - House Sponsor), A bill to be entitled An Act relating to the water rights permits issued to the Texas Water Development Board for the Allens Creek Reservoir.

SB 1197 (Hartnett - House Sponsor), A bill to be entitled An Act relating to trusts.

SB 1243 (Coleman - House Sponsor), A bill to be entitled An Act relating to the use of a county risk management pool by certain county and district officers instead of the execution of bonds and to the authority of certain counties and intergovernmental pools to require reimbursement for punitive damage coverage.

SB 1291 (L. Taylor - House Sponsor), A bill to be entitled An Act relating to the budget of certain divisions of the Texas Department of Insurance.

SB 1320 was withdrawn.

SB 1378 (Otto and White - House Sponsors), A bill to be entitled An Act relating to the authority of the Alabama-Coushatta Indian Tribe to commission peace officers.

SB 1518 (Guillen - House Sponsor), A bill to be entitled An Act relating to the powers and duties of the Texas Historical Commission; imposing a penalty. (Flynn and Zedler recorded voting no.)

SB 1543 was withdrawn.

SB 1618 (Craddick - House Sponsor), A bill to be entitled An Act relating to reporting requirements of state agencies and school districts.

SB 1630 (Fletcher - House Sponsor), A bill to be entitled An Act relating to the regulation of residential appliance installation, including pool-related electrical devices, under the Texas Electrical Safety and Licensing Act.

SB 1635 (Farias - House Sponsor), A bill to be entitled An Act relating to contributions to the fund for veterans' assistance.

SB 942 - VOTE RECONSIDERED

Representative Lucio moved to reconsider the vote by which **SB 942** was passed to third reading.

The motion to reconsider prevailed.

SB 942 was withdrawn.

SB 1661 (Hunter - House Sponsor), A bill to be entitled An Act relating to the regulation of health organizations certified by the Texas Medical Board; imposing an administrative penalty.

SB 1662 was deferred until the end of today's local, consent, and resolutions calendar.

SB 329 - HOUSE SPONSOR AUTHORIZED

On motion of Representative W. Smith, Representative Naishtat was authorized as a house sponsor to **SB 329**.

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

SB 1739 (Pickett - House Sponsor), A bill to be entitled An Act relating to the use of the fund for veterans' assistance.

SCR 5 (Hunter - House Sponsor), Requesting the lieutenant governor and the speaker of the house of representatives to provide for a joint interim legislative study regarding the development and potential economic impact of a cruise industry on the Texas coast between Calhoun and Cameron Counties. (Simpson, White, and Zedler recorded voting no.)

SCR 10 (Dukes - House Sponsor), Designating February 21 through 27 of each year from 2011 through 2020 as Barbara Jordan Freedom Week. (Flynn and Zedler recorded voting no.)

SCR 18 (Kuempel - House Sponsor), Designating a portion of the city of Gonzales as the official Texas History Museum District.

SCR 39 (Hochberg - House Sponsor), Designating the month of April each year from 2011 through 2020 as Genocide Awareness and Prevention Month. (Flynn and Zedler recorded voting no.)

**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. 2.)

LOCAL, CONSENT, AND RESOLUTIONS CALENDAR
(consideration continued)

CSSB 234 (Driver - House Sponsor), in lieu of **HB 425**, A bill to be entitled An Act relating to the creation of the Rowlett Downtown Management District; providing authority to impose a tax, levy an assessment, and issue bonds. (Berman and Flynn recorded voting no.)

Representative Driver moved to lay **HB 425** on the table subject to call, and the motion prevailed.

CSSB 233 (Driver - House Sponsor), in lieu of **HB 426**, A bill to be entitled An Act relating to the creation of the Rowlett Pecan Grove Management District; providing authority to impose a tax, levy an assessment, and issue bonds. (Berman and Flynn recorded voting no.)

Representative Driver moved to lay **HB 426** on the table subject to call, and the motion prevailed.

SB 490 (S. Miller - House Sponsor), in lieu of **HB 851**, A bill to be entitled An Act relating to the Hamilton County Hospital District.

Representative S. Miller moved to lay **HB 851** on the table subject to call, and the motion prevailed.

SB 1184 (Christian - House Sponsor), in lieu of **HB 863**, A bill to be entitled An Act relating to the creation of the Timber Springs Municipal Management District; providing authority to impose a tax, levy an assessment, and issue bonds. (Berman and Flynn recorded voting no.)

Representative Christian moved to lay **HB 863** on the table subject to call, and the motion prevailed.

SB 580 (Morrison - House Sponsor), in lieu of **HB 1271**, A bill to be entitled An Act relating to community assistance and economic development program activities of the Lavaca-Navidad River Authority. (Simpson recorded voting no.)

Representative Morrison moved to lay **HB 1271** on the table subject to call, and the motion prevailed.

HB 1690 (by Flynn), A bill to be entitled An Act relating to the use of municipal hotel occupancy tax revenue to enhance and upgrade sports facilities in certain municipalities.

CShB 1693 (by Cain), A bill to be entitled An Act relating to the jurisdiction of, civil fees assessed by, and the administration of the county court at law of Lamar County.

HB 2967 was withdrawn and, pursuant to Rule 6, Section 24 of the House Rules, was returned to the Committee on Calendars.

CShB 3743 (by Workman), A bill to be entitled An Act relating to the rights, powers, functions, and duties of the West Travis County Municipal Utility District No. 5. (Landtroop recorded voting no.)

SB 1895 (Morrison - House Sponsor), in lieu of **HB 3805**, A bill to be entitled An Act relating to director elections and powers of the Texana Groundwater Conservation District.

Representative Morrison moved to lay **HB 3805** on the table subject to call, and the motion prevailed.

SB 1882 (Fletcher - House Sponsor), in lieu of **HB 3810**, A bill to be entitled An Act relating to the creation of Harris County Improvement District No. 22; providing authority to levy an assessment, impose a tax, and issue bonds. (Berman and Flynn recorded voting no.)

Representative Fletcher moved to lay **HB 3810** on the table subject to call, and the motion prevailed.

HB 3848 (by Gooden), A bill to be entitled An Act relating to compensation for services and reimbursement for expenses of a member of the board of directors of the Lake View Management and Development District. (Landtroop recorded voting no.)

SB 1922 (Oliveira - House Sponsor), in lieu of **HB 3860**, A bill to be entitled An Act relating to the creation of the Port Isabel Improvement District No. 1; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain. (Berman and Flynn recorded voting no.)

Representative Oliveira moved to lay **HB 3860** on the table subject to call, and the motion prevailed.

HB 3864 (by Gooden), A bill to be entitled An Act relating to the creation of the Lazy W District No. 1; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain. (Berman and Flynn recorded voting no.)

HB 3865 (by Isaac), A bill to be entitled An Act relating to the Hays Trinity Groundwater Conservation District.

HB 3866 (by D. Miller), A bill to be entitled An Act relating to the date for the election of directors of the Hill Country Underground Water Conservation District.

HCR 71 (by Martinez Fischer), Conferring the Texas Legislative Medal of Honor on U.S. Marine Corporal Roy Cisneros of San Antonio.

HCR 124 (by Torres), Designating September 15 to October 15 as Latino Texan Month for a 10-year period beginning in 2011.

HCR 144 (by Parker), Designating June 2 as Italian Heritage Day for a 10-year period, beginning in 2011.

SB 27 (Branch and Hochberg - House Sponsors), A bill to be entitled An Act relating to policies of school districts and open-enrollment charter schools for the care of certain students at risk for anaphylaxis. (Isaac and Simpson recorded voting no.)

SB 166 (Madden, Cain, Perry, White, and Workman - House Sponsors), A bill to be entitled An Act relating to the sex offender civil commitment program and to the creation of a state agency to perform the functions relating to the sex offender civil commitment program that are currently performed by the Council on Sex Offender Treatment. (Landtroop and Perry recorded voting no.)

Amendment No. 1

Representative Madden offered the following amendment to **SB 166**:

Amend **SB 166** (house committee printing), on page 5, between lines 2 and 3, by inserting the following:

Sec. 420A.011. ADMINISTRATIVE ATTACHMENT; SUPPORT.

(a) The office is administratively attached to the Department of State Health Services.

(b) The Department of State Health Services shall provide administrative support services, including human resources, budgetary, accounting, purchasing, payroll, information technology, and legal support services, to the office as necessary to carry out the purposes of this chapter.

(c) The office, in accordance with the rules and procedures of the Legislative Budget Board, shall prepare, approve, and submit a legislative appropriations request that is separate from the legislative appropriations request for the Department of State Health Services and is used to develop the office's budget structure. The office shall maintain the office's legislative appropriations request and budget structure separately from those of the department.

Amendment No. 1 was adopted.

SB 1662 (Turner - House Sponsor), A bill to be entitled An Act relating to the payment of costs associated with certain educational programs of Prairie View A&M University.

Representative Turner moved to postpone consideration of **SB 1662** until 8 a.m. tomorrow.

The motion prevailed.

CONSTITUTIONAL RULE SUSPENDED

The speaker pro tempore moved to suspend all necessary rules to take up and consider at this time, on third reading and final passage, the bills on the local, consent, and resolutions calendar which were considered earlier today.

The motion prevailed by (Record 1159): 144 Yeas, 2 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; 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; Madden; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley(C); Workman; Zedler; Zerwas.

Nays — Lyne; Simpson.

Present, not voting — Mr. Speaker.

Absent — Carter; Mallory Caraway; Smith, W.

MOTION FOR ONE RECORD VOTE

On motion of Representative Thompson and by unanimous consent, the house agreed to use the first record vote taken for all those bills on the local, consent, and resolutions calendar that require a record vote on third reading and final passage, with the understanding that a member may record an individual vote on any bill with the journal clerk.

LOCAL, CONSENT, AND RESOLUTIONS CALENDAR THIRD READING

The following bills which were considered on second reading earlier today on the local, consent, and resolutions calendar were laid before the house, read third time, and passed by the following record vote (members registering votes and the results of the vote are shown following bill number).

(Record 1160): 148 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; 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(C); Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker.

Absent — Coleman.

SB 27 (Isaac and Simpson - no) (146 - 2 - 1)

SB 61

SB 82

SB 101

SB 116

SB 166 (Landtroop and Perry - no) (146 - 2 - 1)

SB 179 (White - no) (147 - 1 - 1)

SB 191

SB 199 (White - no) (147 - 1 - 1)

SB 227

SB 260 (White - no) (147 - 1 - 1)

SB 283

SB 324

SB 329 (Flynn, Garza, Sheffield, Simpson, White, and Zedler - no) (142 - 6 - 1)

SB 373 (White - no) (147 - 1 - 1)

SB 412 (Kolkhorst - no) (147 - 1 - 1)

SB 434

SB 470

SB 485

SB 493 (Flynn - no) (147 - 1 - 1)

SB 508 (Flynn and Zedler - no) (146 - 2 - 1)

SB 510 (Flynn, Landtroop, Perry, Simpson, and White - no) (143 - 5 - 1)

SB 524

SB 579

SB 613

SB 633

SB 639

SB 778 (Garza - no) (147 - 1 - 1)

SB 866

SB 880

SB 888 (Kolkhorst, Landtroop, Lavender, Perry, and White - no) (143 - 5 - 1)

SB 900 (Berman, Flynn, Huberty, Lavender, Perry, and Zedler - no) (142 - 6 - 1)

SB 932 (Garza and White - no) (146 - 2 - 1)

SB 990 (Garza, Landtroop, Lavender, Perry, and White - no) (143 - 5 - 1)

SB 1008 (Flynn and Zedler - no) (146 - 2 - 1)

SB 1065

SB 1100

SB 1132

SB 1197

SB 1243

SB 1291

SB 1378

SB 1518 (Flynn and Zedler - no) (146 - 2 - 1)

SB 1618

SB 1630

SB 1635

SB 1661

SB 1739

SB 234 (Berman and Flynn - no) (146 - 2 - 1)

SB 233 (Berman and Flynn - no) (146 - 2 - 1)

SB 490

SB 1184 (Berman and Flynn - no) (146 - 2 - 1)

SB 580 (Simpson - no) (147 - 1 - 1)

HB 1690

HB 1693

HB 3743 (Landtroop - no) (147 - 1 - 1)

SB 1895

SB 1882 (Berman and Flynn - no) (146 - 2 - 1)

HB 3848 (Landtroop - no) (147 - 1 - 1)

SB 1922 (Berman and Flynn - no) (146 - 2 - 1)

HB 3864 (Berman and Flynn - no) (146 - 2 - 1)

HB 3865

HB 3866

The following resolutions which were laid out earlier today on the local, consent, and resolutions calendar were adopted by the above referenced vote (Record 1160): 148 Yeas, 0 Nays, 1 Present, not voting (members registering votes and the results of the vote are shown following bill number).

HCR 71**HCR 124****HCR 144**

SCR 5 (Simpson, White, and Zedler - no) (145 - 3 - 1)

SCR 10 (Flynn and Zedler - no) (146 - 2 - 1)

SCR 18

SCR 39 (Flynn and Zedler - no) (146 - 2 - 1)

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Technology, upon first adjournment today, 3W.15, for a formal meeting, to consider **SB 701** and pending business.

Transportation, upon first adjournment today, Desk 120, for a formal meeting, to consider pending business.

Higher Education, upon first adjournment today, Desk 94, for a formal meeting, to consider pending business.

Economic and Small Business Development, upon first adjournment today, Desk 14, for a formal meeting, to consider **SB 1175** and pending business.

Environmental Regulation, upon first adjournment today, Desk 105, for a formal meeting, to consider **SB 1520** and pending business.

ADJOURNMENT

At 12:19 p.m., the chair announced that the house would stand adjourned until 1:40 p.m. today.

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

HCR 165 (By Guillen), Honoring the 2011 and 2012 Texas State Artist appointees.

To Culture, Recreation, and Tourism.

SB 555 to Energy Resources.

SB 1425 to Business and Industry.

SB 1520 to Environmental Regulation.

SB 1574 to Ways and Means.

SB 1695 to Criminal Jurisprudence.

SB 1696 to Homeland Security and Public Safety.

SB 1697 to Homeland Security and Public Safety.

SB 1698 to Government Efficiency and Reform.

SB 1699 to Homeland Security and Public Safety.

SB 1787 to Homeland Security and Public Safety.

SCR 55 to Rules and Resolutions.

List No. 2

SB 923 to Licensing and Administrative Procedures.

SB 1021 to Public Health.

SB 1358 to Public Health.

SB 1724 to Higher Education.

SB 1807 to Judiciary and Civil Jurisprudence.

SB 1913 to Natural Resources.

SB 1914 to Natural Resources.

SB 1915 to Natural Resources.

SB 1916 to Natural Resources.

SB 1925 to Transportation.

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 19, 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 114** McClendon SPONSOR: Zaffirini
Relating to designating April as Minority Cancer Awareness Month.
- HB 123** Veasey SPONSOR: Nelson
Relating to an adult diabetes education program in certain county hospital systems and hospital districts.
- HB 200** Parker SPONSOR: Whitmire
Relating to the notification of the release of certain inmates given to certain courts, law enforcement agencies, and the United States Social Security Administration.
(Committee Substitute)
- HB 240** Parker SPONSOR: Nelson
Relating to requiring the Texas Commission on Environmental Quality to adopt rules preventing access to on-site sewage disposal systems.
(Committee Substitute)
- HB 253** Hilderbran SPONSOR: Nelson
Relating to the protection of children by ensuring reports of abuse or neglect, protecting children from abuse and neglect, ensuring that births are reported, and prosecuting the offense of bigamy; providing criminal penalties.
- HB 265** Hilderbran SPONSOR: Birdwell
Relating to the lease of space by or for a state agency.
- HB 282** Flynn SPONSOR: Van de Putte
Relating to an analysis by the adjutant general of facility needs of state military forces before grants or conveyances of real property.
- HB 350** Walle SPONSOR: Van de Putte
Relating to discharging fines and costs assessed against certain juvenile defendants through community service or tutoring.
(Committee Substitute)
- HB 399** Castro SPONSOR: Zaffirini
Relating to requiring general academic teaching institutions to offer personal financial literacy training.
- HB 451** Lucio III SPONSOR: Hegar
Relating to the creation of a Don't Mess with Texas Water program to prevent illegal dumping that affects the surface waters of this state.
- HB 533** Villarreal SPONSOR: Hinojosa
Relating to the rendition of property for ad valorem tax purposes and to the protest of a penalty imposed for a failure to timely file a rendition statement or property report.
- HB 549** Dutton SPONSOR: Uresti

Relating to the disposition of a decedent's remains.

HB 627 Woolley SPONSOR: Gallegos
Relating to a fee collected by a district clerk for certain certified copies.

HB 649 Gallego SPONSOR: Hinojosa
Relating to the issuance and duration of certain protective orders for victims of sexual assault.

HB 824 Villarreal SPONSOR: Van de Putte
Relating to an outreach campaign to promote fathers' involvement with their children before birth.

HB 930 Darby SPONSOR: Harris
Relating to the requirements for an application for a tax warrant authorizing the seizure of personal property for the payment of ad valorem taxes.

HB 942 Dukes SPONSOR: Gallegos
Relating to an exemption for school districts from security for court costs and appeal bond.

HB 960 Turner SPONSOR: Whitmire
Relating to the powers of the Central Harris County Regional Water Authority.

HB 969 Lewis SPONSOR: Seliger
Relating to the election of directors of the board of the Ector County Hospital District.

HB 976 Carter SPONSOR: Carona
Relating to the issuance of a warrant or summons by a magistrate.

HB 1057 Anchia SPONSOR: West
Relating to business leave time for certain municipal firefighters and police officers.

(Committee Substitute)

HB 1110 Craddick SPONSOR: Seliger
Relating to the contracting authority of the Midland County Hospital District.

HB 1127 Gutierrez SPONSOR: Van de Putte
Relating to notice of relief available to certain members of the military required to be provided in certain real property documentation.

(Committee Substitute)

HB 1128 Menendez SPONSOR: Van de Putte
Relating to consent to certain medical treatments by a surrogate decision-maker on behalf of certain inmates.

HB 1135 Aycock SPONSOR: Fraser
Relating to an application to run for political office.

HB 1168 Miller, Doug SPONSOR: Van de Putte
Relating to smoke alarms and fire extinguishers in residential rental units.

(Committee Substitute)

HB 1179 Flynn SPONSOR: Deuell
Relating to certification requirements for certain property tax professionals.

(Committee Substitute)

- HB 1215** McClendon SPONSOR: Uresti
Relating to the creation of the offense of unauthorized acquisition or transfer of certain financial information.
- HB 1245** Callegari SPONSOR: Birdwell
Relating to the repeal of the authorization to establish a super collider facility research authority.
- HB 1379** Anchia SPONSOR: West
Relating to the purchasing of a firearm from the county by an honorably retired law enforcement officer.
- HB 1381** Madden SPONSOR: Whitmire
Relating to the service of civil process on an inmate of the Texas Department of Criminal Justice.
- HB 1383** Quintanilla SPONSOR: Uresti
Relating to the territory of the El Paso County Water Control and Improvement District No. 4.
- HB 1426** Farias SPONSOR: Wentworth
Relating to the collection of court costs, fees, fines, and other money by the commissioners courts of certain counties.
- HB 1481** Truitt SPONSOR: Zaffirini
Relating to the use of person first respectful language in reference to individuals with disabilities.
- HB 1514** Isaac SPONSOR: Birdwell
Relating to the issuance to veterans of specially marked driver's licenses.
- HB 1529** Miller, Sid SPONSOR: Wentworth
Relating to the offense of fraudulent use or possession of identifying information.
- HB 1559** Davis, Sarah SPONSOR: Huffman
Relating to the retention, storage, and destruction of certain court documents.
- HB 1614** Gooden SPONSOR: Deuell
Relating to fees for process server certification.
- HB 1643** Zerwas SPONSOR: Hegar
Relating to the duration of a development agreement governing land in the extraterritorial jurisdiction of certain municipalities.
- HB 1666** Castro SPONSOR: Watson
Relating to the prosecution of the offense of online impersonation.
- HB 1678** Burkett SPONSOR: Estes
Relating to the employment of an elections administrator.
- HB 1682** Weber SPONSOR: Jackson
Relating to prohibiting school districts from requiring or coercing school district employees to make charitable contributions.
- HB 1694** Coleman SPONSOR: West
Relating to the purchasing and contracting authority of certain governmental entities.
- HB 1772** Taylor, Larry SPONSOR: Duncan

Relating to the regulation of certain benefit plans.

HB 1814 Lucio III SPONSOR: Lucio
Relating to the provision of water and certain equipment by water supply or sewer service corporations for use in fire suppression and the liability of those corporations.
(Committee Substitute)

HB 1906 Howard, Donna SPONSOR: Fraser
Relating to the idling of motor vehicles; providing a criminal penalty.

HB 1908 Madden SPONSOR: Whitmire
Relating to student loan repayment assistance for certain providers of correctional health care.

HB 1965 Kolkhorst SPONSOR: Deuell
Relating to the expansion of faith- and community-based health and human services initiatives.

HB 1983 Kolkhorst SPONSOR: Nelson
Relating to certain childbirths occurring before the 39th week of gestation.

HB 2061 Pena SPONSOR: Nelson
Relating to the reporting of certain information to the director of the bureau of vital statistics.

HB 2069 Naishtat SPONSOR: Lucio
Relating to the authority of a pharmacist to dispense up to a 90-day supply of dangerous drugs and accelerate refills.

HB 2108 Paxton SPONSOR: Estes
Relating to electronic filing and rerecording of livestock marks and brands by county clerks.

HB 2162 Kuempel SPONSOR: Wentworth
Relating to the power of the Cibolo Creek Municipal Authority to issue bonds.

HB 2245 Zerwas SPONSOR: Nelson
Relating to physician incentive programs to reduce hospital emergency room use for non-emergent conditions by Medicaid recipients.

HB 2258 Deshotel SPONSOR: Williams
Relating to the use and transferability of certain state property transferred from the state to Spindletop MHMR Services.

HB 2286 Gonzales, Veronica SPONSOR: Hinojosa
Relating to the duties of a funeral director or an agent at the interment or entombment of a human body.

HB 2289 Crownover SPONSOR: Jackson
Relating to the authority of a gas corporation to use a public right-of-way along a railroad, a railroad right-of-way, an interurban railroad, or a street railroad.

HB 2312 Coleman SPONSOR: West
Relating to the creation of a sickle cell disease program.

HB 2354 Madden SPONSOR: Whitmire

Relating to the installation and use of a pen register, ESN reader, trap and trace device, mobile tracking device, or similar equipment in a correctional facility operated by or under contract with the Texas Department of Criminal Justice.

HB 2370 Dukes SPONSOR: West
Relating to certain notice to applicants to provide care under the permanency care assistance program.

HB 2385 Geren SPONSOR: Harris
Relating to the DNA database at the University of North Texas Health Science Center at Fort Worth.

HB 2418 Callegari SPONSOR: Patrick
Relating to the territory, board of directors, and powers of the North Harris County Regional Water Authority.

HB 2476 Harless SPONSOR: Eltife
Relating to the appraisal for ad valorem tax purposes of certain dealer's heavy equipment inventory; providing penalties.
(Committee Substitute)

HB 2482 Pena SPONSOR: Williams
Relating to the prosecution of and punishment for certain offenses involving theft.

HB 2488 Scott SPONSOR: Harris
Relating to access to a child's medical records by the child's attorney ad litem, guardian ad litem, or amicus attorney.
(Committee Substitute)

HB 2538 Vo SPONSOR: Jackson
Relating to the confidentiality of certain identifying information regarding students of career schools or colleges and other educational entities; providing a criminal penalty.

HB 2582 Murphy SPONSOR: Whitmire
Relating to the repeal of the partial tax exemption for certain beer.

HB 2609 Guillen SPONSOR: Uresti
Relating to convictions barring employment at or by certain facilities serving the elderly or persons with disabilities.
(Committee Substitute)

HB 2624 Sheffield SPONSOR: Van de Putte
Relating to procedures applicable in circumstances involving family violence or other criminal conduct and military personnel.

HB 2633 Madden SPONSOR: Whitmire
Relating to the office of inspector general of the Texas Youth Commission.

HB 2716 Darby SPONSOR: Carona
Relating to fees charged for the management and preservation of the county clerk's records.
(Committee Substitute)

HB 2727 Thompson SPONSOR: Whitmire

Relating to the regulation by the Texas Department of Licensing and Regulation of the application of eyelash extensions and private beauty culture schools; providing a criminal penalty.

HB 2759 Hartnett SPONSOR: Duncan
Relating to the nonsubstantive revision of provisions of the Texas Probate Code relating to durable powers of attorney, guardianships, and other related proceedings and alternatives, and the redesignation of certain other provisions of the Texas Probate Code, including conforming amendments and repeals.

HB 2793 Hunter SPONSOR: Hinojosa
Relating to the processing fee charged for a dishonored payment device.

HB 2859 Gallego SPONSOR: Uresti
Relating to the creation of the Terrell County Groundwater Conservation District; providing authority to impose a tax and issue bonds.

HB 2907 Branch SPONSOR: Carona
Relating to the requirements for and procedures governing tuition equalization grants.
(Committee Substitute)

HB 2908 Branch SPONSOR: Zaffirini
Relating to providing graduate medical education positions for Texas medical school graduates.

HB 2928 Farias SPONSOR: Birdwell
Relating to privileged parking for recipients of the Silver Star Medal.

HB 2937 Lewis SPONSOR: Zaffirini
Relating to access to the criminal history record information of certain individuals by public or private institutions of higher education and the Texas Higher Education Coordinating Board.

HB 2959 Price SPONSOR: Fraser
Relating to the required transfer of records to a new county chair of a political party; providing a penalty.
(Committee Substitute)

HB 2978 Hunter SPONSOR: Hegar
Relating to the applicability of open meetings requirements to certain meetings of the governing board of a county hospital or county hospital authority.

HB 3065 Sheffield SPONSOR: Nichols
Relating to the requirement that certain food service establishments post a sign depicting the Heimlich maneuver.

HB 3146 Naishtat SPONSOR: Zaffirini
Relating to consent for treatment for chemical dependency in a treatment facility and required training for the facility's intake personnel.

HB 3174 Madden SPONSOR: Harris
Relating to the stay of recognition or enforcement of a foreign country judgment to allow for de novo review of a contract or agreement for a sale, offer for sale, or sell under The Securities Act.

HB 3307 Munoz, Jr. SPONSOR: Hinojosa

Relating to the confidentiality of certain home address information in ad valorem tax appraisal records.

HB 3372 King, Tracy O. SPONSOR: Jackson
Relating to rainwater harvesting systems that are connected to public water supply systems.
(Committee Substitute)

HB 3465 Sheffield SPONSOR: Fraser
Relating to the period for which a school district's participation in certain tax increment financing reinvestment zones may be taken into account in determining the total taxable value of property in the school district.

HB 3470 Patrick, Diane SPONSOR: Ogden
Relating to the Texas Armed Services Scholarship Program.

HB 3531 Strama SPONSOR: Nelson
Relating to a system for monitoring prescriptions of certain drugs under the Medicaid program for children in foster care.
(Committee Substitute)

HB 3547 Alvarado SPONSOR: Gallegos
Relating to enforcement by a local government of fire safety standards at certain child-care facilities.

HB 3577 Gonzales, Larry SPONSOR: Zaffirini
Relating to priority consideration and eligibility for Texas Educational Opportunity Grants, TEXAS grants, and other state financial aid.
(Committee Substitute)

HB 3814 Rodriguez, Eddie SPONSOR: Wentworth
Relating to certain financial powers and duties of the Travis-Creedmoor Municipal Utility District.

HB 3818 Geren SPONSOR: Harris
Relating to a limitation on production fees on groundwater withdrawals assessed by the Northern Trinity Groundwater Conservation District.

HCR 63 Geren SPONSOR: Eltife
Authorizing the lieutenant governor and speaker to appoint interim joint committees.

HCR 68 Hunter SPONSOR: Van de Putte
Requesting the lieutenant governor and the speaker of the house of representatives to create a joint interim committee to study human trafficking in Texas.

HCR 90 Miller, Sid SPONSOR: Hinojosa
Urging Congress to provide a comprehensive public alert warning system.

HCR 133 Bonnen SPONSOR: Hinojosa
Designating the red drum as the official State Saltwater Fish of Texas.

SB 774 Zaffirini
Relating to exemptions for disabled peace officers from the payment of tuition and fees at public institutions of higher education.

SB 824 Lucio
Relating to the coordination of rural and small community initiatives.

SB 1645 Uresti
Relating to the authority to create and operate a defense adjustment management authority.

SB 1928 Ellis
Relating to an African American Texans memorial monument on the Capitol grounds.

SCR 51 Ellis
Expressing the legislature's support for the construction of a monument to African American Texans on the grounds of the State Capitol at the location approved by the State Preservation Board for a Juneteenth monument.

Respectfully,
Patsy Spaw
Secretary of the Senate

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

EIGHTIETH DAY — THURSDAY, MAY 19, 2011

The house met at 1:40 p.m. and, at the request of the speaker, was called to order by Representative Kuempel.

The roll of the house was called and a quorum was announced present (Record 1161).

Present — Mr. Speaker; Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycoc; 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; Harcastle; 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.

LEAVE OF ABSENCE GRANTED

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

Phillips on motion of Lewis.

MAJOR STATE CALENDAR SENATE BILLS THIRD READING

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

SB 662 ON THIRD READING
(Anchia - House Sponsor)

SB 662, A bill to be entitled An Act relating to the continuation and functions of the State Board of Examiners for Speech-Language Pathology and Audiology; providing an administrative penalty.

SB 662 was passed by (Record 1162): 146 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; 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; 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; 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; Kuempel(C).

Absent, Excused — Phillips.

Absent — Alonzo.

SB 650 ON THIRD READING
(Cook - House Sponsor)

SB 650, A bill to be entitled An Act relating to management of certain metropolitan rapid transit authorities.

Representative Cook moved to postpone consideration of **SB 650** until 3 p.m. today.

The motion prevailed.

GENERAL STATE CALENDAR
SENATE BILLS
THIRD READING

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

SB 430 ON THIRD READING
(Christian - House Sponsor)

SB 430, A bill to be entitled An Act relating to written notice to a groundwater conservation district of groundwater contamination.

SB 430 was passed by (Record 1163): 144 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; 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; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Phillips.

Absent — Callegari; Martinez; Miller, S.

SB 764 ON THIRD READING
(Ritter - House Sponsor)

SB 764, A bill to be entitled An Act relating to a prohibition against use of school district resources for a hotel.

SB 764 was passed by (Record 1164): 141 Yeas, 4 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Castro; Chisum; Christian; Coleman; Cook; Craddick; 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; 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; Peña; Perry; Pickett; Pitts; Price; Quintanilla; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Berman; Carter; Creighton; Sheffield.

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

Absent, Excused — Phillips.

Absent — Paxton; Raymond.

STATEMENTS OF VOTE

I was shown voting no on Record No. 1164. I intended to vote yes.

Creighton

When Record No. 1164 was taken, I was temporarily out of the house chamber. I would have voted yes.

Paxton

I was shown voting no on Record No. 1164. I intended to vote yes.

Sheffield

SB 800 ON THIRD READING (Elkins - House Sponsor)

SB 800, A bill to be entitled An Act relating to the qualifications and operations of workers' compensation data collection agents.

SB 800 was passed by (Record 1165): 143 Yeas, 1 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; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; 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; Peña; Perry; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets;

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

Nays — Simpson.

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

Absent, Excused — Phillips.

Absent — Cook; Garza; Paxton.

STATEMENT OF VOTE

When Record No. 1165 was taken, I was temporarily out of the house chamber. I would have voted yes.

Paxton

POSTPONED BUSINESS

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

SB 5 ON THIRD READING (Branch - House Sponsor)

SB 5, A bill to be entitled An Act relating to the administration and business affairs of public institutions of higher education.

SB 5 was read third time on May 18, postponed until later that day, and was again postponed until 7:59 a.m. today.

Representative Anchia moved to postpone consideration of **SB 5** until 3 p.m. today.

The motion prevailed.

PROVIDING FOR A LOCAL, CONSENT, AND RESOLUTIONS CALENDAR

Representative Thompson moved to suspend all necessary rules to set a local, consent, and resolutions calendar for 10 a.m. tomorrow.

The motion prevailed.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Thompson requested permission for the Committee on Local and Consent Calendars to meet while the house is in session, at 2:30 p.m. today, in 1W.14, to set a calendar.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Local and Consent Calendars, 2:30 p.m. today, 1W.14, for a formal meeting, to set a calendar.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Naishtat requested permission for the Committee on Public Health to meet while the house is in session, at 3:15 p.m. today, in 3W.9, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Public Health, 3:15 p.m. today, 3W.9, for a formal meeting, to consider pending business.

**CSSB 1811 ON SECOND READING
(Pitts - House Sponsor)**

CSSB 1811, A bill to be entitled An Act relating to certain state fiscal matters; providing penalties.

CSSB 1811 was read second time on May 18 and was postponed until 8 a.m. today.

Representative Geren moved to postpone consideration of **CSSB 1811** until 3:30 p.m. today.

The motion prevailed.

**CSSB 1581 ON SECOND READING
(Pitts - House Sponsor)**

CSSB 1581, A bill to be entitled An Act relating to state fiscal matters, and certain public health and safety matters, related to public and higher education; providing penalties.

CSSB 1581 was read second time on May 18 and was postponed until 8 a.m. today.

Representative Geren moved to postpone consideration of **CSSB 1581** until 3:30 p.m. today.

The motion prevailed.

**CSSB 23 ON SECOND READING
(Zerwas - House Sponsor)**

CSSB 23, A bill to be entitled An Act relating to the administration of and efficiency, cost-saving, fraud prevention, and funding measures for certain health and human services and health benefits programs, including the medical assistance and child health plan programs.

CSSB 23 was read second time on May 18 and was postponed until 8 a.m. today.

Amendment No. 1

Representative Zerwas offered the following amendment to **CSSB 23**:

Floor Packet Page No. 12

Amend **CSSB 23** on page 16, lines 14 through 25 by striking existing subsections (F), (G), and (H) and inserting the following and renumbering the remaining sections appropriately:

"(F) under which the managed care organization may not prohibit, limit, or interfere with a recipient's selection of a pharmacy or pharmacist of the recipient's choice for the provision of pharmaceutical services under the plan through the imposition of different copayments;

(G) may allow the managed care organization or any sub-contracted pharmacy benefit manager to contract with a pharmacist or pharmacy providers separately for specialty pharmacy services, except that:

(i) the managed care organization and pharmacy benefit manager is prohibited from allowing exclusive contracts with a specialty pharmacy owned wholly or in part by the pharmacy benefit manager responsible for the administration of the pharmacy benefit program; and

(ii) the managed care organization and pharmacy benefit manager adopts policies and procedures for reclassifying prescription drugs from retail to specialty that are consistent with rules adopted by the executive commissioner and include notice to network pharmacy providers from the managed care organization;

(H) under which the managed care organization may not prevent a pharmacy or pharmacist from participating as a provider if the pharmacy or pharmacist agrees to comply with the financial terms and conditions of the contract as well as other reasonable administrative and professional terms and conditions of the contract;

(I) under which the managed care organization may include mail-order pharmacies in their networks, but must not require enrolled recipients to use them and enrolled recipients who opt out to use this service may not be charged fees, including postage and handling fees; and

(J) under which the managed care organization or pharmacy benefit manager must pay claims in accordance with Section 843.339, Insurance Code."

Amend **CSSB 23** on page 10 line 19 by inserting "either" after the word "that" and before the ":".

Amend **CSSB 23** on page 10 lines 22 to 25 by striking existing subsection (B) and inserting the following new subsection (B) as follows:

"(B) is in compliance with the requirements of Section 533.004."

Amend **CSSB 23** on page 13 line 27 by striking the word "in" and replacing it with the word "to".

Amend **CSSB 23** on page 15 line 5 strike "the same" and substitute "a comparable" after the word "to".

Amend **CSSB 23** on page 26 insert the appropriately numbered new subsection to Section 533.005 Government Code as amended.

"() Section (21)(A)(B) and (C) are repealed on August 31, 2013."

Amend **CSSB 23** by adding the following appropriately numbered new sections:

"SECTION _____. Section 247.002(1), Health and Safety Code, is amended to read as follows:

(1) "Assisted living facility" means an establishment that:

(A) furnishes, in one or more facilities, food and shelter to four or more persons who are unrelated to the proprietor of the establishment;

(B) provides:

(i) personal care services; or

(ii) administration of medication by a person licensed or otherwise authorized in this state to administer the medication; [and]

(C) may provide assistance with or supervision of the administration of medication; ~~[and]~~

(D) may provide skilled nursing services for a limited duration or to facilitate the provision of hospice services.

SECTION _____. Section 247.067(b), Health and Safety Code, is amended to read as follows:

(b) Unless otherwise prohibited by law, a [A] health care professional may be employed by an assisted living facility to provide at the facility to the facility's residents services that are authorized by this chapter and within the professional's scope of practice [to a resident of an assisted living facility at the facility]. This subsection does not authorize a facility to provide ongoing services comparable to the services available in an institution licensed under Chapter 242. A health care professional providing services under this subsection shall maintain medical records of those services in accordance with the licensing, certification, or other regulatory standards applicable to the health care professional under law."

Amend **CSSB 23** on page 6 line 4 through 7 by striking (B) and replacing it with the following new (B):

"(B) an assessment of whether the recipient should be referred for additional assessments regarding the recipient's needs for attendant care services and durable medical equipment; and"

Amend **CSSB 23** by striking on page 6 lines 20 through page 7 line 11.

AMENDMENT NO. 1 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE BERMAN: John, there was a bill that would allow physicians to dispense pharmaceuticals from their office just like a pharmacist. Is that in this amendment at all?

REPRESENTATIVE ZERWAS: That is not.

BERMAN: It's not in the amendment?

ZERWAS: It is not.

REMARKS ORDERED PRINTED

Representative Berman moved to print remarks between Representative Zerwas and Representative Berman.

The motion prevailed.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Zerwas offered the following amendment to **CSSB 23**:

Floor Packet Page No. 28

Amend **CSSB 23** (house committee printing) as follows:

(1) In SECTION 10 of the bill, immediately following the heading to the section (page 34, line 18), between "PROGRAMS." and "Subchapter", insert "(a)".

(2) In SECTION 10 of the bill, in added Section 531.086(b)(2), Government Code (page 35, lines 11 and 12), strike "or primary care case management" and substitute "payment".

(3) In SECTION 10 of the bill, in added Section 531.086(c), Government Code (page 35, line 13), strike "August 31, 2012" and substitute "August 31, 2013".

(4) In SECTION 10 of the bill, in added Section 531.086(d), Government Code (page 35, line 17), strike "September 1, 2013" and substitute "September 1, 2014".

(5) In SECTION 10 of the bill, in added Section 531.0861(a), Government Code (page 35, line 19), strike "The" and substitute "If cost-effective, the".

(6) At the end of SECTION 10 of the bill (page 36, between lines 5 and 6), insert the following:

(b) Section 32.0641, Human Resources Code, is amended to read as follows:

Sec. 32.0641. RECIPIENT ACCOUNTABILITY PROVISIONS; COST-SHARING REQUIREMENT TO IMPROVE APPROPRIATE UTILIZATION OF [COST SHARING FOR CERTAIN HIGH-COST MEDICAL] SERVICES. (a) To [If the department determines that it is feasible and cost-effective, and to] the extent permitted under and in a manner that is consistent with Title XIX, Social Security Act (42 U.S.C. Section 1396 et seq.) and any other applicable law or regulation, including Sections 1916 and 1916A, Social Security Act (42 U.S.C. Sections 1396o and 1396o-1), or under a federal waiver or other authorization, the executive commissioner of the Health and Human Services Commission shall adopt, after consulting with the Medicaid and CHIP Quality-Based Payment Advisory Committee established under Section 536.002, Government Code, cost-sharing provisions that encourage personal accountability and appropriate utilization of health care services, including a cost-sharing provision applicable to [require] a recipient who chooses to receive a nonemergency [a high-cost] medical service [provided] through a hospital emergency room [to pay a copayment, premium payment, or other cost sharing payment for the high-cost medical service] if:

(1) the hospital from which the recipient seeks service:

(A) performs an appropriate medical screening and determines that the recipient does not have a condition requiring emergency medical services;

(B) informs the recipient:

(i) that the recipient does not have a condition requiring emergency medical services;

(ii) that, if the hospital provides the nonemergency service, the hospital may require payment of a copayment, premium payment, or other cost-sharing payment by the recipient in advance; and

(iii) of the name and address of a nonemergency Medicaid provider who can provide the appropriate medical service without imposing a cost-sharing payment; and

(C) offers to provide the recipient with a referral to the nonemergency provider to facilitate scheduling of the service; and

(2) after receiving the information and assistance described by Subdivision (1) from the hospital, the recipient chooses to obtain ~~[emergency]~~ medical services through the hospital emergency room despite having access to medically acceptable, appropriate ~~[lower-cost]~~ medical services.

(b) The department may not seek a federal waiver or other authorization under this section ~~[Subsection (a)]~~ that would:

(1) prevent a Medicaid recipient who has a condition requiring emergency medical services from receiving care through a hospital emergency room; or

(2) waive any provision under Section 1867, Social Security Act (42 U.S.C. Section 1395dd).

(c) ~~The [If the] executive commissioner of the Health and Human Services Commission shall adopt [adopts a copayment or other] cost-sharing provisions [payment] under Subsection (a), other than provisions applicable to recipients who choose to receive nonemergency medical services through a hospital emergency room, in a manner that is consistent with Section 1916 or 1916A, Social Security Act (42 U.S.C. Section 1396o or 1396o-1) [the commission may not reduce hospital payments to reflect the potential receipt of a copayment or other payment from a recipient receiving medical services provided through a hospital emergency room].~~

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

SECTION _____. QUALITY-BASED OUTCOME AND PAYMENT INITIATIVES. (a) Subtitle I, Title 4, Government Code, is amended by adding Chapter 536, and Section 531.913, Government Code, is transferred to Subchapter D, Chapter 536, Government Code, redesignated as Section 536.151, Government Code, and amended to read as follows:

CHAPTER 536. MEDICAID AND CHILD HEALTH PLAN PROGRAMS:

QUALITY-BASED OUTCOMES AND PAYMENTS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 536.001. DEFINITIONS. In this chapter:

(1) "Advisory committee" means the Medicaid and CHIP Quality-Based Payment Advisory Committee established under Section 536.002.

(2) "Alternative payment system" includes:

(A) a global payment system;

(B) an episode-based bundled payment system; and

(C) a blended payment system.

(3) "Blended payment system" means a system for compensating a physician or other health care provider that includes at least one or more features of a global payment system and an episode-based bundled payment system, but that may also include a system under which a portion of the compensation paid to a physician or other health care provider is based on a fee-for-service payment arrangement.

(4) "Child health plan program," "commission," "executive commissioner," and "health and human services agencies" have the meanings assigned by Section 531.001.

(5) "Episode-based bundled payment system" means a system for compensating a physician or other health care provider for arranging for or providing health care services to child health plan program enrollees or Medicaid recipients that is based on a flat payment for all services provided in connection with a single episode of medical care.

(6) "Exclusive provider benefit plan" means a managed care plan subject to 28 T.A.C. Part 1, Chapter 3, Subchapter KK.

(7) "Freestanding emergency medical care facility" means a facility licensed under Chapter 254, Health and Safety Code.

(8) "Global payment system" means a system for compensating a physician or other health care provider for arranging for or providing a defined set of covered health care services to child health plan program enrollees or Medicaid recipients for a specified period that is based on a predetermined payment per enrollee or recipient, as applicable, for the specified period, without regard to the quantity of services actually provided.

(9) "Health care provider" means any person, partnership, professional association, corporation, facility, or institution licensed, certified, registered, or chartered by this state to provide health care. The term includes an employee, independent contractor, or agent of a health care provider acting in the course and scope of the employment or contractual relationship.

(10) "Hospital" means a public or private institution licensed under Chapter 241 or 577, Health and Safety Code, including a general or special hospital as defined by Section 241.003, Health and Safety Code.

(11) "Managed care organization" means a person that is authorized or otherwise permitted by law to arrange for or provide a managed care plan. The term includes health maintenance organizations and exclusive provider organizations.

(12) "Managed care plan" means a plan, including an exclusive provider benefit plan, under which a person undertakes to provide, arrange for, pay for, or reimburse any part of the cost of any health care services. A part of the plan must consist of arranging for or providing health care services as distinguished from indemnification against the cost of those services on a prepaid basis through insurance or otherwise. The term does not include a plan that indemnifies a person for the cost of health care services through insurance.

(13) "Medicaid program" means the medical assistance program established under Chapter 32, Human Resources Code.

(14) "Physician" means a person licensed to practice medicine in this state under Subtitle B, Title 3, Occupations Code.

(15) "Potentially preventable admission" means an admission of a person to a hospital or long-term care facility that may have reasonably been prevented with adequate access to ambulatory care or health care coordination.

(16) "Potentially preventable ancillary service" means a health care service provided or ordered by a physician or other health care provider to supplement or support the evaluation or treatment of a patient, including a diagnostic test, laboratory test, therapy service, or radiology service, that may not be reasonably necessary for the provision of quality health care or treatment.

(17) "Potentially preventable complication" means a harmful event or negative outcome with respect to a person, including an infection or surgical complication, that:

(A) occurs after the person's admission to a hospital or long-term care facility; and

(B) may have resulted from the care, lack of care, or treatment provided during the hospital or long-term care facility stay rather than from a natural progression of an underlying disease.

(18) "Potentially preventable event" means a potentially preventable admission, a potentially preventable ancillary service, a potentially preventable complication, a potentially preventable emergency room visit, a potentially preventable readmission, or a combination of those events.

(19) "Potentially preventable emergency room visit" means treatment of a person in a hospital emergency room or freestanding emergency medical care facility for a condition that may not require emergency medical attention because the condition could be, or could have been, treated or prevented by a physician or other health care provider in a nonemergency setting.

(20) "Potentially preventable readmission" means a return hospitalization of a person within a period specified by the commission that may have resulted from deficiencies in the care or treatment provided to the person during a previous hospital stay or from deficiencies in post-hospital discharge follow-up. The term does not include a hospital readmission necessitated by the occurrence of unrelated events after the discharge. The term includes the readmission of a person to a hospital for:

(A) the same condition or procedure for which the person was previously admitted;

(B) an infection or other complication resulting from care previously provided;

(C) a condition or procedure that indicates that a surgical intervention performed during a previous admission was unsuccessful in achieving the anticipated outcome; or

(D) another condition or procedure of a similar nature, as determined by the executive commissioner after consulting with the advisory committee.

(21) "Quality-based payment system" means a system for compensating a physician or other health care provider, including an alternative payment system, that provides incentives to the physician or other health care provider for providing high-quality, cost-effective care and bases some portion of the payment made to the physician or other health care provider on quality of care outcomes, which may include the extent to which the physician or other health care provider reduces potentially preventable events.

Sec. 536.002. MEDICAID AND CHIP QUALITY-BASED PAYMENT ADVISORY COMMITTEE. (a) The Medicaid and CHIP Quality-Based Payment Advisory Committee is established to advise the commission on establishing, for purposes of the child health plan and Medicaid programs administered by the commission or a health and human services agency:

(1) reimbursement systems used to compensate physicians or other health care providers under those programs that reward the provision of high-quality, cost-effective health care and quality performance and quality of care outcomes with respect to health care services;

(2) standards and benchmarks for quality performance, quality of care outcomes, efficiency, and accountability by managed care organizations and physicians and other health care providers;

(3) programs and reimbursement policies that encourage high-quality, cost-effective health care delivery models that increase appropriate provider collaboration, promote wellness and prevention, and improve health outcomes; and

(4) outcome and process measures under Section 536.003.

(b) The executive commissioner shall appoint the members of the advisory committee. The committee must consist of physicians and other health care providers, representatives of health care facilities, representatives of managed care organizations, and other stakeholders interested in health care services provided in this state, including:

(1) at least one member who is a physician with clinical practice experience in obstetrics and gynecology;

(2) at least one member who is a physician with clinical practice experience in pediatrics;

(3) at least one member who is a physician with clinical practice experience in internal medicine or family medicine;

(4) at least one member who is a physician with clinical practice experience in geriatric medicine;

(5) at least one member who is or who represents a health care provider that primarily provides long-term care services;

(6) at least one member who is a consumer representative; and

(7) at least one member who is a member of the Advisory Panel on Health Care-Associated Infections and Preventable Adverse Events who meets the qualifications prescribed by Section 98.052(a)(4), Health and Safety Code.

(c) The executive commissioner shall appoint the presiding officer of the advisory committee.

Sec. 536.003. DEVELOPMENT OF QUALITY-BASED OUTCOME AND PROCESS MEASURES. (a) The commission, in consultation with the advisory committee, shall develop quality-based outcome and process measures that promote the provision of efficient, quality health care and that can be used in the child health plan and Medicaid programs to implement quality-based payments for acute and long-term care services across all delivery models and payment systems, including fee-for-service and managed care payment systems. The commission, in developing outcome measures under this section, must consider measures addressing potentially preventable events.

(b) To the extent feasible, the commission shall develop outcome and process measures:

(1) consistently across all child health plan and Medicaid program delivery models and payment systems;

(2) in a manner that takes into account appropriate patient risk factors, including the burden of chronic illness on a patient and the severity of a patient's illness;

(3) that will have the greatest effect on improving quality of care and the efficient use of services; and

(4) that are similar to outcome and process measures used in the private sector, as appropriate.

(c) The commission shall, to the extent feasible, align outcome and process measures developed under this section with measures required or recommended under reporting guidelines established by the federal Centers for Medicare and Medicaid Services, the Agency for Healthcare Research and Quality, or another federal agency.

(d) The executive commissioner by rule may require managed care organizations and physicians and other health care providers participating in the child health plan and Medicaid programs to report to the commission in a format specified by the executive commissioner information necessary to develop outcome and process measures under this section.

(e) If the commission increases physician and other health care provider reimbursement rates under the child health plan or Medicaid program as a result of an increase in the amounts appropriated for the programs for a state fiscal biennium as compared to the preceding state fiscal biennium, the commission shall, to the extent permitted under federal law and to the extent otherwise possible considering other relevant factors, correlate the increased reimbursement rates with the quality-based outcome and process measures developed under this section.

Sec. 536.004. DEVELOPMENT OF QUALITY-BASED PAYMENT SYSTEMS. (a) Using quality-based outcome and process measures developed under Section 536.003 and subject to this section, the commission, after consulting with the advisory committee, shall develop quality-based payment systems for compensating a physician or other health care provider participating in the child health plan or Medicaid program that:

(1) align payment incentives with high-quality, cost-effective health care;

(2) reward the use of evidence-based best practices;

(3) promote the coordination of health care;

(4) encourage appropriate physician and other health care provider collaboration;

(5) promote effective health care delivery models; and

(6) take into account the specific needs of the child health plan program enrollee and Medicaid recipient populations.

(b) The commission shall develop quality-based payment systems in the manner specified by this chapter. To the extent necessary, the commission shall coordinate the timeline for the development and implementation of a payment system with the implementation of other initiatives such as the Medicaid Information Technology Architecture (MITA) initiative of the Center for Medicaid and State Operations, the ICD-10 code sets initiative, or the ongoing Enterprise Data Warehouse (EDW) planning process in order to maximize the receipt of federal funds or reduce any administrative burden.

(c) In developing quality-based payment systems under this chapter, the commission shall examine and consider implementing:

(1) an alternative payment system;

(2) any existing performance-based payment system used under the Medicare program that meets the requirements of this chapter, modified as necessary to account for programmatic differences, if implementing the system would:

(A) reduce unnecessary administrative burdens; and

(B) align quality-based payment incentives for physicians and other health care providers with the Medicare program; and

(3) alternative payment methodologies within the system that are used in the Medicare program, modified as necessary to account for programmatic differences, and that will achieve cost savings and improve quality of care in the child health plan and Medicaid programs.

(d) In developing quality-based payment systems under this chapter, the commission shall ensure that a managed care organization or physician or other health care provider will not be rewarded by the system for withholding or delaying the provision of medically necessary care.

(e) The commission may modify a quality-based payment system developed under this chapter to account for programmatic differences between the child health plan and Medicaid programs and delivery systems under those programs.

Sec. 536.005. CONVERSION OF PAYMENT METHODOLOGY. (a) To the extent possible, the commission shall convert hospital reimbursement systems under the child health plan and Medicaid programs to a diagnosis-related groups (DRG) methodology that will allow the commission to more accurately classify specific patient populations and account for severity of patient illness and mortality risk.

(b) Subsection (a) does not authorize the commission to direct a managed care organization to compensate physicians and other health care providers providing services under the organization's managed care plan based on a diagnosis-related groups (DRG) methodology.

Sec. 536.006. TRANSPARENCY. The commission and the advisory committee shall:

(1) ensure transparency in the development and establishment of:

(A) quality-based payment and reimbursement systems under Section 536.004 and Subchapters B, C, and D, including the development of outcome and process measures under Section 536.003; and

(B) quality-based payment initiatives under Subchapter E, including the development of quality of care and cost-efficiency benchmarks under Section 536.204(a) and efficiency performance standards under Section 536.204(b);

(2) develop guidelines establishing procedures for providing notice and information to, and receiving input from, managed care organizations, health care providers, including physicians and experts in the various medical specialty fields, and other stakeholders, as appropriate, for purposes of developing and establishing the quality-based payment and reimbursement systems and initiatives described under Subdivision (1); and

(3) in developing and establishing the quality-based payment and reimbursement systems and initiatives described under Subdivision (1), consider that as the performance of a managed care organization or physician or other health care provider improves with respect to an outcome or process measure, quality of care and cost-efficiency benchmark, or efficiency performance standard, as applicable, there will be a diminishing rate of improved performance over time.

Sec. 536.007. PERIODIC EVALUATION. (a) At least once each two-year period, the commission shall evaluate the outcomes and cost-effectiveness of any quality-based payment system or other payment initiative implemented under this chapter.

(b) The commission shall:

(1) present the results of its evaluation under Subsection (a) to the advisory committee for the committee's input and recommendations; and

(2) provide a process by which managed care organizations and physicians and other health care providers may comment and provide input into the committee's recommendations under Subdivision (1).

Sec. 536.008. ANNUAL REPORT. (a) The commission shall submit an annual report to the legislature regarding:

(1) the quality-based outcome and process measures developed under Section 536.003; and

(2) the progress of the implementation of quality-based payment systems and other payment initiatives implemented under this chapter.

(b) The commission shall report outcome and process measures under Subsection (a)(1) by health care service region and service delivery model.

[Sections 536.009-536.050 reserved for expansion]

SUBCHAPTER B. QUALITY-BASED PAYMENTS RELATING TO
MANAGED CARE ORGANIZATIONS

Sec. 536.051. DEVELOPMENT OF QUALITY-BASED PREMIUM PAYMENTS; PERFORMANCE REPORTING. (a) Subject to Section 1903(m)(2)(A), Social Security Act (42 U.S.C. Section 1396b(m)(2)(A)), and other applicable federal law, the commission shall base a percentage of the premiums paid to a managed care organization participating in the child health plan or Medicaid program on the organization's performance with respect to outcome and process measures developed under Section 536.003, including outcome measures addressing potentially preventable events.

(b) The commission shall make available information relating to the performance of a managed care organization with respect to outcome and process measures under this subchapter to child health plan program enrollees and Medicaid recipients before those enrollees and recipients choose their managed care plans.

Sec. 536.052. PAYMENT AND CONTRACT AWARD INCENTIVES FOR MANAGED CARE ORGANIZATIONS. (a) The commission may allow a managed care organization participating in the child health plan or Medicaid program increased flexibility to implement quality initiatives in a managed care plan offered by the organization, including flexibility with respect to financial arrangements, in order to:

- (1) achieve high-quality, cost-effective health care;
- (2) increase the use of high-quality, cost-effective delivery models; and
- (3) reduce potentially preventable events.

(b) The commission, after consulting with the advisory committee, shall develop quality of care and cost-efficiency benchmarks, including benchmarks based on a managed care organization's performance with respect to reducing potentially preventable events and containing the growth rate of health care costs.

(c) The commission may include in a contract between a managed care organization and the commission financial incentives that are based on the organization's successful implementation of quality initiatives under Subsection (a) or success in achieving quality of care and cost-efficiency benchmarks under Subsection (b).

(d) In awarding contracts to managed care organizations under the child health plan and Medicaid programs, the commission shall, in addition to considerations under Section 533.003 of this code and Section 62.155, Health and Safety Code, give preference to an organization that offers a managed care plan that successfully implements quality initiatives under Subsection (a) as determined by the commission based on data or other evidence provided by the organization or meets quality of care and cost-efficiency benchmarks under Subsection (b).

(e) The commission may implement financial incentives under this section only if implementing the incentives would be cost-effective.

[Sections 536.053-536.100 reserved for expansion]

SUBCHAPTER C. QUALITY-BASED HEALTH HOME PAYMENT SYSTEMS

Sec. 536.101. DEFINITIONS. In this subchapter:

(1) "Health home" means a primary care provider practice or, if appropriate, a specialty care provider practice, incorporating several features, including comprehensive care coordination, family-centered care, and data management, that are focused on improving outcome-based quality of care and increasing patient and provider satisfaction under the child health plan and Medicaid programs.

(2) "Participating enrollee" means a child health plan program enrollee or Medicaid recipient who has a health home.

Sec. 536.102. QUALITY-BASED HEALTH HOME PAYMENTS.

(a) Subject to this subchapter, the commission, after consulting with the advisory committee, may develop and implement quality-based payment systems for health homes designed to improve quality of care and reduce the provision of unnecessary medical services. A quality-based payment system developed under this section must:

(1) base payments made to a participating enrollee's health home on quality and efficiency measures that may include measurable wellness and prevention criteria and use of evidence-based best practices, sharing a portion of any realized cost savings achieved by the health home, and ensuring quality of care outcomes, including a reduction in potentially preventable events; and

(2) allow for the examination of measurable wellness and prevention criteria, use of evidence-based best practices, and quality of care outcomes based on the type of primary or specialty care provider practice.

(b) The commission may develop a quality-based payment system for health homes under this subchapter only if implementing the system would be feasible and cost-effective.

Sec. 536.103. PROVIDER ELIGIBILITY. To be eligible to receive reimbursement under a quality-based payment system under this subchapter, a health home provider must:

(1) provide participating enrollees, directly or indirectly, with access to health care services outside of regular business hours;

(2) educate participating enrollees about the availability of health care services outside of regular business hours; and

(3) provide evidence satisfactory to the commission that the provider meets the requirement of Subdivision (1).

[Sections 536.104-536.150 reserved for expansion]

SUBCHAPTER D. QUALITY-BASED HOSPITAL REIMBURSEMENT SYSTEM

Sec. 536.151 [531.913]. COLLECTION AND REPORTING OF CERTAIN [HOSPITAL HEALTH] INFORMATION [EXCHANGE]. (a) [In this section, "potentially preventable readmission" means a return hospitalization of a person within a period specified by the commission that results from deficiencies in the care or treatment provided to the person during a previous hospital stay or

~~from deficiencies in post hospital discharge follow up. The term does not include a hospital readmission necessitated by the occurrence of unrelated events after the discharge. The term includes the readmission of a person to a hospital for:~~

~~[(1) the same condition or procedure for which the person was previously admitted;~~

~~[(2) an infection or other complication resulting from care previously provided;~~

~~[(3) a condition or procedure that indicates that a surgical intervention performed during a previous admission was unsuccessful in achieving the anticipated outcome; or~~

~~[(4) another condition or procedure of a similar nature, as determined by the executive commissioner.~~

~~[(b)]~~ The executive commissioner shall adopt rules for identifying potentially preventable readmissions of child health plan program enrollees and Medicaid recipients and potentially preventable complications experienced by child health plan program enrollees and Medicaid recipients. The ~~[and the]~~ commission shall collect ~~[exchange]~~ data from ~~[with]~~ hospitals on present-on-admission indicators for purposes of this section.

~~[(b) [(e)]]~~ The commission shall establish a ~~[health information exchange]~~ program to provide a ~~[exchange]~~ confidential report to ~~[information with]~~ each hospital in this state that participates in the child health plan or Medicaid program regarding the hospital's performance with respect to potentially preventable readmissions and potentially preventable complications. To the extent possible, a report provided under this section should include potentially preventable readmissions and potentially preventable complications information across all child health plan and Medicaid program payment systems. A hospital shall distribute the information contained in the report [received from the commission] to physicians and other health care providers providing services at the hospital.

~~[(c)]~~ A report provided to a hospital under this section is confidential and is not subject to Chapter 552.

Sec. 536.152. REIMBURSEMENT ADJUSTMENTS. (a) Subject to Subsection (b), using the data collected under Section 536.151 and the diagnosis-related groups (DRG) methodology implemented under Section 536.005, the commission, after consulting with the advisory committee, shall to the extent feasible adjust child health plan and Medicaid reimbursements to hospitals, including payments made under the disproportionate share hospitals and upper payment limit supplemental payment programs, in a manner that may reward or penalize a hospital based on the hospital's performance with respect to exceeding, or failing to achieve, outcome and process measures developed under Section 536.003 that address the rates of potentially preventable readmissions and potentially preventable complications.

(b) The commission must provide the report required under Section 536.151(b) to a hospital at least one year before the commission adjusts child health plan and Medicaid reimbursements to the hospital under this section.

[Sections 536.153-536.200 reserved for expansion]

SUBCHAPTER E. QUALITY-BASED PAYMENT INITIATIVES

Sec. 536.201. DEFINITION. In this subchapter, "payment initiative" means a quality-based payment initiative established under this subchapter.

Sec. 536.202. PAYMENT INITIATIVES; DETERMINATION OF BENEFIT TO STATE. (a) The commission shall, after consulting with the advisory committee, establish payment initiatives to test the effectiveness of quality-based payment systems, alternative payment methodologies, and high-quality, cost-effective health care delivery models that provide incentives to physicians and other health care providers to develop health care interventions for child health plan program enrollees or Medicaid recipients, or both, that will:

- (1) improve the quality of health care provided to the enrollees or recipients;
- (2) reduce potentially preventable events;
- (3) promote prevention and wellness;
- (4) increase the use of evidence-based best practices;
- (5) increase appropriate physician and other health care provider collaboration; and
- (6) contain costs.

(b) The commission shall:

- (1) establish a process by which managed care organizations and physicians and other health care providers may submit proposals for payment initiatives described by Subsection (a); and
- (2) determine whether it is feasible and cost-effective to implement one or more of the proposed payment initiatives.

Sec. 536.203. PURPOSE AND IMPLEMENTATION OF PAYMENT INITIATIVES. (a) If the commission determines under Section 536.202 that implementation of one or more payment initiatives is feasible and cost-effective for this state, the commission shall establish one or more payment initiatives as provided by this subchapter.

(b) The commission shall administer any payment initiative established under this subchapter. The executive commissioner may adopt rules, plans, and procedures and enter into contracts and other agreements as the executive commissioner considers appropriate and necessary to administer this subchapter.

(c) The commission may limit a payment initiative to:

- (1) one or more regions in this state;
- (2) one or more organized networks of physicians and other health care providers; or
- (3) specified types of services provided under the child health plan or Medicaid program, or specified types of enrollees or recipients under those programs.

(d) A payment initiative implemented under this subchapter must be operated for at least one calendar year.

Sec. 536.204. STANDARDS; PROTOCOLS. (a) The executive commissioner shall:

(1) consult with the advisory committee to develop quality of care and cost-efficiency benchmarks and measurable goals that a payment initiative must meet to ensure high-quality and cost-effective health care services and healthy outcomes; and

(2) approve benchmarks and goals developed as provided by Subdivision (1).

(b) In addition to the benchmarks and goals under Subsection (a), the executive commissioner may approve efficiency performance standards that may include the sharing of realized cost savings with physicians and other health care providers who provide health care services that exceed the efficiency performance standards. The efficiency performance standards may not create any financial incentive for or involve making a payment to a physician or other health care provider that directly or indirectly induces the limitation of medically necessary services.

Sec. 536.205. PAYMENT RATES UNDER PAYMENT INITIATIVES. The executive commissioner may contract with appropriate entities, including qualified actuaries, to assist in determining appropriate payment rates for a payment initiative implemented under this subchapter.

(b) The Health and Human Services Commission shall convert the hospital reimbursement systems used under the child health plan program under Chapter 62, Health and Safety Code, and medical assistance program under Chapter 32, Human Resources Code, to the diagnosis-related groups (DRG) methodology to the extent possible as required by Section 536.005, Government Code, as added by this section, as soon as practicable after the effective date of this Act, but not later than:

(1) September 1, 2013, for reimbursements paid to children's hospitals; and

(2) September 1, 2012, for reimbursements paid to other hospitals under those programs.

(c) Not later than September 1, 2012, the Health and Human Services Commission shall begin providing performance reports to hospitals regarding the hospitals' performances with respect to potentially preventable complications as required by Section 536.151, Government Code, as designated and amended by this section.

(d) Subject to Section 536.004(b), Government Code, as added by this section, the Health and Human Services Commission shall begin making adjustments to child health plan and Medicaid reimbursements to hospitals as required by Section 536.152, Government Code, as added by this section:

(1) not later than September 1, 2012, based on the hospitals' performances with respect to reducing potentially preventable readmissions; and

(2) not later than September 1, 2013, based on the hospitals' performances with respect to reducing potentially preventable complications.

SECTION _____. LONG-TERM CARE PAYMENT INCENTIVE INITIATIVES. (a) The heading to Section 531.912, Government Code, is amended to read as follows:

Sec. 531.912. COMMON PERFORMANCE MEASUREMENTS AND PAY-FOR-PERFORMANCE INCENTIVES FOR ~~[QUALITY OF CARE HEALTH INFORMATION EXCHANGE WITH]~~ CERTAIN NURSING FACILITIES.

(b) Sections 531.912(b), (c), and (f), Government Code, are amended to read as follows:

(b) If feasible, the executive commissioner by rule may ~~shall~~ establish an incentive payment program for ~~[a quality of care health information exchange with]~~ nursing facilities that choose to participate. The ~~[in a]~~ program must be designed to improve the quality of care and services provided to medical assistance recipients. Subject to Subsection (f), the program may provide incentive payments in accordance with this section to encourage facilities to participate in the program.

(c) In establishing an incentive payment ~~[a quality of care health information exchange]~~ program under this section, the executive commissioner shall, subject to Subsection (d), adopt common ~~[exchange information with participating nursing facilities regarding]~~ performance measures to be used in evaluating nursing facilities that are related to structure, process, and outcomes that positively correlate to nursing facility quality and improvement. The common performance measures:

(1) must be:

(A) recognized by the executive commissioner as valid indicators of the overall quality of care received by medical assistance recipients; and

(B) designed to encourage and reward evidence-based practices among nursing facilities; and

(2) may include measures of:

(A) quality of care, as determined by clinical performance ratings published by the federal Centers for Medicare and Medicaid Services, the Agency for Healthcare Research and Quality, or another federal agency ~~[HHS]~~;

(B) direct-care staff retention and turnover;

(C) recipient satisfaction, including the satisfaction of recipients who are short-term and long-term residents of facilities, and family satisfaction, as determined by the Nursing Home Consumer Assessment of Health Providers and Systems survey relied upon by the federal Centers for Medicare and Medicaid Services;

(D) employee satisfaction and engagement;

(E) the incidence of preventable acute care emergency room services use;

(F) regulatory compliance;

(G) level of person-centered care; and

(H) direct-care staff training, including a facility's ~~[level of occupancy or of facility]~~ utilization of independent distance learning programs for the continuous training of direct-care staff.

(f) The commission may make incentive payments under the program only if money is ~~[specifically]~~ appropriated for that purpose.

(c) The Department of Aging and Disability Services shall conduct a study to evaluate the feasibility of expanding any incentive payment program established for nursing facilities under Section 531.912, Government Code, as amended by this section, by providing incentive payments for the following types of providers of long-term care services, as defined by Section 22.0011, Human Resources Code, under the medical assistance program:

(1) intermediate care facilities for persons with mental retardation licensed under Chapter 252, Health and Safety Code; and

(2) providers of home and community-based services, as described by 42 U.S.C. Section 1396n(c), who are licensed or otherwise authorized to provide those services in this state.

(d) Not later than September 1, 2012, the Department of Aging and Disability Services shall submit to the legislature a written report containing the findings of the study conducted under Subsection (c) of this section and the department's recommendations.

Amendment No. 2 was adopted. (The vote was reconsidered later today, and Amendment No. 2 was amended and 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. 2).

CSSB 23 - (consideration continued)

Amendment No. 3

Representative Zerwas offered the following amendment to **CSSB 23**:

Floor Packet Page No. 54

Amend **CSSB 23** on page 37, line 26 by amending Subsection 531.502(c)(1) as follows:

"(1) identifying health care related state and local funds and program expenditures that; before September 1, 2011 [~~2007~~] are not being matched with federal money; and"

Amend **CSSB 23** on page 37 lines 26 and 27 and page 38 lines 1 through line 9 by striking Section (1) and inserting the following new Subsection (1):

"(1) include safeguards to ensure that the total amount of federal money provided under the disproportionate share hospitals or ~~and~~ upper payment limit supplemental payment program [~~programs~~] that is deposited as provided by Section 531.504 is, for a particular state fiscal year, at least equal to the greater of the annualized amount provided to this state under those supplemental payment programs during state fiscal year 2011 [~~2007~~], excluding amounts provided during that state fiscal year that are retroactive payments, or the state fiscal years during which the waiver is in effect; and"

Amend **CSSB 23** on page 38 lines 12 and 13 by striking (A) and inserting the following new (A):

"(A) be used to supplement hospital reimbursement under a waiver that includes terms that are consistent with, or that produce revenues consistent with, disproportionate share hospital and upper payment limit principles;"

Amend **CSSB 23** on page 39 lines 3 through 8 by striking (b) and inserting the following new Subsection (b):

"(b) The commission and comptroller may accept gifts, grants, and donations from any source, and receive intergovernmental transfers, for purposes consistent with this subchapter and the terms of the waiver. The comptroller shall deposit a gift, grant, or donation made for those purposes in the fund. Any intergovernmental transfers received, including the associated federal matching funds, shall be used only for the purposes originally intended by the transferring entity and in accordance with the terms of the waiver."

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

Amendment No. 4

Representative Zerwas offered the following amendment to **CSSB 23**:
Floor Packet Page No. 90

Amend **CSSB 23** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. USE OF TRAUMA AND EMERGENCY MEDICAL SERVICES ACCOUNT TO FUND MEDICAID. Section 780.004, Health and Safety Code, is amended by amending Subsection (a) and adding Subsection (j) to read as follows:

(a) The commissioner:

(1) [5] with advice and counsel from the chairpersons of the trauma service area regional advisory councils, shall use money appropriated from the account established under this chapter to fund designated trauma facilities, county and regional emergency medical services, and trauma care systems in accordance with this section; and

(2) after consulting with the executive commissioner of the Health and Human Services Commission, shall transfer to an account in the general revenue fund money appropriated from the account established under this chapter to maximize the receipt of federal funds under the medical assistance program established under Chapter 32, Human Resources Code, and to fund provider reimbursement payments as provided by Subsection (j).

(j) Money in the account described by Subsection (a)(2) may be appropriated only to the Health and Human Services Commission to fund provider reimbursement payments under the medical assistance program established under Chapter 32, Human Resources Code, including reimbursement enhancements to the statewide dollar amount (SDA) rate used to reimburse hospitals under the program.

Amendment No. 5

Representative Zerwas offered the following amendment to Amendment No. 4:

Amend Floor Amendment No. 4 to **CSSB 23** (page 90, prefiled amendments packet), on page 1 of the amendment as follows:

(1) On line 16, strike "shall transfer" and substitute "may transfer".

(2) On line 27, strike "hospitals" and substitute "designated trauma hospitals".

Amendment No. 5 was adopted.

Amendment No. 4, as amended, was adopted.

Amendment No. 6

Representative Frullo offered the following amendment to **CSSB 23**:

Floor Packet Page No. 1

Amend **CSSB 23** (house committee printing) as follows:

(1) In Section 1 of the bill, in amended Section 102.054(c)(1)(H), Business & Commerce Code (page 2, line 22), strike "and".

(2) In Section 1 of the bill, in amended Section 102.054(c)(1)(I), Business & Commerce Code (page 3, line 1), after the semicolon add the following:

and

(J) Internet Crimes Against Children Task Force locations in this state recognized by the United States Department of Justice;

Amendment No. 7

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

Amend Amendment No. 6 to **CSSB 23** by Frullo (prefiled amendment packet, page 1) as follows:

(1) In Item (1) of the amendment, on page 1, line 3, strike "102.054(c)(1)(H), Business & Commerce Code" and substitute "420.008(c)(1)(H), Government Code".

(2) In Item (2) of the amendment, on page 1, line 6, strike "102.054(c)(1)(I), Business & Commerce Code" and substitute "420.008(c)(1)(I), Government Code".

Amendment No. 7 was adopted.

Amendment No. 6, as amended, was adopted.

Amendment No. 8

On behalf of Representative D. Miller, Representative S. Miller offered the following amendment to **CSSB 23**:

Floor Packet Page No. 2

Amend **CSSB 23** (house committee printing) as follows:

In SECTION 1 of the bill, strike Subsection (c) on page 4, lines 23-27 and reletter subsequent subsections accordingly.

SECTION 1. SEXUAL ASSAULT PROGRAM FUND; FEE IMPOSED ON CERTAIN SEXUALLY ORIENTED BUSINESSES. (a) Section 102.054, Business & Commerce Code, is amended to read as follows:

Sec. 102.054. ALLOCATION OF [CERTAIN] REVENUE FOR SEXUAL ASSAULT PROGRAMS. The comptroller shall deposit the amount [first \$25 million] received from the fee imposed under this subchapter [in a state fiscal biennium] to the credit of the sexual assault program fund.

(b) The comptroller of public accounts shall collect the fee imposed under Section 102.052, Business & Commerce Code, until a court, in a final judgement upheld on appeal or no longer subject to appeal, finds Section 102.052, Business & Commerce Code, or its predecessor statute, to be unconstitutional.

(c) Section 102.055, Business & Commerce Code, is repealed.

(d) This section prevails over any other Act of the 82nd Legislature, Regular Session, 2011, regardless of the relative dates of enactment, that purports to amend or repeal Subchapter B, Chapter 102, Business & Commerce Code, or any provision of Chapter 1206 (**HB 1751**), Acts of the 80th Legislature, Regular Session, 2007.

AMENDMENT NO. 8 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE ZERWAS: We've had a conversation about this, and I just want to be certain that we understand that this is not intended to eliminate the current account—or it's not intended to eliminate the program at all until we actually have a response by the supreme court.

REPRESENTATIVE S. MILLER: Not at all. This does not eliminate the program. The comptroller still has the authority to collect this money; she will continue collecting it. This just directs her; don't spend it until we know if we won or lost.

ZERWAS: Which I think is a fiscally prudent thing to do, and in the event that the supreme court rules against—or actually rules with the appellate courts,—that money then could be refunded without having to try to find all the money and so forth. But in the event that the supreme court would say that it is reasonable to do this, then I don't believe this amendment changes anything with regard with being able to take that money and applying it for the sexual assault fund.

S. MILLER: That's correct. Absolutely correct.

REMARKS ORDERED PRINTED

Representative Zerwas moved to print remarks between Representative S. Miller and Representative Zerwas.

The motion prevailed.

Amendment No. 8 was adopted. (Harless recorded voting no.)

Amendment No. 9

Representative Dutton offered the following amendment to **CSSB 23**:

Floor Packet Page No. 4

Amend **CSSB 23** (house committee printing) as follows:

In SECTION 1 of the bill, strike Subsection (c) on page 4, lines 23-27 and reletter subsequent subsections accordingly.

Amendment No. 9 was withdrawn.

Amendment No. 10

Representative D. Howard offered the following amendment to **CSSB 23**:

Floor Packet Page No. 5

Amend **CSSB 23** (senate committee printing) on page 5 in SECTION 2 of the bill and beginning at line 21, strike through the wording indicated on line 21 and insert the following additional wording in subparagraph (b)(1)(A) of the amendment in the bill regarding new Sec. 531.02417 proposed to be added to Subchapter B, Chapter 531, Government Code:

(A) if cost-effective and in the best interests of the recipient, by a ~~state employee or contractor~~ physician licensed to practice in Texas or by a physician's assistant, registered nurse or nurse practitioner who is licensed to practice in Texas who is not the person who will deliver any necessary services to the recipient and is not affiliated with the person who will deliver those services, or by an assessment conducted by or under the direction of the patient's personal physician; and

Amendment No. 11

Representative D. Howard offered the following amendment to Amendment No. 10:

Amend Amendment No. 10 to **CSSB 23** by D. Howard (prefiled amendment packet, page 5) by striking the text of the amendment and substituting the following:

Amend **CSSB 23** (house committee printing) in SECTION 2 of the bill, in added Section 531.02417(b)(1)(A), Government Code (page 5, line 21), by striking "state employee or contractor" and substituting "physician, physician assistant, or registered nurse who is licensed in this state and".

Amendment No. 11 was adopted.

Amendment No. 10, as amended, was adopted.

Amendment No. 12

Representative V. Gonzales offered the following amendment to **CSSB 23**:

Floor Packet Page No. 6

Amend **CSSB 23** (house committee printing) by striking SECTION 3(a) (page 7, line 12, through page 8, line 2) and substituting the following:

(a) Section 533.0025, Government Code, is amended by amending Subsection (e) and adding Subsection (f) to read as follows:

(e) In expanding the health maintenance organization model of the managed care program into the South Texas service delivery area, the executive commissioner shall determine and develop the most effective alignment of managed care service delivery areas for each managed care model through which services are provided in Duval, Hidalgo, Jim Hogg, Cameron, Maverick, McMullen, Starr, Webb, Willacy, and Zapata Counties. In developing the service delivery areas for each managed care model, the executive commissioner shall consider:

- (1) the number of individuals impacted in each of the counties;
- (2) the usual source of health care services for residents in each of the counties; and
- (3) other factors relevant to the delivery of health care services in each of the counties ~~[Notwithstanding Subsection (b)(1), the commission may not provide medical assistance using a health maintenance organization in Cameron County, Hidalgo County, or Maverick County].~~

(f) Each managed care organization that operates within the South Texas service delivery area must maintain a medical director within the service delivery area whose duties include overseeing and managing the managed care organization medical necessity determination process. The medical director:

- (1) may be a managed care organization employee or be under contract with the managed care organization;
- (2) must be available for peer-to-peer discussions about managed care organization medical necessity determinations and other managed care organization clinical policies; and
- (3) may not be affiliated with any hospital, clinic, or other health care related institution or business that operates within the service delivery area.

Amendment No. 13

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

Amend Amendment No. 12 to **CSSB 23** by V. Gonzales (prefiled amendment packet, pages 6-7) by striking added Section 533.0025(f), Government Code (page 1, line 25 through page 2, line 8 of the amendment).

Amendment No. 13 was withdrawn.

Representative Zerwas moved to table Amendment No. 12.

The motion to table prevailed by (Record 1166): 89 Yeas, 54 Nays, 2 Present, not voting.

Yeas — Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Burkett; Button; Cain; Carter; Chisum; Christian; Cook; Craddock; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; King, P.; King, S.; Kleinschmidt;

Kolkhorst; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Perry; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Truitt; Weber; White; Woolley; Zedler; Zerwas.

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

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

Absent, Excused — Phillips.

Absent — Burnam; Callegari; Davis, Y.; Keffer.

STATEMENT OF VOTE

When Record No. 1166 was taken, I was in the house but away from my desk. I would have voted yes.

Keffer

COMMITTEE GRANTED PERMISSION TO MEET

Representative Keffer requested permission for the Committee on Energy Resources to meet while the house is in session, at 4:30 p.m. today, in 3W.15, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Energy Resources, 4:30 p.m. today, 3W.15, for a formal meeting, to consider pending business.

Public Health, 5 p.m. today, 3W.9, for a formal meeting, to consider pending business.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Kolkhorst requested permission for the Committee on Public Health to meet while the house is in session, at 5 p.m. today, in 3W.9, to consider pending business.

Permission to meet was granted.

CSSB 23 - (consideration continued)

Amendment No. 14

Representative Orr offered the following amendment to **CSSB 23**:

Floor Packet Page No. 8

Amend **CSSB 23** (house committee printing) as follows:

(1) In SECTION 3(b) of the bill, adding Section 533.0029, Government Code (page 8, line 19), between "MEDICAL" and "HOMES", insert "AND HEALTH".

(2) In SECTION 3(b) of the bill, adding Section 533.0029, Government Code (page 8, line 20), between "medical" and "home", insert "or health".

(3) In SECTION 3(b) of the bill, adding Section 533.0029, Government Code (page 9, line 26), between "medical" and "homes", insert "or health".

(4) In SECTION 3(b) of the bill, adding Section 533.0029, Government Code (page 10, line 1), between "medical" and "home", insert "or health".

Amendment No. 15

Representative Orr offered the following amendment to Amendment No. 14:

Amend Amendment No. 14 to **CSSB 23** by Orr (prefiled amendment packet, page 8) by striking the text of the amendment and substituting the following:

Amend **CSSB 23** (house committee printing) as follows:

(1) In SECTION 3(b) of the bill, adding Section 533.0029, Government Code (page 8, line 19), between "MEDICAL" and "HOMES", insert "AND HEALTH".

(2) In SECTION 3(b) of the bill, strike Section 533.0029(a), Government Code (page 8, line 19 through page 9, line 22), and substitute the following:

(a) For purposes of this section:

(1) "Patient-centered health home" means a health care relationship:

(A) between a primary health care provider, other than a physician, and a child or adult patient in which the provider:

(i) provides comprehensive primary care to the patient; and

(ii) facilitates partnerships between the provider, the patient, physicians and other health care providers, including acute care providers, and, when appropriate, the patient's family; and

(B) that encompasses the following primary principles:

(i) the patient has an ongoing relationship with the provider, and the provider is the first contact for the patient and provides continuous and comprehensive care to the patient;

(ii) the provider coordinates a team of individuals at the practice level who are collectively responsible for the ongoing care of the patient;

(iii) the provider is responsible for providing all of the care the patient needs or for coordinating with physicians or other qualified providers to provide care to the patient throughout the patient's life, including preventive care, acute care, chronic care, and end-of-life care;

(iv) the patient's care is coordinated across health care facilities and the patient's community and is facilitated by registries, information technology, and health information exchange systems to ensure that the patient receives care when and where the patient wants and needs the care and in a culturally and linguistically appropriate manner; and

(v) quality and safe care is provided.

(2) "Patient-centered medical home" means a medical relationship:

(A) between a primary care physician and a child or adult patient in which the physician:

(i) provides comprehensive primary care to the patient; and

(ii) facilitates partnerships between the physician, the patient, acute care and other care providers, and, when appropriate, the patient's family; and

(B) that encompasses the following primary principles:

(i) the patient has an ongoing relationship with the physician, who is trained to be the first contact for the patient and to provide continuous and comprehensive care to the patient;

(ii) the physician leads a team of individuals at the practice level who are collectively responsible for the ongoing care of the patient;

(iii) the physician is responsible for providing all of the care the patient needs or for coordinating with other qualified providers to provide care to the patient throughout the patient's life, including preventive care, acute care, chronic care, and end-of-life care;

(iv) the patient's care is coordinated across health care facilities and the patient's community and is facilitated by registries, information technology, and health information exchange systems to ensure that the patient receives care when and where the patient wants and needs the care and in a culturally and linguistically appropriate manner; and

(v) quality and safe care is provided.

(3) In SECTION 3(b) of the bill, adding Section 533.0029(b)(1), Government Code (page 9, line 26), between "medical" and "homes", insert "or health".

(4) In SECTION 3(b) of the bill, adding Section 533.0029(b)(2), Government Code (page 10, line 1), between "medical" and "home", insert "or health".

(5) In SECTION 3(k) of the bill (page 21, line 23), between "medical" and "homes", insert "or health".

Amendment No. 15 was adopted.

Amendment No. 14, as amended, was adopted.

Amendment No. 16

Representative V. Gonzales offered the following amendment to **CSSB 23**:

Floor Packet Page No. 9

Amend **CSSB 23** (house committee printing) in SECTION 3(c) of the bill by striking amended Section 533.003, Government Code (page 10, lines 4 through 25), and substituting the following:

Sec. 533.003. CONSIDERATIONS IN AWARDING CONTRACTS. (a) In awarding contracts to managed care organizations, the commission shall:

(1) give preference to organizations that have significant participation in the organization's provider network from each health care provider in the region who has traditionally provided care to Medicaid and charity care patients;

(2) give extra consideration to organizations that agree to assure continuity of care for at least three months beyond the period of Medicaid eligibility for recipients;

(3) consider the need to use different managed care plans to meet the needs of different populations; ~~and~~

(4) consider the ability of organizations to process Medicaid claims electronically; and

(5) give extra consideration in each health care service region to an organization, if one exists, that:

(A) is locally owned, managed, and operated; and

(B) notwithstanding Section 533.004 or any other law, is not owned or operated by and does not have a contract, agreement, or other arrangement with a hospital district in the region.

(b) For purposes of this section, a managed care organization is considered to be locally owned if the organization is formed under the laws of this state and is headquartered, operates, and has the majority of the organization's staff residing in the health care service region where the organization provides health care services.

Representative Zerwas moved to table Amendment No. 16.

The motion to table prevailed by (Record 1167): 85 Yeas, 59 Nays, 2 Present, not voting.

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

Nays — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Brown; Burkett; Burnam; Castro; Coleman; Davis, Y.; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Garza; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez;

Hartnett; Hernandez Luna; Howard, D.; Johnson; King, T.; Larson; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Peña; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Scott; Strama; Thompson; Torres; Turner; Veasey; Villarreal; Vo; Walle; Weber; Workman.

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

Absent, Excused — Phillips.

Absent — Callegari; Keffer; Riddle.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Eissler requested permission for the Committee on Public Education to meet while the house is in session, at 5 p.m. today, in 3N.4, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Public Education, 5 p.m. today, 3N.4, for a formal meeting, to consider pending business.

CSSB 23 - (consideration continued)

Amendment No. 17

Representative V. Gonzales offered the following amendment to **CSSB 23**:
Floor Packet Page No. 11

Amend **CSSB 23** (house committee printing) in SECTION 3(c) of the bill, in added Section 533.003(5)(A), Government Code (page 10, line 21), by striking "or" and substituting "and".

Amendment No. 17 was withdrawn.

Amendment No. 18

Representative J. Davis offered the following amendment to **CSSB 23**:
Floor Packet Page No. 18

Amend **CSSB 23** (house committee printing) by striking SECTION 9 of the bill (page 30, line 6, through page 34, line 17) and substituting the following appropriately numbered SECTION:

SECTION _____. HOME TELEMONITORING SERVICES, TELEHEALTH SERVICES, AND TELEMEDICINE MEDICAL SERVICES.

(a) Section 531.001, Government Code, is amended by adding Subdivisions (4-a), (7), and (8) to read as follows:

(4-a) "Home telemonitoring service" means a health service that requires scheduled remote monitoring of data related to a patient's health and transmission of the data to a licensed home health agency or a hospital, as those terms are defined by Section 531.02164(a).

(7) "Telehealth service" means a health service, other than a telemedicine medical service, that is delivered by a licensed or certified health professional acting within the scope of the health professional's license or certification who does not perform a telemedicine medical service and that requires the use of advanced telecommunications technology, other than telephone or facsimile technology, including:

(A) compressed digital interactive video, audio, or data transmission;

(B) clinical data transmission using computer imaging by way of still-image capture and store and forward; and

(C) other technology that facilitates access to health care services or medical specialty expertise.

(8) "Telemedicine medical service" means a health care service that is initiated by a physician or provided by a health professional acting under physician delegation and supervision, that is provided for purposes of patient assessment by a health professional, diagnosis or consultation by a physician, or treatment, or for the transfer of medical data, and that requires the use of advanced telecommunications technology, other than telephone or facsimile technology, including:

(A) compressed digital interactive video, audio, or data transmission;

(B) clinical data transmission using computer imaging by way of still-image capture and store and forward; and

(C) other technology that facilitates access to health care services or medical specialty expertise.

(b) Section 531.0216, Government Code, is amended to read as follows:

Sec. 531.0216. PARTICIPATION AND REIMBURSEMENT OF TELEMEDICINE MEDICAL SERVICE PROVIDERS AND TELEHEALTH SERVICE PROVIDERS UNDER MEDICAID. (a) The commission by rule shall develop and implement a system to reimburse providers of services under the state Medicaid program for services performed using telemedicine medical services or telehealth services.

(b) In developing the system, the executive commissioner by rule shall:

(1) review programs and pilot projects in other states to determine the most effective method for reimbursement;

(2) establish billing codes and a fee schedule for services;

(3) provide for an approval process before a provider can receive reimbursement for services;

(4) consult with the Department of State Health Services and the telemedicine and telehealth advisory committee to establish procedures to:

(A) identify clinical evidence supporting delivery of health care services using a telecommunications system; and

(B) ~~establish pilot studies for telemedicine medical service delivery; and~~

~~[(C)]~~ annually review health care services, considering new clinical findings, to determine whether reimbursement for particular services should be denied or authorized;

~~(5) [establish pilot programs in designated areas of this state under which the commission, in administering government-funded health programs, may reimburse a health professional participating in the pilot program for telehealth services authorized under the licensing law applicable to the health professional];~~

~~[(6)]~~ establish a separate provider identifier for telemedicine medical services providers, telehealth services providers, and home telemonitoring services providers; and

~~(6) [(7)]~~ establish a separate modifier for telemedicine medical services, telehealth services, and home telemonitoring services eligible for reimbursement.

~~(c) The commission shall encourage health care providers and health care facilities to participate as telemedicine medical service providers or telehealth service providers in the health care delivery system. The commission may not require that a service be provided to a patient through telemedicine medical services or telehealth services when the service can reasonably be provided by a physician through a face-to-face consultation with the patient in the community in which the patient resides or works. This subsection does not prohibit the authorization of the provision of any service to a patient through telemedicine medical services or telehealth services at the patient's request.~~

~~(d) Subject to Section 153.004, Occupations Code, the commission may adopt rules as necessary to implement this section. In the rules adopted under this section, the commission shall:~~

~~(1) refer to the site where the patient is physically located as the patient site; and~~

~~(2) refer to the site where the physician or health professional providing the telemedicine medical service or telehealth service is physically located as the distant site.~~

~~(e) The commission may not reimburse a health care facility for telemedicine medical services or telehealth services provided to a Medicaid recipient unless the facility complies with the minimum standards adopted under Section 531.02161.~~

~~(f) Not later than December 1 of each even-numbered year, the commission shall report to the speaker of the house of representatives and the lieutenant governor on the effects of telemedicine medical services, telehealth services, and home telemonitoring services on the Medicaid program in the state, including the number of physicians, ~~and~~ health professionals, and licensed health care facilities using telemedicine medical services, telehealth services, or home telemonitoring services, the geographic and demographic disposition of the physicians and health professionals, the number of patients receiving telemedicine medical services, telehealth services, and home telemonitoring services, the types of services being provided, and the cost of utilization of telemedicine medical services, telehealth services, and home telemonitoring services to the program.~~

~~[(g) In this section:~~

~~[(1) "Telehealth service" has the meaning assigned by Section 57.042, Utilities Code.~~

~~[(2) "Telemedicine medical service" has the meaning assigned by Section 57.042, Utilities Code.]~~

(c) The heading to Section 531.02161, Government Code, is amended to read as follows:

Sec. 531.02161. TELEMEDICINE, TELEHEALTH, AND HOME TELEMONITORING TECHNOLOGY STANDARDS.

(d) Section 531.02161(b), Government Code, is amended to read as follows:

(b) The commission and the Telecommunications Infrastructure Fund Board by joint rule shall establish and adopt minimum standards for an operating system used in the provision of telemedicine medical services, telehealth services, or home telemonitoring services by a health care facility participating in the state Medicaid program, including standards for electronic transmission, software, and hardware.

(e) Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.02164 to read as follows:

Sec. 531.02164. MEDICAID SERVICES PROVIDED THROUGH HOME TELEMONITORING SERVICES. (a) In this section:

(1) "Home health agency" means a facility licensed under Chapter 142, Health and Safety Code, to provide home health services as defined by Section 142.001, Health and Safety Code.

(2) "Hospital" means a hospital licensed under Chapter 241, Health and Safety Code, that provides home health services as defined by Section 142.001, Health and Safety Code.

(b) If the commission determines that establishing a statewide program that permits reimbursement under the state Medicaid program for home telemonitoring services would be cost-effective and feasible, the executive commissioner by rule shall establish the program as provided under this section.

(c) The program required under this section must:

(1) provide that home telemonitoring services are available only to persons who:

(A) are diagnosed with one or more of the following conditions:

(i) pregnancy;

(ii) diabetes;

(iii) heart disease;

(iv) cancer;

(v) chronic obstructive pulmonary disease;

(vi) hypertension;

(vii) congestive heart failure; or

(viii) mental illness or serious emotional disturbance; and

(B) exhibit two or more of the following risk factors:

(i) two or more hospitalizations in the prior 12-month period;

(ii) frequent or recurrent emergency room admissions;

(iii) a documented history of poor adherence to ordered medication regimens;

(iv) a documented history of falls in the prior six-month period;

(v) limited or absent informal support systems;

(vi) living alone or being home alone for extended periods of time; and

(vii) a documented history of care access challenges;

(2) ensure that clinical information gathered by a home health agency or hospital while providing home telemonitoring services is shared with the patient's physician; and

(3) ensure that the program does not duplicate disease management program services provided under Section 32.057, Human Resources Code.

(d) If, after implementation, the commission determines that the program established under this section is not cost-effective, the commission may discontinue the program and stop providing reimbursement under the state Medicaid program for home telemonitoring services, notwithstanding Section 531.0216 or any other law.

(e) The commission shall determine whether the provision of home telemonitoring services to persons who are eligible to receive benefits under both the Medicaid and Medicare programs achieves cost savings for the Medicare program. If the commission determines that the provision of home telemonitoring services achieves cost savings for the Medicare program, the commission shall pursue the creation of accountable care organizations to participate in the Medicare shared savings program in accordance with 42 U.S.C. Section 1395jjj.

(f) The heading to Section 531.02172, Government Code, is amended to read as follows:

Sec. 531.02172. TELEMEDICINE AND TELEHEALTH ADVISORY COMMITTEE.

(g) Sections 531.02172(a) and (b), Government Code, are amended to read as follows:

(a) The executive commissioner shall establish an advisory committee to assist the commission in:

(1) evaluating policies for telemedical consultations under Sections 531.02163 and 531.0217;

~~(2) [evaluating policies for telemedicine medical services or telehealth services pilot programs established under Section 531.02171;~~

~~[(3)] ensuring the efficient and consistent development and use of telecommunication technology for telemedical consultations and telemedicine medical services or telehealth services reimbursed under government-funded health programs;~~

~~(3) [(4)] monitoring the type of consultations and other services [programs] receiving reimbursement under Section [Sections] 531.0217 [and 531.02171]; and~~

(4) ~~(5)~~ coordinating the activities of state agencies concerned with the use of telemedical consultations and telemedicine medical services or telehealth services.

(b) The advisory committee must include:

(1) representatives of health and human services agencies and other state agencies concerned with the use of telemedical and telehealth consultations and home telemonitoring services in the Medicaid program and the state child health plan program, including representatives of:

- (A) the commission;
- (B) the Department of State Health Services;
- (C) the Texas Department of Rural Affairs;
- (D) the Texas Department of Insurance;
- (E) the Texas Medical Board;
- (F) the Texas Board of Nursing; and
- (G) the Texas State Board of Pharmacy;

(2) representatives of health science centers in this state;

(3) experts on telemedicine, telemedical consultation, and telemedicine medical services or telehealth services; ~~and~~

(4) representatives of consumers of health services provided through telemedical consultations and telemedicine medical services or telehealth services; and

(5) representatives of providers of telemedicine medical services, telehealth services, and home telemonitoring services.

(h) Section 531.02173(c), Government Code, is amended to read as follows:

(c) The commission shall perform its duties under this section with assistance from the telemedicine and telehealth advisory committee established under Section 531.02172.

(i) The following provisions of the Government Code are repealed:

- (1) Section 531.02161(a);
- (2) Sections 531.0217(a)(3) and (4);
- (3) Section 531.02171, as added by Chapter 661 (**HB 2700**), Acts of the 77th Legislature, Regular Session, 2001; and
- (4) Section 531.02171, as added by Chapter 959 (**SB 1536**), Acts of the 77th Legislature, Regular Session, 2001.

(j) Not later than December 31, 2012, the Health and Human Services Commission shall submit a report to the governor, the lieutenant governor, and the speaker of the house of representatives regarding the establishment and implementation of the program to permit reimbursement under the state Medicaid program for home telemonitoring services under Section 531.02164, Government Code, as added by this section. The report must include:

- (1) the methods used by the commission to determine whether the program was cost-effective and feasible; and
- (2) if the program has been established, information regarding:
 - (A) the utilization of home telemonitoring services by Medicaid recipients under the program;

- (B) the health outcomes of Medicaid recipients who receive home telemonitoring services under the program;
- (C) the hospital admission rate of Medicaid recipients who receive home telemonitoring services under the program;
- (D) the cost of the home telemonitoring services provided under the program; and
- (E) the estimated cost savings to the state as a result of the program.

Amendment No. 19

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

Amend Amendment No. 18 to **CSSB 23** by J. Davis in the following ways:

- (1) On page 7 strike line 13 beginning at the word "If" through line 18.
- (2) On page 7 line 25 strike "shall" and substitute "may".

Amendment No. 19 was adopted.

Amendment No. 20

Representative Naishtat offered the following amendment to Amendment No. 18:

Amend Amendment No. 18 to **CSSB 23** by J. Davis (prefiled amendment packet, pages 18-27) as follows:

(1) In added Section 531.02164(a)(2), Government Code (page 5, lines 23 through 24, of the amendment), strike "that provides home health services as defined by Section 142.001, Health and Safety Code".

(2) In added Section 531.02164(c)(1)(A)(vii), Government Code (page 6, line 10, of the amendment), strike "or".

(3) In added Section 531.02164(c)(1)(A)(viii), Government Code (page 6, line 12, of the amendment), strike "and" and substitute "or".

(4) In added Section 531.02164(c)(1)(A), Government Code (page 6, between lines 12 and 13, of the amendment), insert the following:

"(ix) asthma; and".

Amendment No. 20 was adopted.

Amendment No. 21

Representative Schwertner offered the following amendment to Amendment No. 18:

Amend Amendment No. 18 to **CSSB 23** by J. Davis of Harris (prefiled amendment packet, pages 18-27) by adding the following appropriately lettered subsection to the SECTION added by the amendment and relettering subsequent subsections accordingly:

(____) Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.02176 to read as follows:

Sec. 531.02176. EXPIRATION OF MEDICAID REIMBURSEMENT FOR PROVISION OF TELEMEDICINE MEDICAL, TELEHEALTH, AND HOME TELEMONITORING SERVICES. Notwithstanding any other law, the commission may not reimburse providers under the Medicaid program for the provision of telemedicine medical, telehealth, or home telemonitoring services on or after September 1, 2015.

Amendment No. 21 was adopted.

Amendment No. 22

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

Amend the J. Davis amendment on page 6, Subsection (A) by adding the following:

(x) myocardial infarction;

(xi) stroke.

Amendment No. 22 was adopted.

Amendment No. 18, as amended, was adopted.

Amendment No. 23

Representative Perry offered the following amendment to **CSSB 23**:

Floor Packet Page No. 53

Amend **CSSB 23** (house committee printing) as follows:

(1) Immediately following the heading to SECTION 11 of the bill (page 36, line 7), between "COLLECTION." and "Subchapter B", insert "(a)".

(2) In SECTION 11 of the bill (page 37, between lines 4 and 5), insert the following appropriately lettered subsection:

() Subchapter B, Chapter 32, Human Resources Code, is amended by adding Section 32.04242 to read as follows:

Sec. 32.04242. PAYOR OF LAST RESORT. The executive commissioner of the Health and Human Services Commission shall adopt rules to ensure, to the extent allowed by federal law, that the Medicaid program:

(1) is the payor of last resort; and

(2) provides reimbursement for services, including long-term care services, only if, and to the extent, other adequate public or private sources of payment are not available.

Amendment No. 23 was adopted.

Amendment No. 24

Representative Perry offered the following amendment to **CSSB 23**:

Floor Packet Page No. 56

Amend **CSSB 23** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subtitle B, Title 4, Government Code, is amended by adding Chapter 422 to read as follows:

CHAPTER 422. OFFICE OF INSPECTOR GENERAL

Sec. 422.001. DEFINITION. In this chapter, "office" means the office of inspector general established under this chapter.

Sec. 422.002. OFFICE OF INSPECTOR GENERAL. The office of inspector general is a division within the office of the governor.

Sec. 422.003. GENERAL RESPONSIBILITIES. (a) The office is responsible for the investigation of fraudulent insurance acts, including Medicaid fraud and fraud under the workers' compensation system, in this state.

(b) The office shall:

(1) report to and perform duties as directed by the governor; and

(2) provide assistance to:

(A) inspectors general of state agencies who have jurisdiction over insurance;

(B) the Health and Human Services Commission's office of inspector general; and

(C) the insurance fraud unit of the Texas Department of Insurance.

Sec. 422.004. CONTRACTS FOR INVESTIGATIVE SERVICES. The inspector general may contract with certified public accountants, qualified management consultants, or other professional experts as necessary to independently perform investigative services.

Sec. 422.005. GENERAL POWERS. The office has all the powers necessary or appropriate to carry out its responsibilities and functions under this chapter.

Sec. 422.006. COOPERATION WITH LAW ENFORCEMENT OFFICIALS AND OTHER ENTITIES. (a) The office shall provide information and evidence relating to criminal acts to the state auditor's office and appropriate law enforcement officials.

(b) The office shall refer matters for further civil, criminal, and administrative action to appropriate administrative and prosecutorial agencies, including the attorney general.

Sec. MEMORANDUM OF UNDERSTANDING. The office shall enter into a memorandum of understanding with the attorney general to increase security and avoid duplication of duties.

Sec. 422.007. FUNDING. The office shall be funded using existing appropriations to the office of the governor and the Health and Human Services Commission. This section expires September 1, 2013.

Representative Zerwas moved to table Amendment No. 24.

The motion to table prevailed by (Record 1168): 81 Yeas, 53 Nays, 2 Present, not voting. (The vote was reconsidered later today, and Amendment No. 24 was adopted.)

Yeas — Allen; Alonzo; Anchia; Aycock; Berman; Bohac; Bonnen; Branch; Burnam; Button; Callegari; Carter; Castro; Chisum; Cook; Craddick; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dutton; Eissler; Farrar; Fletcher; Frullo;

Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hancock; Hardcastle; Harless; Hilderbran; Hopson; Howard, C.; Howard, D.; Jackson; Johnson; King, T.; Kleinschmidt; Lewis; Madden; Mallory Caraway; Margo; Menendez; Miles; Miller, D.; Miller, S.; Murphy; Naishtat; Nash; Orr; Otto; Patrick; Paxton; Peña; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Schwertner; Scott; Sheffield; Shelton; Smith, T.; Smith, W.; Solomons; Strama; Torres; Truitt; Turner; Woolley; Workman; Zerwas.

Nays — Aliseda; Alvarado; Anderson, C.; Anderson, R.; Beck; Brown; Burkett; Cain; Christian; Coleman; Creighton; Davis, S.; Elkins; Farias; Flynn; Gallego; Garza; Geren; Harper-Brown; Hartnett; Hernandez Luna; Hochberg; Huberty; Hughes; Hunter; Isaac; King, P.; Kolkhorst; Landtroop; Larson; Laubenberg; Lavender; Legler; Lozano; Lucio; Lyne; Marquez; Morrison; Muñoz; Oliveira; Parker; Perry; Price; Sheets; Simpson; Smithee; Taylor, L.; Taylor, V.; Thompson; Veasey; Weber; White; Zedler.

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

Absent, Excused — Phillips.

Absent — Crownover; Dukes; Eiland; Hamilton; Keffer; King, S.; Martinez; Martinez Fischer; McClendon; Rodriguez; Villarreal; Vo; Walle.

STATEMENTS OF VOTE

When Record No. 1168 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

I was shown voting yes on Record No. 1168. I intended to vote no.

Harless

I was shown voting yes on Record No. 1168. I intended to vote no.

Hilderbran

I was shown voting no on Record No. 1168. I intended to vote yes.

Hunter

When Record No. 1168 was taken, I was in the house but away from my desk. I would have voted no.

Martinez Fischer

When Record No. 1168 was taken, I was in the house but away from my desk. I would have voted yes.

McClendon

Amendment No. 25

Representative Madden offered the following amendment to **CSSB 23**:

Floor Packet Page No. 58

Amend **CSSB 23** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____ . CORRECTIONAL HEALTH CARE. (a) Subchapter C, Chapter 499, Government Code, is amended by adding Section 499.055 to read as follows:

Sec. 499.055. POPULATION MANAGEMENT BASED ON INMATE HEALTH. The department shall adopt policies designed to manage inmate population based on similar health conditions suffered by inmates. The policies adopted under this section must maximize organizational efficiencies and reduce health care costs to the department by housing inmates with similar health conditions in the same unit or units that are, if possible, served by or located near one or more specialty health care providers most likely to be needed for the treatment of the health condition.

(b) Section 501.063, Government Code, is amended to read as follows:

Sec. 501.063. ANNUAL INMATE FEE [COPAYMENTS] FOR [CERTAIN] HEALTH CARE [VISITS]. (a) An inmate confined in a facility operated by or under contract with the department, other than a halfway house, [who initiates a visit to a health care provider] shall pay an annual health care services fee [make a copayment] to the department in the amount of \$100 [\$3]. The inmate shall pay [make] the annual fee [copayment] out of the inmate's trust fund. If the balance in the fund is insufficient to cover the fee [copayment], 50 percent of each deposit to the fund shall be applied toward the balance owed until the total amount owed is paid.

(b) ~~The department may not charge a copayment for health care:~~

~~(1) provided in response to a life-threatening or emergency situation affecting the inmate's health;~~

~~(2) initiated by the department;~~

~~(3) initiated by the health care provider or consisting of routine follow-up, prenatal, or chronic care; or~~

~~(4) provided under a contractual obligation that is established under the Interstate Corrections Compact or under an agreement with another state that precludes assessing a copayment.~~

~~(e)] The department shall adopt policies to ensure that before any deductions are made from an inmate's trust fund under this section [an inmate initiates a visit to a health care provider], the inmate is informed that the annual health care services fee [a \$3 copayment] will be deducted from the inmate's trust fund as required by Subsection (a).~~

(c) ~~(d)] The department may not deny an inmate access to health care as a result of the inmate's failure or inability to pay a fee under this section [make a copayment].~~

(d) ~~(e)~~ The department shall deposit money received under this section in an account in the general revenue fund that may be used only to pay the cost of administering this section. At the beginning of each fiscal year, the comptroller shall transfer any surplus from the preceding fiscal year to the state treasury to the credit of the general revenue fund.

(c) Subchapter B, Chapter 501, Government Code, is amended by adding Section 501.067 to read as follows:

Sec. 501.067. AVAILABILITY OF CERTAIN MEDICATION. (a) In this section, "over-the-counter medication" means medication that may legally be sold and purchased without a prescription.

(b) The department shall make over-the-counter medication available for purchase by inmates in each inmate commissary operated by or under contract with the department.

(c) The department may not deny an inmate access to over-the-counter medications as a result of the inmate's inability to pay for the medication. The department shall pay for the cost of over-the-counter medication for inmates who are unable to pay for the medication out of the profits of inmate commissaries operated by or under contract with the department.

(d) The department may adopt policies concerning the sale and purchase of over-the-counter medication under this section as necessary to ensure the safety and security of inmates in the custody of, and employees of, the department, including policies concerning the quantities and types of over-the-counter medication that may be sold and purchased under this section.

Amendment No. 25 - Point of Order

Representative Turner raised a point of order against further consideration of Amendment No. 25 under Rule 8, Section 3 of the House Rules on the grounds that it violates the one subject rule.

The point of order was withdrawn.

Amendment No. 25 was withdrawn.

Amendment No. 26

Representative Alonzo offered the following amendment to **CSSB 23**:
Floor Packet Page No. 61

Amend **CSSB 23** (second reading) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. INCLUSION OF CERTAIN EYE HEALTH CARE SERVICE PROVIDERS IN MEDICAID MANAGED CARE PROVIDER NETWORKS. (a) Subchapter A, Chapter 533, Government Code, is amended by adding Section 533.0065 to read as follows:

Sec. 533.0065. EYE HEALTH CARE SERVICE PROVIDERS. (a) In this section, "Texas-Mexico border region" has the meaning assigned by Section 2056.002.

(b) Subject to Section 32.047, Human Resources Code, but notwithstanding any other law, the commission shall require that each managed care organization that contracts with the commission under any Medicaid managed care model or arrangement to provide health care services to recipients in a region, including a region consisting of all or part of the Texas-Mexico border region, include in the organization's provider network each optometrist, therapeutic optometrist, and ophthalmologist in the region who:

(1) agrees to comply with the terms and conditions of the organization;

(2) agrees to accept the prevailing provider contract rate of the organization;

(3) agrees to abide by the standards of care required by the organization; and

(4) has the credentials required by the organization.

(b) The Health and Human Services Commission shall conduct a study of the fiscal impact on this state of requiring each Medicaid managed care organization that contracts with the commission under any Medicaid managed care model or arrangement implemented under Chapter 533, Government Code, to include in the organization's health care provider network providing services in all or part of the Texas-Mexico border region, as defined by Section 2056.002, Government Code, and other regions of the state, each optometrist, therapeutic optometrist, and ophthalmologist who meets the requirements under Section 533.0065, Government Code, as added by this section. The study must include an analysis of cost savings to the state as a result of a reduction in the number of emergency room visits by Medicaid recipients for nonemergency eye health care services that are realized after implementation of Section 533.0065, Government Code, as added by this section.

(c) Not later than September 1, 2016, the Health and Human Services Commission shall submit to the legislature a written report containing the findings of the study conducted under Subsection (b) of this section and the commission's recommendations regarding the requirement addressed in the study.

(d) The Health and Human Services Commission shall, in a contract between the commission and a Medicaid managed care organization under Chapter 533, Government Code, that is entered into or renewed on or after the effective date of this Act, require that the managed care organization comply with Section 533.0065, Government Code, as added by this section.

(e) The Health and Human Services Commission shall seek to amend each contract entered into with a Medicaid managed care organization under Chapter 533, Government Code, before the effective date of this Act to require those managed care organizations to comply with Section 533.0065, Government Code, as added by this section. To the extent of a conflict between Section 533.0065, Government Code, as added by this section, and a provision of a contract with a managed care organization entered into before the effective date of this Act, the contract provision prevails.

Amendment No. 27

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

Amend Amendment No. 26 to **CSSB 23** by Alonzo (prefiled amendment packet, pages 61-63) in Section 533.0065(b), Government Code, as added by the amendment, by striking "the commission shall require that" and substituting "the commission may require that".

Amendment No. 27 was adopted.

Amendment No. 26, as amended, was adopted. (Harless, P. King and V. Taylor recorded voting no.)

Amendment No. 28

Representative Landtroop offered the following amendment to **CSSB 23**:
Floor Packet Page No. 65

Amend **CSSB 23** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter A, Chapter 531, Government Code, is amended by adding Section 531.0025 to read as follows:

Sec. 531.0025. RESTRICTION ON CERTAIN FUNDS RECEIVED. Notwithstanding any other law, any money received by health and human services agencies for family planning services, including grant money, may only be awarded or otherwise provided to a person or facility that does not perform abortions or provide abortion-related services.

SECTION _____. Section 32.024, Human Resources Code, is amended by adding Subsection (c-1) to read as follows:

(c-1) The department shall ensure that money spent under the medical assistance program is not used to perform abortions or provide abortion-related services.

SECTION _____. If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

SECTION _____. This Act takes effect immediately if it 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 Act takes effect September 1, 2011.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Deshotel requested permission for the Committee on Business and Industry to meet while the house is in session, at 5:32 p.m. today, in 3N.3, to consider **SB 1425**.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Business and Industry, 5:32 p.m. today, 3N.3, for a formal meeting, to consider **SB 1425**.

CSSB 23 - (consideration continued)

Amendment No. 28 was withdrawn.

Amendment No. 29

Representative Guillen offered the following amendment to **CSSB 23**:

Floor Packet Page No. 66

Amend **CSSB 23** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____ . MEDICAID NONEMERGENCY MEDICAL TRANSPORTATION SERVICES. (a) Section 531.02414, Government Code, is amended by amending Subsection (a) and adding Subsections (e) and (f) to read as follows:

(a) In this section:

(1) "Medical [~~,"~~ "~~medical~~] transportation program" means the program that provides nonemergency transportation services:

(A) to and from covered health care services, based on medical necessity, to recipients under the Medicaid program, the children with special health care needs program, and the transportation for indigent cancer patients program, who have no other means of transportation; and

(B) that do not include emergency transportation services provided by ambulance.

(2) "Regional contracted broker" means an entity that contracts with the commission to provide or arrange for the provision of nonemergency transportation services under the medical transportation program.

(e) The executive commissioner shall adopt rules to ensure the safe and efficient provision of nonemergency transportation services under the medical transportation program by regional contracted brokers and subcontractors of regional contracted brokers. The rules must include:

(1) minimum standards regarding the physical condition and maintenance of motor vehicles used to provide the services, including standards regarding the accessibility of motor vehicles by persons with disabilities;

(2) a requirement that a regional contracted broker verify that each motor vehicle operator providing the services or seeking to provide the services has a valid driver's license;

(3) a requirement that a regional contracted broker check the driving record information maintained by the Department of Public Safety under Subchapter C, Chapter 521, Transportation Code, of each motor vehicle operator providing the services or seeking to provide the services;

(4) a requirement that a regional contracted broker check the public criminal record information maintained by the Department of Public Safety and made available to the public through the department's Internet website of each motor vehicle operator providing the services or seeking to provide the services; and

(5) training requirements for motor vehicle operators providing the services through a regional contracted broker, including training on the following topics:

(A) passenger safety;

(B) passenger assistance;

(C) assistive devices, including wheelchair lifts, tie-down equipment, and child safety seats;

(D) sensitivity and diversity;

(E) customer service;

(F) defensive driving techniques; and

(G) prohibited behavior by motor vehicle operators.

(f) The commission shall require compliance with the rules adopted under Subsection (e) in any contract entered into with a regional contracted broker to provide nonemergency transportation services under the medical transportation program.

(b) Not later than August 31, 2013, the executive commissioner of the Health and Human Services Commission shall adopt rules as required by Section 531.02414(e), Government Code, as added by this section.

(c) The Health and Human Services Commission shall, in a contract between the commission and a regional contracted broker under Section 531.02414, Government Code, as amended by this section, that is entered into or renewed on or after the date the rules required by Section 531.02414 take effect, require that the regional contracted broker comply with those rules.

Amendment No. 29 was withdrawn.

Amendment No. 30

Representative Guillen offered the following amendment to **CSSB 23**:
Floor Packet Page No. 69

Amend **CSSB 23** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. PILOT PROJECT TO ESTABLISH COMPREHENSIVE ACCESS POINT FOR LONG-TERM SERVICES AND SUPPORTS. (a) Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.0525 to read as follows:

Sec. 531.0525. PILOT PROJECT TO ESTABLISH COMPREHENSIVE ACCESS POINT FOR LONG-TERM SERVICES AND SUPPORTS. (a) In this section:

(1) "Aging and disability resource center" means a center established under the Aging and Disability Resource Center initiative funded in part by the federal Administration on Aging and the Centers for Medicare and Medicaid Services.

(2) "Colocated long-term services and supports staff members" means:

(A) long-term services and supports staff members who are located in the same physical office; or

(B) long-term services and supports staff members who are not located in the same physical office but who work collaboratively through the use of the telephone or other technologies.

(3) "Department of Aging and Disability Services staff members" includes community services staff members of the Department of Aging and Disability Services.

(4) "Long-term services and supports" means long-term assistance or care provided to older persons and persons with physical disabilities through the Medicaid program or other programs. The term includes assistance or care provided through the following programs:

(A) the primary home care program;

(B) the community attendant services program;

(C) the community-based alternatives program;

(D) the day activity and health services program;

(E) the promoting independence program;

(F) a program funded through the Older Americans Act of 1965 (42 U.S.C. Section 3001 et seq.);

(G) a community care program funded through Title XX of the federal Social Security Act (42 U.S.C. Section 301 et seq.);

(H) the in-home and family support program; and

(I) a nursing facility program.

(5) "Long-term services and supports staff" means:

(A) one or more of the commission's Medicaid eligibility determination staff members;

(B) one or more Department of Aging and Disability Services staff members; and

(C) one or more area agency on aging staff members.

(6) "Pilot project site" means a location in an area served by the pilot project established under this section where colocated long-term services and supports staff members work collaboratively to provide information and tentatively assess functional and financial eligibility to initiate long-term services and supports.

(7) "Tentative assessment of functional and financial eligibility" means an expedited preliminary screening of an applicant to determine Medicaid eligibility with the goal of initiating services within seven business days. The tentative assessment does not guarantee state payment for services.

(b) Subject to availability of funds appropriated by the legislature for this purpose, the commission shall develop and implement a pilot project to establish a comprehensive access point system for long-term services and supports in

which colocated long-term services and supports staff members work in collaboration to provide all necessary services in connection with long-term services and supports from the intake process to the start of service delivery. The pilot project must require that, at a minimum, the staff members work collaboratively to:

(1) inform and educate older persons, persons with physical disabilities, and their family members and other caregivers about long-term services and supports for which they may qualify;

(2) screen older persons and persons with physical disabilities requesting long-term services and supports;

(3) provide a tentative assessment of functional and financial eligibility for older persons and persons with physical disabilities requesting long-term services and supports for which there are no interest lists; and

(4) make final determinations of eligibility for long-term services and supports.

(c) In developing and implementing the pilot project, the commission shall ensure that:

(1) the pilot project site has colocated long-term services and supports staff members who are located in the same physical office;

(2) the pilot project site serves as a comprehensive access point for older persons and persons with physical disabilities to obtain information about long-term services and supports for which they may qualify and access long-term services and supports in the site's service area;

(3) the pilot project site is designed and operated in accordance with best practices adopted by the executive commissioner after the commission reviews best practices for similar initiatives in other states and professional policy-based research describing best practices for successful initiatives;

(4) the colocated long-term services and supports staff members supporting the pilot project site include:

(A) one full-time commission staff member who determines eligibility for the Medicaid program and who:

(i) has full access to the Texas Integrated Eligibility Redesign System (TIERS);

(ii) has previously made Medicaid long-term care eligibility determinations; and

(iii) is dedicated primarily to making eligibility determinations for incoming clients at the site;

(B) sufficient Department of Aging and Disability Services staff members to carry out the tentative functional and financial eligibility and screening functions at the site;

(C) sufficient area agency on aging staff members to:

(i) assist with the performance of screening functions and service coordination for services funded under the Older Americans Act of 1965 (42 U.S.C. Section 3001 et seq.), such as meals programs; and

(ii) identify other locally funded and supported services that will enable older persons and persons with physical disabilities to continue to reside in the community to the extent reasonable; and

(D) any available staff members from local service agencies; and

(5) the colocated long-term services and supports staff members of the pilot project site;

(A) process intakes for long-term services and supports in person or by telephone or through the Internet;

(B) use a standardized screening tool to tentatively assess both functional and financial eligibility with the goal of initiating services within seven business days;

(C) closely coordinate with local hospital discharge planners and staff members of extended rehabilitation units of local hospitals and nursing homes; and

(D) inform persons about community-based services available in the area served by the pilot project.

(d) The pilot project must be implemented in a single county or a multicounty area, as determined by the commission. The pilot project site must be located within an aging and disability resource center service area. If the commission finds that there is no aging and disability resource center that is willing or able to accommodate a pilot project site on the date the pilot project is to be implemented, the pilot project site may be located at another appropriate location.

(e) Not later than January 31, 2013, the commission shall submit a report concerning the pilot project to the presiding officers of the standing committees of the senate and house of representatives having primary jurisdiction over health and human services. The report must:

(1) contain an evaluation of the operation of the pilot project;

(2) contain an evaluation of the pilot project's benefits for persons who received services;

(3) contain a calculation of the costs and cost savings that can be attributed to implementation of the pilot project;

(4) include a recommendation regarding adopting improved policies and procedures concerning long-term services and supports with statewide applicability, as determined from information obtained in operating the pilot project;

(5) include a recommendation regarding the feasibility of expanding the pilot project to other areas of this state or statewide; and

(6) contain the perspectives of service providers participating in the pilot project.

(f) This section expires September 1, 2015.

(b) Not later than December 31, 2011, the Health and Human Services Commission shall ensure that the pilot project site is in operation under the pilot project required by Section 531.0525, Government Code, as added by this section.

Amendment No. 30 was adopted. (V. Taylor recorded voting no.)

Amendment No. 31

Representative S. Miller offered the following amendment to **CSSB 23**:
Floor Packet Page No. 75

Amend **CSSB 23** (senate engrossed version) in SECTION 4 of the bill by inserting the following appropriately lettered subsection to the SECTION and relettering subsequent subsections of the SECTION accordingly:

() Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.0695 to read as follows:

Sec. 531.0695. PRESCRIPTION DRUG BENEFITS. (a) In this section, "prescription drug benefits" means any prescription drug benefits paid by the state under the Medicaid vendor drug program, the child health plan program, the kidney health care program, the children with special health care needs program, or another state program administered by the Health and Human Services Commission.

(b) Effective September 1, 2011, and thereafter, the commission shall continue to internally administer prescription drug benefits through the vendor drug program in a fee-for-service model.

(c) The commission shall adopt rules to achieve cost-saving measures for prescription drugs benefits that are comparable to those savings that are projected by the commission if prescription drug benefits were administered in a managed care system.

Amendment No. 31 was withdrawn.

Amendment No. 32

Representative Brown offered the following amendment to **CSSB 23**:
Floor Packet Page No. 79

Amend **CSSB 23** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. **CONTRACTS FOR PRESCRIPTION DRUG BENEFITS.** Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.0696 to read as follows:

Sec. 531.0696. CONSIDERATIONS IN AWARDING CERTAIN PRESCRIPTION DRUG BENEFITS CONTRACTS. (a) This section applies to:

(1) the vendor drug program for the Medicaid and child health plan programs;

(2) the kidney health care program;

(3) the children with special health care needs program; and

(4) any other state program administered by the commission that provides prescription drug benefits.

(b) The commission may not contract with a managed care organization, including a health maintenance organization, or a pharmacy benefit manager to provide prescription drug benefits under a program to which this section applies if the organization or pharmacy benefit manager, in connection with a bid, proposal, or contract with a governmental entity:

(1) in the preceding five years:

(A) made a material misrepresentation or committed fraud;

(B) committed a breach of contract;

(C) was convicted of violating a state or federal law; or

(D) was assessed a penalty or fine in the amount of \$100,000 or more in a state or federal administrative proceeding; or

(2) is the defendant in a pending state or federal criminal case or subject to a pending state or federal enforcement action.

Amendment No. 33

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

Amend Amendment No. 32 by Brown to **CSSB 23** (page 79, prefiled amendment packet) as follows:

(1) In Section 531.0696(b)(1), Government Code, as added by the amendment, strike "in the preceding five years" and substitute "in the preceding three years".

(2) In Section 531.0696(b)(1)(D), Government Code, as added by the amendment, strike "\$100,000" and substitute "\$500,000".

Amendment No. 33 was adopted.

Amendment No. 32, as amended, was adopted by (Record 1169): 138 Yeas, 3 Nays, 3 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; 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; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, T.; Kleinschmidt; Kolkhorst; Landtroop; Larson; Lavender; Legler; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Pickett; Pitts; Price; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; 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 — Laubenberg; Lewis; Taylor, V.

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

Absent, Excused — Phillips.

Absent — Cain; Crossover; King, S.; Naishtat; Reynolds.

STATEMENTS OF VOTE

When Record No. 1169 was taken, I was in the house but away from my desk. I would have voted yes.

Crossover

I was shown voting no on Record No. 1169. I intended to vote yes.

Lewis

When Record No. 1169 was taken, I was in the house but away from my desk. I would have voted yes.

Naishtat

When Record No. 1169 was taken, my vote failed to register. I would have voted yes.

Reynolds

I was shown voting no on Record No. 1169. I intended to vote yes.

V. Taylor

Amendment No. 34

Representative Hopson offered the following amendment to **CSSB 23**:

Floor Packet Page No. 81

Amend **CSSB 23** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____ . COMMUNICATIONS REGARDING PRESCRIPTION DRUG BENEFITS. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.0697 to read as follows:

Sec. 531.0697. PRIOR APPROVAL AND PROVIDER ACCESS TO CERTAIN COMMUNICATIONS WITH CERTAIN RECIPIENTS. (a) This section applies to:

(1) the vendor drug program for the Medicaid and child health plan programs;

(2) the kidney health care program;

(3) the children with special health care needs program; and

(4) any other state program administered by the commission that provides prescription drug benefits.

(b) A managed care organization, including a health maintenance organization, or a pharmacy benefit manager, that administers claims for prescription drug benefits under a program to which this section applies shall, at least 10 days before the date the organization or pharmacy benefit manager intends to deliver a communication to recipients collectively under a program:

(1) submit a copy of the communication to the commission for approval; and

(2) if applicable, allow the pharmacy providers of recipients who are to receive the communication access to the communication.

Amendment No. 34 was adopted.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Hunter requested permission for the Committee on Calendars to meet while the house is in session, at 5:15 p.m. today, in 3W.15, to set a calendar.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Calendars, 5:15 p.m. today, 3W.15, for a formal meeting, to set a calendar.

CSSB 23 - (consideration continued)

Amendment No. 35

On behalf of Representative Shelton, Representative Zerwas offered the following amendment to **CSSB 23**:

Floor Packet Page No. 82

Amend **CSSB 23** (house committee printing) by adding the following appropriately lettered subsections to SECTION 3 of the bill and relettering subsequent subsections of SECTION 3 accordingly:

() Subchapter A, Chapter 533, Government Code, is amended by adding Section 533.0073 to read as follows:

Sec. 533.0073. MEDICAL DIRECTOR QUALIFICATIONS. A person who serves as a medical director for a managed care plan must be a physician licensed to practice medicine in this state under Subtitle B, Title 3, Occupations Code.

() Section 533.0073, Government Code, as added by this section, applies only to a person hired or otherwise retained as the medical director of a Medicaid managed care plan on or after the effective date of this Act. A person hired or otherwise retained before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

Amendment No. 35 was adopted.

Amendment No. 36

Representative V. Taylor offered the following amendment to **CSSB 23**:

Floor Packet Page No. 83

Amend **CSSB 23** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. REIMBURSEMENT FOR INDIGENT HEALTH CARE SERVICES. (a) Subchapter A, Chapter 61, Health and Safety Code, is amended by adding Section 61.012 to read as follows:

Sec. 61.012. REIMBURSEMENT FOR SERVICES. (a) In this section, "sponsored alien" means a person who has been lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act (8 U.S.C., Section 1101 et seq.) and who, as a condition of admission, was sponsored by a person who executed an affidavit of support on behalf of the person.

(b) A public hospital or hospital district that provides health care services to a sponsored alien under this chapter may recover from a person who executed an affidavit of support on behalf of the alien the costs of the health care services provided to the alien.

(c) A public hospital or hospital district described by Subsection (b) must notify a sponsored alien and a person who executed an affidavit of support on behalf of the alien, at the time the alien applies for health care services, that a person who executed an affidavit of support on behalf of a sponsored alien is liable for the cost of health care services provided to the alien.

(b) Section 61.012, Health and Safety Code, as added by this section, applies only to health care services provided by a public hospital or hospital district on or after the effective date of this Act.

Amendment No. 37

Representative V. Taylor offered the following amendment to Amendment No. 36:

Amend Floor Amendment No. 36 to **CSSB 23** (page 83, prefiled amendments packet), on page 1 of the amendment, as follows:

(1) On line 2, strike "SECTION" and substitute "SECTIONS".

(2) Immediately following line 28, add the following:

SECTION _____. Subchapter B, Chapter 531, Government Code, is amended by adding Sections 531.024181 and 531.024182 to read as follows:

Sec. 531.024181. VERIFICATION OF IMMIGRATION STATUS OF APPLICANTS FOR CERTAIN BENEFITS WHO ARE QUALIFIED ALIENS.

(a) This section applies only with respect to the following benefits programs:

(1) the child health plan program under Chapter 62, Health and Safety Code;

(2) the financial assistance program under Chapter 31, Human Resources Code;

(3) the medical assistance program under Chapter 32, Human Resources Code; or

(4) the nutritional assistance program under Chapter 33, Human Resources Code.

(b) If, at the time of application for benefits under a program to which this section applies, a person states that the person is a qualified alien, as that term is defined by 8 U.S.C. Section 1641(b), the commission shall, to the extent allowed by federal law, verify information regarding the immigration status of the person using an automated system or systems where available.

(c) The executive commissioner shall adopt rules necessary to implement this section.

(d) Nothing in this section adds to or changes the eligibility requirements for any of the benefits programs to which this section applies.

Sec. 531.024182. VERIFICATION OF SPONSORSHIP INFORMATION FOR CERTAIN BENEFITS RECIPIENTS; REIMBURSEMENT. (a) In this section, "sponsored alien" means a person who has been lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act (8 U.S.C. Section 1101 et seq.) and who, as a condition of admission, was sponsored by a person who executed an affidavit of support on behalf of the person.

(b) If, at the time of application for benefits, a person stated that the person is a sponsored alien, the commission may, to the extent allowed by federal law, verify information relating to the sponsorship, using an automated system or systems where available, after the person is determined eligible for and begins receiving benefits under any of the following benefits programs:

(1) the child health plan program under Chapter 62, Health and Safety Code;

(2) the financial assistance program under Chapter 31, Human Resources Code;

(3) the medical assistance program under Chapter 32, Human Resources Code; or

(4) the nutritional assistance program under Chapter 33, Human Resources Code.

(c) If the commission verifies that a person who receives benefits under a program listed in Subsection (b) is a sponsored alien, the commission may seek reimbursement from the person's sponsor for benefits provided to the person under those programs to the extent allowed by federal law, provided the commission determines that seeking reimbursement is cost-effective.

(d) If, at the time a person applies for benefits under a program listed in Subsection (b), the person states that the person is a sponsored alien, the commission shall make a reasonable effort to notify the person that the commission may seek reimbursement from the person's sponsor for any benefits the person receives under those programs.

(e) The executive commissioner shall adopt rules necessary to implement this section, including rules that specify the most cost-effective procedures by which the commission may seek reimbursement under Subsection (c).

(f) Nothing in this section adds to or changes the eligibility requirements for any of the benefits programs listed in Subsection (b).

SECTION _____. If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

Amendment No. 37 was adopted.

Amendment No. 38

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

Amend Amendment No. 36 by V. Taylor to **CSSB 23** (page 83, prefiled amendment packet) in the added SECTION entitled "REIMBURSEMENT FOR INDIGENT HEALTH CARE SERVICES" by adding the following appropriately lettered subsection to that SECTION and relettering subsequent subsections accordingly:

() Section 61.033, Health and Safety Code, is amended by adding Subsection (c) to read as follows:

(c) In accordance with Subsection (a), if an eligible resident receives health care services from a county other than the county in which the resident resides, the county in which the resident resides is liable for those costs.

Representative V. Taylor moved to table Amendment No. 38.

The vote of the house was taken on the motion to table Amendment No. 38 and the vote was announced yeas 73, nays 68.

A verification of the vote was requested and was granted.

(Geren in the chair)

The roll of those voting yea and nay was again called and the verified vote resulted, as follows (Record 1170): 50 Yeas, 89 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, C.; Aycock; Beck; Berman; Bonnen; Callegari; Chisum; Christian; Cook; Creighton; Crownover; Driver; Flynn; Frullo; Gonzales, L.; Gooden; Hamilton; Hardcastle; Hilderbran; Howard, C.; Hughes; Hunter; Isaac; Keffer; King, P.; Kleinschmidt; Kolkhorst; Landtroop; Laubenberg; Lavender; Lyne; Madden; Miller, S.; Morrison; Orr; Otto; Parker; Perry; Pitts; Price; Schwertner; Simpson; Smith, W.; Solomons; Taylor, L.; Taylor, V.; Torres; White; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Bohac; Branch; Brown; Burkett; Burnam; Button; Carter; Castro; Coleman; Craddick; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Gallego; Garza; Geren(C); Giddings; Gonzales, V.; Gonzalez; Gutierrez; Hancock; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hochberg; Hopson; Howard, D.; Huberty; Jackson; Johnson; Larson; Legler; Lewis; Lozano; Lucio; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Murphy; Naishtat; Nash; Patrick; Peña; Pickett; Quintanilla; Raymond; Reynolds; Riddle; Ritter;

Rodriguez; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smithee; Strama; Thompson; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Workman; Zedler.

Present, not voting — Mr. Speaker; Kuempel.

Absent, Excused — Phillips.

Absent — Cain; Dukes; Guillen; King, S.; King, T.; Miller, D.; Oliveira; Paxton.

The chair stated that the motion to table was lost by the above vote.

STATEMENTS OF VOTE

When Record No. 1170 was taken, I was in the house but away from my desk. I would have voted no.

Dukes

I was shown voting yes on Record No. 1170. I intended to vote no.

Frullo

When Record No. 1170 was taken, I was temporarily out of the house chamber. I would have voted yes.

Paxton

Amendment No. 38 was adopted.

Amendment No. 36, as amended, was adopted.

LEAVES OF ABSENCE GRANTED

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

Cain on motion of Hughes.

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

Dukes on motion of McClendon.

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

D. Miller on motion of Button.

COMMITTEE GRANTED PERMISSION TO MEET

Representative S. Miller requested permission for the Committee on Homeland Security and Public Safety to meet while the house is in session, at 6:30 p.m. today, in 3W.15, to consider **SB 1658**, **SB 1696**, **SB 1697**, **SB 1699**, **SB 1787**, and pending business.

Permission to meet was granted.

LEAVE OF ABSENCE GRANTED

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

S. King on motion of Gooden.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Homeland Security and Public Safety, 6:30 p.m. today, 3W.15, for a formal meeting, to consider **SB 1658**, **SB 1696**, **SB 1697**, **SB 1699**, **SB 1787**, and pending business.

CSSB 23 - (consideration continued)

Amendment No. 39

Representatives V. Gonzales, Schwertner, and L. Gonzales offered the following amendment to **CSSB 23**:

Floor Packet Page No. 84

Amend **CSSB 23** (house committee printing) by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. COUNTY ELIGIBILITY TO RECEIVE STATE ASSISTANCE FOR HEALTH CARE EXPENDITURES. (a) Sections 61.037(a) and (b), Health and Safety Code, are amended to read as follows:

(a) The department may distribute funds as provided by this subchapter to eligible counties to assist the counties in providing:

(1) health care services under Sections 61.028 and 61.0285 to their eligible county residents; or

(2) health care services provided by Medicaid as described by Subsection (b)(1).

(b) Except as provided by Subsection (c), (d), (e), or (g), to be eligible for state assistance, a county must:

(1) spend in a state fiscal year at least eight percent of the county general revenue levy for that year to provide health care services described by Subsection (a) to its eligible county residents who qualify for assistance under Section 61.023 and may include as part of the county's eight percent expenditure level any payment made by the county for health care services provided through Medicaid, including the county's direct reimbursement to health care providers and indirect reimbursement through transfers of funds to the state for health care services provided through Medicaid; and

(2) notify the department, not later than the seventh day after the date on which the county reaches the expenditure level, that the county has spent at least six percent of the applicable county general revenue levy for that year to provide health care services described by Subsection (a)(1) [~~(a)~~] to its eligible county residents who qualify for assistance under Section 61.023 or health care services provided by Medicaid as described by Subdivision (1).

(b) Section 61.038, Health and Safety Code, is amended to read as follows:

Sec. 61.038. DISTRIBUTION OF ASSISTANCE FUNDS. (a) If the department determines that a county is eligible for assistance, the department shall distribute funds appropriated to the department from the indigent health care assistance fund or any other available fund to the county to assist the county in providing:

(1) health care services under Sections 61.028 and 61.0285 to its eligible county residents who qualify for assistance as described by Section 61.037; or

(2) health care services provided through Medicaid as described by Section 61.037(b)(1).

(b) State funds provided under this section to a county must be equal to at least 90 percent of the actual payment for the health care services for the county's eligible residents, including any payments made by the county for health care services provided through Medicaid as described by Section 61.037(b)(1), during the remainder of the state fiscal year after the eight percent expenditure level is reached.

Amendment No. 39 was adopted.

Amendment No. 40

Representative P. King offered the following amendment to **CSSB 23**:

Floor Packet Page No. 87

Amend **CSSB 23** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 262.023(b), Health and Safety Code, is amended to read as follows:

(b) The board may delegate to the manager or executive director the authority to manage the hospital and to employ and discharge employees other than physicians hired in accordance with Section 262.0235.

SECTION _____. Subchapter C, Chapter 262, Health and Safety Code, is amended by adding Section 262.0235 to read as follows:

Sec. 262.0235. EMPLOYMENT OF PHYSICIANS. (a) This section applies only to an authority that is created by the governing body of a municipality with a population of less than 10,000 and that owns or operates a hospital with more than 50 licensed beds.

(b) The board of an authority may employ a physician and retain all or part of the professional income generated by the physician for medical services provided at a hospital or other health care facility owned or operated by the authority if the board satisfies the requirements of this section.

(c) The board of an authority shall:

(1) appoint a chief medical officer for the authority who has been recommended by the medical staff of the authority; and

(2) adopt, maintain, and enforce policies to ensure that a physician employed by the authority exercises the physician's independent medical judgment in providing care to patients.

(d) The policies adopted under this section must include:

(1) policies relating to:

(A) credentialing and privileges;

(B) quality assurance;

(C) utilization review;

(D) peer review and due process; and

(E) medical decision-making; and

(2) the implementation of a complaint mechanism to process and resolve complaints regarding interference or attempted interference with a physician's independent medical judgment.

(e) The policies adopted under this section must be approved by the medical staff of the authority. The medical staff of the authority and the board shall jointly develop and implement a conflict management policy to resolve any conflict between a medical staff policy and a board policy.

(f) For all matters relating to the practice of medicine, each physician employed by an authority shall ultimately report to the chief medical officer of the authority.

(g) The chief medical officer shall notify the Texas Medical Board that the board is employing physicians under this section and that the chief medical officer is the board's designated contact with the Texas Medical Board. The chief medical officer shall immediately report to the Texas Medical Board any action or event that the chief medical officer reasonably and in good faith believes constitutes a compromise of the independent medical judgment of a physician in caring for a patient.

(h) The board of an authority shall give equal consideration regarding the issuance of medical staff membership and privileges to physicians employed by the authority and physicians not employed by the authority.

(i) A physician employed by an authority shall retain independent medical judgment in providing care to patients and may not be disciplined for reasonably advocating for patient care.

(j) If an authority provides professional liability coverage for physicians employed by the authority, a physician employed by the authority may participate in the selection of the professional liability coverage, has the right to an independent defense at the physician's own cost, and retains the right to consent to the settlement of any action or proceeding brought against the physician.

(k) If a physician employed by an authority enters into an employment agreement that includes a covenant not to compete, the agreement is subject to Section 15.50, Business & Commerce Code.

(l) The board of an authority may not delegate to the manager or executive director of a hospital owned or operated by the hospital authority the authority to hire a physician.

(m) This section may not be construed as authorizing the board to supervise or control the practice of medicine as prohibited under Subtitle B, Title 3, Occupations Code.

Amendment No. 41

Representative Christian offered the following amendment to Amendment No. 40:

Amend Amendment No. 40 to **CSSB 23** by P. King on page 87 by striking lines 12-15 and substitution the following:

Sec. 262.0235. EMPLOYMENT OF PHYSICIANS. (a) this section applies only to an authority that is:

(1) created by the governing body of a municipality with a population of less than 10,00 and that owns or operates a hospital with more than 50 licensed beds; or

(2) classified as a rural referral center under Section 1886 (d)(1)(C)(i), Social Security Act (42 U.S.C. Section 1395ww(d)(1)(C)(i)) that is not located in a metropolitan statistical area as defined by the United States Office of Management and Budget.

Amendment No. 41 was adopted.

Representative Zerwas moved to table Amendment No. 40, as amended.

The motion to table was lost by (Record 1171): 58 Yeas, 73 Nays, 4 Present, not voting.

Yeas — Aliseda; Alonzo; Anchia; Anderson, C.; Bonnen; Branch; Burnam; Callegari; Castro; Cook; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Eissler; Farias; Farrar; Frullo; Gonzales, L.; Gonzales, V.; Gutierrez; Hancock; Hernandez Luna; Hochberg; Hopson; Hunter; Jackson; Johnson; Kleinschmidt; Kolkhorst; Kuempel; Lavender; Lozano; Margo; Marquez; Martinez; Martinez Fischer; Miller, S.; Muñoz; Murphy; Naishtat; Oliveira; Otto; Patrick; Pitts; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Schwertner; Sheffield; Shelton; Veasey; Walle; Woolley; Zerwas.

Nays — Allen; Anderson, R.; Aycok; Beck; Berman; Bohac; Brown; Burkett; Button; Carter; Chisum; Christian; Craddick; Creighton; Crownover; Darby; Elkins; Fletcher; Flynn; Gallego; Garza; Giddings; Gooden; Guillen; Hamilton; Harless; Harper-Brown; Hartnett; Hilderbran; Howard, C.; Howard, D.; Huberty; Hughes; Isaac; Keffer; King, P.; King, T.; Landtroop; Laubenberg; Legler; Lewis; Lucio; Lyne; Madden; McClendon; Morrison; Nash; Orr; Parker; Peña; Perry; Price; Riddle; Scott; Sheets; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Villarreal; Vo; Weber; White; Workman; Zedler.

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

Absent, Excused — Cain; Dukes; King, S.; Miller, D.; Phillips.

Absent — Alvarado; Coleman; Dutton; Eiland; Larson; Mallory Caraway; Menendez; Miles; Paxton; Pickett.

STATEMENTS OF VOTE

When Record No. 1171 was taken, I was in the house but away from my desk. I would have voted yes.

Alvarado

I was shown voting no on Record No. 1171. I intended to vote yes.

Aycock

I was shown voting no on Record No. 1171. I intended to vote yes.

Huberty

When Record No. 1171 was taken, I was temporarily out of the house chamber. I would have voted no.

Paxton

I was shown voting no on Record No. 1171. I intended to vote yes.

T. Smith

I was shown voting no on Record No. 1171. I intended to vote yes.

Villarreal

Amendment No. 40, as amended, was adopted.

Amendment No. 42

Representative Fletcher offered the following amendment to **CSSB 23**:

Floor Packet Page No. 91

Amend **CSSB 23** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. TESTIMONY OF MEMBERS AND FORMER MEMBERS OF STATE BOARD OF DENTAL EXAMINERS. Section 254.018, Occupations Code, is amended to read as follows:

Sec. 254.018. [~~EXPERT~~] TESTIMONY. (a) A member or former member of the board may not express an oral or written opinion or serve as an expert witness in a suit involving a health care liability claim against a person licensed or registered under this subtitle [dentist] for injury to or death of a patient or for a violation of the standard of care or the commission of professional malpractice [unless the member receives approval from the board or an executive committee of the board to serve as an expert witness].

(b) This section applies to a former member of the board until the second anniversary of the date the member's term expires or the member resigns from the board.

Amendment No. 42 was adopted.

Amendment No. 43

Representative Y. Davis offered the following amendment to **CSSB 23**:

Floor Packet Page No. 94

Amend **CSSB 23** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. ELECTRONIC SUBMISSION OF CLAIMS FOR MEDICAL ASSISTANCE REIMBURSEMENT FOR DURABLE MEDICAL EQUIPMENT AND SUPPLIES. Subchapter B, Chapter 32, Human Resources Code, is amended by adding Section 32.0314 to read as follows:

Sec. 32.0314. REIMBURSEMENT FOR DURABLE MEDICAL EQUIPMENT AND SUPPLIES. The executive commissioner of the Health and Human Services Commission shall adopt rules requiring the electronic submission of any claim for reimbursement for durable medical equipment and supplies under the medical assistance program.

Amendment No. 43 was adopted.

Amendment No. 44

Representative S. Miller offered the following amendment to **CSSB 23**:

Floor Packet Page No. 105

Amend **CSSB 23** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 161.073, Human Resources Code, is amended to read as follows:

Sec. 161.073. RULES. (a) The executive commissioner may adopt rules reasonably necessary for the department to administer this chapter, consistent with the memorandum of understanding under Section 531.0055(k), Government Code, between the commissioner and the executive commissioner, as adopted by rule.

(b) To the extent allowed by federal law, the executive commissioner shall adopt rules:

(1) requiring that the on-site survey process through which the department certifies ICF-MR facilities and Home and Community-based Services (HCS) providers includes a requirement that the department assign each provider, as a result of an on-site survey, a rating of "excellent," "good," or "average or below average"; and

(2) prescribing a schedule for follow-up on-site surveys under which:

(A) a provider who receives a rating of "excellent" on the most recent survey conducted is subject to another survey not earlier than three years after the date the provider receives the rating;

(B) a provider who receives a rating of "good" on the most recent survey conducted is subject to another survey not earlier than two years after the date the provider receives the rating; and

(C) a provider who receives a rating of "average or below average" on the most recent survey conducted is subject to another survey not earlier than one year after the date the provider receives the rating.

SECTION _____. Section 161.076, Human Resources Code, as added by Chapter 284 (**SB 643**), Acts of the 81st Legislature, Regular Session, 2009, is amended to read as follows:

Sec. 161.076. ON-SITE SURVEYS OF CERTAIN PROVIDERS. Subject to rules adopted under Section 161.073(b), at [A†] least every three years [~~12 months~~], the department shall conduct an unannounced on-site survey in each group home, other than a foster home, at which a Home and Community-based Services (HCS) provider provides services.

Amendment No. 44 was withdrawn.

Amendment No. 45

Representative Truitt offered the following amendment to **CSSB 23**:

Floor Packet Page No. 109

Amend **CSSB 23** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. ADMINISTRATION OF MEDICATION. (a) Chapter 161, Human Resources Code, is amended by adding Subchapter D-1 to read as follows:

SUBCHAPTER D-1. ADMINISTRATION OF MEDICATION FOR CLIENTS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES

Sec. 161.091. DEFINITIONS. In this subchapter:

(1) "Administration of medication" means:

(A) removing a unit or dose of medication from a previously dispensed, properly labeled container;

(B) verifying the medication with the medication order;

(C) giving the proper medication in the proper dosage to the proper client at the proper time by the proper administration route; and

(D) recording the time of administration and dosage administered.

(2) "Client" means a person with an intellectual and developmental disability who is receiving services from a facility or program listed in Section 161.092.

(3) "Unlicensed person" means an individual not licensed as a health care provider who provides services at or for a facility or program listed in Section 161.092, including:

(A) a nurse aide, orderly, assistant, attendant, technician, home health aide, medication aide with a permit issued by a state agency, or other individual who provides personal health care-related services;

(B) a person who is monetarily compensated to perform certain health-related tasks and functions in a complementary or assistive role to a licensed nurse who provides direct client care or performs common nursing functions;

(C) a person who performs those tasks and functions as a volunteer but does not qualify as a friend providing gratuitous nursing care of the sick under Section 301.004, Occupations Code; or

(D) a person who is a professional nursing student who provides care for monetary compensation and not as part of a formal educational program.

Sec. 161.092. APPLICABILITY. This subchapter applies only to administration of medication provided to certain persons with intellectual and developmental disabilities who are served:

(1) in a small facility with not less than one and not more than eight beds that is licensed or certified under Chapter 252, Health and Safety Code;

(2) in a medium facility with not less than nine and not more than 13 beds that is licensed or certified under Chapter 252, Health and Safety Code; or

(3) by one of the following Section 1915(c) waiver programs administered by the Department of Aging and Disability Services to serve persons with intellectual and developmental disabilities:

(A) the Home and Community-Based Services waiver program; or

(B) the Texas Home Living waiver program.

Sec. 161.093. ADMINISTRATION OF MEDICATION. (a) Notwithstanding other law, an unlicensed person may provide administration of medication to a client without the requirement that a registered nurse delegate or oversee each administration if:

(1) the medication is:

(A) an oral medication;

(B) a topical medication; or

(C) a metered dose inhaler;

(2) the medication is administered to the client for a stable or predictable condition;

(3) the client has been personally assessed by a registered nurse initially and in response to significant changes in the client's health status, and the registered nurse has determined that the client's health status permits the administration of medication by an unlicensed person; and

(4) the unlicensed person has been:

(A) trained by a registered nurse or licensed vocational nurse under the direction of a registered nurse regarding proper administration of medication;
or

(B) determined to be competent by a registered nurse or licensed vocational nurse under the direction of a registered nurse regarding proper administration of medication, including through a demonstration of proper technique by the unlicensed person.

(b) The administration of medication other than the medications described by Subsection (a)(1) is subject to the rules of the Texas Board of Nursing regarding the delegation of nursing tasks to unlicensed persons in independent living environments such as the facilities and programs listed in Section 161.092.

Sec. 161.094. DEPARTMENT DUTIES. (a) The department shall ensure that:

(1) administration of medication by an unlicensed person under this subchapter is reviewed at least annually and after any significant change in a client's condition by a registered nurse or a licensed vocational nurse under the supervision of a registered nurse; and

(2) a facility or program listed in Section 161.092 has policies to ensure that the determination of whether an unlicensed person may provide administration of medication to a client under Section 161.093 may be made only by a registered nurse.

(b) The department shall verify that:

(1) each client is assessed to identify the client's needs and abilities regarding the client's medications;

(2) the administration of medication by an unlicensed person to a client is performed only by an unlicensed person who is authorized to perform that administration under Section 161.093; and

(3) the administration of medication to each client is performed in such a manner as to ensure the greatest degree of independence, including the use of an adaptive or assistive aid, device, or strategy as allowed under program rules.

(c) The department shall enforce this subchapter.

Sec. 161.095. LIABILITY. (a) A registered nurse performing a client assessment required under Section 161.093, or a registered nurse or licensed vocational nurse training an unlicensed person or determining whether an unlicensed person is competent to perform administration of medication under Section 161.093, may be held accountable or civilly liable only in relation to whether the nurse properly:

(1) performed the assessment;

(2) conducted the training; and

(3) determined whether the unlicensed person is competent to provide administration of medication to clients.

(b) The Texas Board of Nursing may take disciplinary action against a registered nurse or licensed vocational nurse under this subchapter only in relation to whether:

(1) the registered nurse properly performed the client assessment required by Section 161.093;

(2) the registered nurse or licensed vocational nurse properly trained the unlicensed person in the administration of medication; and

(3) the registered nurse or licensed vocational nurse properly determined whether an unlicensed person is competent to provide administration of medication to clients.

(c) A registered nurse or licensed vocational nurse may not be held accountable or civilly liable for the acts or omissions of an unlicensed person performing administration of medication.

Sec. 161.096. CONFLICT WITH OTHER LAW. This subchapter controls to the extent of a conflict with other law.

(b) The Texas Board of Nursing and the Texas Department of Aging and Disability Services shall conduct a pilot program to evaluate licensed vocational nurses providing on-call services by telephone to clients, as defined by Section 161.091, Human Resources Code, as added by this section, who are under the care of the licensed vocational nurses. The licensed vocational nurses shall use standardized and validated protocols or decision trees in performing telephone on-call services in the pilot program. The department shall collect data to evaluate

the efficacy of licensed vocational nurses performing telephone on-call services in the pilot program. The pilot program must begin not later than September 1, 2011.

(c) The Texas Board of Nursing and the Department of Aging and Disability Services, in consultation with affected stakeholders, including public and private providers, registered and licensed vocational nurses employed by the facilities or providers of services listed in Section 161.092, Human Resources Code, as added by this section, and other persons or entities the executive director of the board and the commissioner of the department consider appropriate, shall:

(1) develop the goals and measurable outcomes of the pilot program;

(2) review the outcomes of the pilot program and make recommendations regarding potential regulatory or statutory changes; and

(3) on notice of unsafe or ineffective nursing care discovered in the pilot program, review the data or the outcomes and make recommendations for corrective action.

(d) Not later than December 1, 2012, the Texas Board of Nursing and the Department of Aging and Disability Services shall submit a report detailing the findings of the pilot program and any jointly developed recommendations to the Senate Committee on Health and Human Services and the House Committee on Public Health.

(e) Subsections (b)-(d) of this section and this subsection expire September 1, 2015.

(f) In developing any policies, processes, or training curriculum required by Subchapter D-1, Chapter 161, Human Resources Code, as added by this section, the Texas Department of Aging and Disability Services shall convene an advisory committee of affected stakeholders, including public and private providers and registered and licensed vocational nurses employed by the facilities or providers of services listed in Section 161.092, Human Resources Code, as added by this section, and other persons or entities the department considers appropriate.

Amendment No. 45 was adopted.

Amendment No. 24 - Vote Reconsidered

Representative Chisum moved to reconsider the vote by which Amendment No. 24 was tabled.

The motion to reconsider prevailed.

(Kuempel in the chair)

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today to meet with members of the senate:

Eiland on motion of Geren.

CSSB 23 - (consideration continued)

Amendment No. 24 was adopted.

Amendment No. 2 - Vote Reconsidered

Representative V. Gonzales moved to reconsider the vote by which Amendment No. 2 was adopted.

The motion to reconsider prevailed.

Amendment No. 46

Representative V. Gonzales offered the following amendment to Amendment No. 2:

Amend Amendment No. 2 to **CSSB 23** by Zerwas (prefiled amendment packet, pages 28-52), in item (7), in added Section 536.005, Government Code (page 12, between lines 21 and 22), by inserting the following:

(a-1) In converting reimbursement systems under Subsection (a), the commission may examine and consider incorporating elements of reimbursement methodologies that address historical disparities in the provision of health care services to women, children, and persons with mental illnesses.

Amendment No. 46 was adopted.

Amendment No. 2, as amended, was adopted.

Amendment No. 47

Representative Landtroop offered the following amendment to **CSSB 23**:
Floor Packet Page No. 65

Amend **CSSB 23** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter A, Chapter 531, Government Code, is amended by adding Section 531.0025 to read as follows:

Sec. 531.0025. RESTRICTION ON CERTAIN FUNDS RECEIVED. Notwithstanding any other law, any money received by health and human services agencies for family planning services, including grant money, may only be awarded or otherwise provided to a person or facility that does not perform abortions or provide abortion-related services.

SECTION _____. Section 32.024, Human Resources Code, is amended by adding Subsection (c-1) to read as follows:

(c-1) The department shall ensure that money spent under the medical assistance program is not used to perform abortions or provide abortion-related services.

SECTION _____. If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

SECTION _____. This Act takes effect immediately if it 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 Act takes effect September 1, 2011.

Amendment No. 48

Representative Landtroop offered the following amendment to Amendment No. 47:

Amend Amendment No. 47 by Landtroop to **CSSB 23** (page 65, prefiled amendment packet) as follows:

(1) In added Section 531.0025, Government Code (page 1, line 6 of the amendment), following "RECEIVED." insert "(a)".

(2) In added Section 531.0025, Government Code (page 1, line 11 of the amendment), between "services" and the underlined period, insert "except an abortion or an abortion related service in a medical emergency".

(3) In added Section 531.0025, Government Code (page 1, between lines 11 and 12 of the amendment), insert the following:

(b) In this section, "medical emergency" means a life-threatening physical condition aggravated by, caused by, or arising from a pregnancy that, as certified by a physician, places the woman in danger of death or a serious risk of substantial impairment of a major bodily function unless an abortion is performed.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence temporarily for today to meet with members of the senate:

Branch on motion of Flynn.

Geren on motion of Zedler.

CSSB 23 - (consideration continued)

Amendment No. 48 was adopted.

(Cain now present)

Amendment No. 47, as amended, was adopted by (Record 1172): 90 Yeas, 44 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Brown; Burkett; Button; Cain; Carter; Chisum; 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.; Kleinschmidt; Kolkhorst; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lyne; Madden; Margo; Morrison; Muñoz; Murphy; Nash; Orr; Parker; Perry; Pickett; Pitts; Price; Quintanilla; Riddle; Schwertner; 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; 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; Naishtat; Oliveira; Patrick; Raymond; Reynolds; Ritter; Rodriguez; Scott; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

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

Absent, Excused — Branch; Dukes; Eiland; Geren; King, S.; Miller, D.; Phillips.

Absent — Callegari; Guillen; King, T.; Miller, S.; Otto; Paxton; Peña.

STATEMENTS OF VOTE

When Record No. 1172 was taken, I was in the house but away from my desk. I would have voted yes.

Callegari

I was shown voting no on Record No. 1172. I intended to vote yes.

Martinez

When Record No. 1172 was taken, I was excused for important business in the district. I would have voted yes.

D. Miller

I was shown voting no on Record No. 1172. I intended to vote yes.

Patrick

When Record No. 1172 was taken, I was temporarily out of the house chamber. I would have voted yes.

Paxton

Amendment No. 49

Representative S. Miller offered the following amendment to **CSSB 23**:

Floor Packet Page No. 105

Amend **CSSB 23** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 161.073, Human Resources Code, is amended to read as follows:

Sec. 161.073. RULES. (a) The executive commissioner may adopt rules reasonably necessary for the department to administer this chapter, consistent with the memorandum of understanding under Section 531.0055(k), Government Code, between the commissioner and the executive commissioner, as adopted by rule.

(b) To the extent allowed by federal law, the executive commissioner shall adopt rules:

(1) requiring that the on-site survey process through which the department certifies ICF-MR facilities and Home and Community-based Services (HCS) providers includes a requirement that the department assign each provider, as a result of an on-site survey, a rating of "excellent," "good," or "average or below average"; and

(2) prescribing a schedule for follow-up on-site surveys under which:

(A) a provider who receives a rating of "excellent" on the most recent survey conducted is subject to another survey not earlier than three years after the date the provider receives the rating;

(B) a provider who receives a rating of "good" on the most recent survey conducted is subject to another survey not earlier than two years after the date the provider receives the rating; and

(C) a provider who receives a rating of "average or below average" on the most recent survey conducted is subject to another survey not earlier than one year after the date the provider receives the rating.

SECTION ____ . Section 161.076, Human Resources Code, as added by Chapter 284 (SB 643), Acts of the 81st Legislature, Regular Session, 2009, is amended to read as follows:

Sec. 161.076. ON-SITE SURVEYS OF CERTAIN PROVIDERS. Subject to rules adopted under Section 161.073(b), at [A+] least every three years [12 months], the department shall conduct an unannounced on-site survey in each group home, other than a foster home, at which a Home and Community-based Services (HCS) provider provides services.

LEAVE OF ABSENCE GRANTED

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

Hilderbran on motion of Bonnen.

(Geren now present)

CSSB 23 - (consideration continued)

Amendment No. 49 was adopted. (Kolkhorst recorded voting no.)

(Branch now present)

CSSB 23, as amended, was passed to third reading by (Record 1173): 95 Yeas, 45 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Button; Cain; Callegari; Carter; Chisum; 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; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, T.; Kleinschmidt; Kolkhorst; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Perry; Pitts; Price; Quintanilla; Reynolds; 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; Dutton; 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; Peña; Pickett; Raymond; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

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

Absent, Excused — Dukes; Eiland; Hilderbran; King, S.; Miller, D.; Phillips.

Absent — Burkett; Paxton.

STATEMENTS OF VOTE

When Record No. 1173 was taken, my vote failed to register. I would have voted yes.

Burkett

When Record No. 1173 was taken, I was temporarily out of the house chamber. I would have voted yes.

Paxton

I was shown voting yes on Record No. 1173. I intended to vote no.

Reynolds

COMMITTEE GRANTED PERMISSION TO MEET

Representative Kolkhorst requested permission for the Committee on Public Health to meet while the house is in session, at 7:05 p.m. today, in 3W.9, to consider pending business.

Permission to meet was granted.

MESSAGE FROM THE SENATE

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

COMMITTEE GRANTED PERMISSION TO MEET

Representative Gallego requested permission for the Committee on Criminal Jurisprudence to meet while the house is in session, at 7:15 p.m. today, in 3W.9, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Public Health, 7:05 p.m. today, 3W.9, for a formal meeting, to consider pending business.

Criminal Jurisprudence, 7:15 p.m. today, 3W.9, for a formal meeting, to consider pending business.

POSTPONED BUSINESS

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

CSSB 1811 ON SECOND READING

(Pitts - House Sponsor)

CSSB 1811, A bill to be entitled An Act relating to certain state fiscal matters; providing penalties.

CSSB 1811 was read second time on May 18, postponed until 8 a.m. today, and was again postponed until this time.

Representative Geren moved to postpone consideration of **CSSB 1811** until 2 p.m. tomorrow.

The motion prevailed.

CSSB 1581 ON SECOND READING

(Pitts - House Sponsor)

CSSB 1581, A bill to be entitled An Act relating to state fiscal matters, and certain public health and safety matters, related to public and higher education; providing penalties.

CSSB 1581 was read second time on May 18, postponed until 8 a.m. today, and was again postponed until this time.

CSSB 1581 - POINT OF ORDER

Representative Villarreal raised a point of order against further consideration of **CSSB 1581** under Rule 8, Section 3 of the House Rules and under Article III, Section 35 of the Texas Constitution on the grounds that the bill violates the one subject rule.

The chair sustained the point of order.

CSSB 1581 was returned to the senate.

MAJOR STATE CALENDAR

SENATE BILLS

SECOND READING

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

SB 663 ON SECOND READING

(Anchia - House Sponsor)

SB 663, A bill to be entitled An Act relating to the continuation and functions of the State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments; providing an administrative penalty.

Amendment No. 1

Representative Anchia offered the following amendment to **SB 663**:

Amend **SB 663** (house committee printing) as follows:

(1) In SECTION 9 of the bill, in proposed Section 402.1022, Occupations Code (page 6, line 25), strike "(a)".

(2) In SECTION 9 of the bill, in proposed Section 402.1022, Occupations Code (page 7, lines 2-5), strike proposed Subsection (b) of that section.

Amendment No. 1 was adopted.

SB 663, as amended, was passed to third reading.

POSTPONED BUSINESS

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

SB 650 ON THIRD READING

(Cook - House Sponsor)

SB 650, A bill to be entitled An Act relating to management of certain metropolitan rapid transit authorities.

SB 650 was read third time earlier today and was postponed until this time.

(Speaker in the chair)

(Phillips now present)

Amendment No. 1

Representative Coleman offered the following amendment to **SB 650**:

Amend **SB 650** by adding the following appropriately numbered SECTIONS and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 456.003, Transportation Code, is amended to read as follows:

Sec. 456.003. PARTICIPATION INELIGIBILITY. A transit authority is ineligible to participate in the formula or discretionary program provided by this chapter unless the authority was created under Chapter 453 or former Article 1118z, Revised Statutes, by a municipality having a population of less than 200,000 at the time the authority is created.

SECTION _____. Section 456.006, Transportation Code, is amended by adding Subsections (b-1) and (b-2) to read as follows:

(b-1) Notwithstanding Subsection (b), an urban transit district that was not included in an urbanized area containing a transit authority according to the 2000 federal decennial census but, as a result of the 2010 federal decennial census urban and rural classification, is included in an urbanized area that contains one or more transit authorities may receive money from the formula or discretionary program in an amount that does not exceed the amount of funds allocated to the district during the fiscal biennium ending August 31, 2011. This subsection expires August 31, 2018.

(b-2) The population of a municipality that was considered part of an urban transit district for purposes of the state transit funding formula for the fiscal biennium ending August 31, 2011, but that is included in a large urbanized area as a result of the 2010 federal decennial census, continues to be considered part of the urban transit district for purposes of the state transit funding formula. This subsection expires August 31, 2018.

SECTION _____. Section 456.0221, Transportation Code, is amended by adding Section 456.0221 to read as follows:

Sec. 456.0221. ALLOCATION TO CERTAIN RECIPIENTS AFFECTED BY NATURAL DISASTER. (a) The commission shall consider as an urban transit district for the purposes of the allocation of funds under this chapter a designated recipient:

(1) that received money under the formula as an urban transit district for the fiscal biennium ending August 31, 2011;

(2) whose population according to the most recent decennial census is less than 50,000; and

(3) whose population loss over the preceding 10-year period is primarily the result of a natural disaster.

(b) This section expires August 31, 2018.

Amendment No. 1 was withdrawn.

Amendment No. 2

Representatives Workman, D. Howard, Strama, Rodriguez, Isaac, Naishtat, Schwertner, and Dukes offered the following amendment to **SB 650**:

Amend **SB 650** on third reading as follows:

(1) In Section 451.134(a), Transportation Code, as amended on second reading by the Workman amendment, strike "90 days" and substitute "two months".

(2) Strike SECTION 3 of the bill, as amended on second reading by the Workman amendment, and substitute the following appropriately numbered SECTION:

SECTION _____. Not later than September 1, 2016, a metropolitan rapid transit authority required to establish a reserve account under Section 451.134, Transportation Code, as added by this Act, shall establish the account. Not later than December 31, 2014, the authority shall file a report on the authority's progress in fulfilling this requirement with the lieutenant governor, speaker of the house of representatives, and each member of the legislature.

(3) In SECTION 1 of the bill, strike Section 451.139(a), Transportation Code, and substitute the following:

(a) An authority may issue bonds only in an amount necessary for managing or funding retiree pension benefit obligations for pension plans existing as of January 1, 2011, that result from the competitive bidding of transit services required by Section 451.137.

Amendment No. 2 was adopted.

SB 650, as amended, was passed by (Record 1174): 138 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Castro; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; 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; Hartnett; Hernandez Luna; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, T.; Kleinschmidt; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; Menendez; Miles; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; 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; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Carter.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Dukes; Eiland; Hilderbran; King, S.; Miller, D.

Absent — Coleman; Kolkhorst; McClendon; Paxton; Villarreal.

STATEMENTS OF VOTE

When Record No. 1174 was taken, I was in the house but away from my desk. I would have voted yes.

Kolkhorst

When Record No. 1174 was taken, I was in the house but away from my desk. I would have voted yes.

McClendon

When Record No. 1174 was taken, I was temporarily out of the house chamber. I would have voted yes.

Paxton

LEAVE OF ABSENCE GRANTED

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

Villarreal on motion of Menendez.

MAJOR STATE CALENDAR
(consideration continued)

CSSB 660 ON SECOND READING
(Ritter - House Sponsor)

CSSB 660, A bill to be entitled An Act relating to the review and functions of the Texas Water Development Board, including the functions of the board and related entities in connection with the process for establishing and appealing desired future conditions in a groundwater management area.

Amendment No. 1

Representative Ritter offered the following amendment to **CSSB 660**:

Amend **CSSB 660** (house committee printing) as follows:

(1) In SECTION 9 of the bill, in Section 16.053(e)(3)(A), Water Code (page 13, line 5), strike "managed" and substitute "modeled [~~managed~~]".

(2) In SECTION 16 of the bill, in amended Section 36.1071(e)(3)(A), Water Code (page 20, line 7), strike "managed" and substitute "modeled [~~managed~~]".

(3) In SECTION 16 of the bill, in amended Section 36.1071(e)(3)(A), Water Code (page 20, lines 8-9), strike "adopted [~~established~~]" and substitute "established".

(4) In SECTION 17 of the bill, strike added Section 36.108(d)(8), Water Code (page 23, lines 14-15), and substitute the following:

(8) the feasibility of achieving the desired future condition; and

(5) In SECTION 17 of the bill, in added Section 36.108(d-2), Water Code (page 24, line 13), strike "than 30 or more".

(6) In SECTION 17 of the bill, in added Section 36.108(d-2), Water Code (page 24, line 17), strike "the proposed desired future conditions relevant" and substitute "any proposed desired future conditions relevant".

(7) In SECTION 17 of the bill, in added Section 36.108(d-3)(5), Water Code (page 26, line 7), between "and" and "public", insert "relevant".

(8) In SECTION 17 of the bill, in the heading to added Section 36.1085, Water Code (page 34, line 10), strike "MANAGED" and substitute "MODELED".

(9) In SECTION 17 of the bill, in added Section 36.1085(b), Water Code (page 35, line 24), strike "managed" and substitute "modeled [~~managed~~]".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Laubenberg offered the following amendment to **CSSB 660**:

Amend **CSSB 660** (senate committee printing) as follows:

(1) In SECTION 5 of the bill, in added Section 11.1271(f)(2), Water Code (page 3, line 16), strike "uniform water use calculation system" and substitute "methodology and guidance for calculating water use and conservation".

(2) In SECTION 10 of the bill, in amended Section 16.402(e)(2), Water Code (page 6, line 49), strike "uniform water use calculation system" and substitute "methodology and guidance for calculating water use and conservation".

(3) In SECTION 11 of the bill, in the recital (page 6, line 61), strike "Section 16.403" and substitute "Sections 16.403 and 16.404".

(4) In SECTION 11 of the bill, strike added Section 16.403, Water Code (page 6, lines 62-67), and substitute the following:

Sec. 16.403. WATER USE REPORTING. (a) The board and the commission, in consultation with the Water Conservation Advisory Council, shall develop a uniform, consistent methodology and guidance for calculating water use and conservation to be used by a municipality or water utility in developing water conservation plans and preparing reports required under this code. At a minimum, the methodology and guidance must include:

(1) a method of calculating water use for each sector of water users served by a municipality or water utility;

(2) a method of classifying water users within sectors;

(3) a method of calculating water use in the residential sector that includes both single-family and multifamily residences, in gallons per capita per day;

(4) a method of calculating water use in the industrial, agricultural, commercial, and institutional sectors that is not dependent on a municipality's population or the number of customers served by a water utility; and

(5) guidelines on the use of service populations by a municipality or water utility in developing a per-capita-based method of calculation, including guidance on the use of permanent and temporary populations in making calculations.

(b) The board or the commission, as appropriate, shall use the methodology and guidance developed under Subsection (a) in evaluating a water conservation plan, program of water conservation, survey, or other report relating to water conservation submitted to the board or the commission under:

(1) Section 11.1271;

(2) Section 13.146;

(3) Section 15.106;

(4) Section 15.607;

(5) Section 15.975;

(6) Section 15.995;

(7) Section 16.012(m);

(8) Section 16.402;

(9) Section 17.125;

(10) Section 17.277;

(11) Section 17.857; or

(12) Section 17.927.

(c) The board, in consultation with the commission and the Water Conservation Advisory Council, shall develop a data collection and reporting program for municipalities and water utilities with more than 3,300 connections.

(d) Not later than January 1 of each odd-numbered year, the board shall submit to the legislature a report that includes the most recent data relating to:

(1) statewide water usage in the residential, industrial, agricultural, commercial, and institutional sectors; and

(2) the data collection and reporting program developed under Subsection (c).

Sec. 16.404. RULES AND STANDARDS. The commission and the board, as appropriate, shall adopt rules and standards as necessary to implement this subchapter.

(5) In SECTION 19(3) of the bill (page 13, line 60), strike "calculation system required by Section 16.403" and substitute "and conservation calculation methodology and guidance and the data collection and reporting program required by Sections 16.403(a) and (c)".

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

SECTION _____. Not later than January 1, 2015, the Texas Water Development Board shall submit to the legislature the first report required by Section 16.403(d), Water Code, as added by this Act.

Amendment No. 3

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

Amend Amendment No. 2 by Laubenberg to **CSSB 660** (house committee printing) as follows:

(1) In the introductory language (page 1, line 1), strike "Senate" and substitute "house".

(2) In Item (1) of the amendment (page 1, line 4), strike "page 3, line 16" and substitute "page 6, line 14".

(3) In Item (2) of the amendment (page 1, line 8), strike "page 6, line 49" and substitute "page 15, line 11".

(4) In Item (3) of the amendment (page 1, lines 11-12), strike "page 6, line 61" and substitute "page 15, line 23".

(5) In Item (4) of the amendment (page 1, line 15), strike "page 6, lines 62-67" and substitute "page 15, line 24, through page 16, line 2".

(6) In Item (4) of the amendment, at the end of added Section 16.403, Water Code (page 3, between lines 6 and 7), add the following:

(e) Data included in a water conservation plan or report required under this code and submitted to the board or commission must be interpreted in the context of variations in local water use. The data may not be the only factor considered by the commission in determining the highest practicable level of water conservation and efficiency achievable in the jurisdiction of a municipality or water utility for purposes of Section 11.085(l).

(7) In Item (5) of the amendment (page 3, line 10), strike "SECTION 19(3)" and substitute "SECTION 21(3)".

(8) In Item (5) of the amendment (page 3, line 10), strike "page 13, line 60" and substitute "page 38, line 20".

Amendment No. 3 was adopted.

Amendment No. 2, as amended, was adopted.

Amendment No. 4

Representative Price offered the following amendment to **CSSB 660**:

Amend **CSSB 660** (house committee printing) as follows:

(1) In SECTION 17 of the bill, in added Section 36.1082(b), Water Code (page 28, line 13), between "affected person" and "~~[(4) A district]~~", insert "who seeks to appeal a desired future condition adopted under Section 36.108 must file a petition under Section 36.1083. Additionally, an affected person".

(2) In SECTION 17 of the bill, in added Section 36.1083(b), Water Code (page 31, line 17), after the period, add "An affected person may not request a hearing under this section for a reason described by Section 36.1082(b)."

(3) In SECTION 17 of the bill, in added Section 36.1083(c), Water Code (page 31, line 18), strike "receiving a request" and substitute "the deadline for filing a petition".

(4) In SECTION 17 of the bill, in added Section 36.1083(c)(3), Water Code (page 31, line 22), strike "copy of the petition to the office" and substitute "copy of any petitions received by the district to the office".

(5) In SECTION 17 of the bill, in added Section 36.1083, Water Code (page 33, between lines 24 and 25), insert the following:

(k) If the administrative law judge considers it appropriate, the administrative law judge may consolidate hearings requested under this section by two or more districts and shall specify the location for the consolidated hearing from the possible locations under Subsection (d). The administrative law judge shall prepare separate findings of fact and conclusions of law for each district included as a party in a multidistrict hearing.

(6) In SECTION 17 of the bill, in added Section 36.1084, Water Code (page 33, line 25), between "CONDITION." and "A", insert "(a)".

(7) In SECTION 17 of the bill, in added Section 36.1084, Water Code (page 34, between lines 9 and 10), insert the following:

(b) A court's finding under this section does not apply to a desired future condition that is not a matter before the court.

(c) A petitioner may file a consolidated suit under this section to appeal the final orders of two or more districts.

Amendment No. 4 was adopted.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Gallego requested permission for the Committee on Criminal Jurisprudence to meet while the house is in session, at 7:30 p.m. today, in 3W.15, to consider **SB 1695** and pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Criminal Jurisprudence, 7:30 p.m. today, 3W.15, for a formal meeting, to consider **SB 1695** and pending business.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Pitts requested permission for the Committee on Appropriations to meet while the house is in session, at 8 p.m. today, in 1W.14, to consider **SB 1588** and **SJR 5**.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Appropriations, 8 p.m. today, 1W.14, for a formal meeting, to consider **SB 1588** and **SJR 5**.

CSSB 660 - (consideration continued)

Amendment No. 5

Representative Martinez Fischer offered the following amendment to **CSSB 660**:

Amend **CSSB 660** as follows by adding the following new section to the Water Code:

SECTION ____. Sec. 6.301. HYDRAULIC FRACTURING DRINKING WATER STUDY. The board shall conduct a study on the costs, benefits, and effect on both current and future water resources in relation to use of hydraulic fracturing treatment in this state. The study must include considerations of:

(1) the necessity 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.

Amendment No. 6

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

Amend Amendment No. 5 by Martinez Fischer to **CSSB 660** (house committee report) by striking the text of the amendment and substituting the following:

Amend **CSSB 660** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____.

(a) Not later than January 1, 2013, the Texas Water Development Board shall conduct a study and provide a report to the legislature on the costs and benefits to this state of hydraulic fracturing treatments and the effects of hydraulic fracturing treatments on the current and future water resources of this state. The study must include consideration of:

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

(2) the need to protect groundwater and surface water in this state.

(b) The board may request, accept, and administer grants, gifts, appropriations, or other money from any source to implement this section.

(c) Notwithstanding Subsection (a) of this section, the board is required to implement this section only if a sufficient amount of money from appropriations or other sources is available for that purpose.

Amendment No. 6 was adopted.

Amendment No. 5, as amended, was adopted.

CSSB 660, as amended, was passed to third reading. (V. Taylor recorded voting no.)

**GENERAL STATE CALENDAR
SENATE BILLS
SECOND READING**

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

**SB 543 ON SECOND READING
(L. Taylor - House Sponsor)**

SB 543, A bill to be entitled An Act relating to a probate fee exemption for estates of certain law enforcement officers, firefighters, and others killed in the line of duty.

SB 543 was passed to third reading.

**SB 710 ON SECOND READING
(Menendez - House Sponsor)**

SB 710, A bill to be entitled An Act relating to the disclosure of a hazardous drain in a swimming pool or spa by a seller of residential real property.

SB 710 was passed to third reading. (White recorded voting no.)

**SB 864 ON SECOND READING
(Marquez - House Sponsor)**

SB 864, A bill to be entitled An Act relating to the services included in a retail price list provided by a funeral establishment.

Amendment No. 1

Representative Gutierrez offered the following amendment to **SB 864**:

Amend **SB 864** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Sections 651.303(b) and (c), Occupations Code, are amended to read as follows:

(b) The commission by rule shall define the terms of employment of a provisional license holder. The terms of employment[:

~~[(1)]~~ must include service by the provisional license holder[:

~~[(A)] of at least 17 hours a week or 73 hours a month; and~~

~~[(B)]~~ under actual working conditions and under the personal supervision of a funeral director or embalmer[; and

~~[(2)] may not require more than 17 hours a week or 73 hours a month].~~

(c) The term of the provisional license program must be at least 12 consecutive months but not more than 24 consecutive months.

SECTION _____. Subchapter K, Chapter 651, Occupations Code, is amended by adding Section 651.5011 to read as follows:

Sec. 651.5011. CHARGING FUNERAL DIRECTOR IN CHARGE WITH VIOLATION. In determining whether to charge a funeral director in charge with a violation based on conduct for which a licensed employee of the funeral establishment was directly responsible, the commission may consider:

(1) the nature and seriousness of the violation;

(2) the extent to which the licensed employee of the funeral establishment whose conduct is the basis of the violation was under the direct supervision of the funeral director in charge or another person at the time the licensed employee engaged in the conduct; and

(3) the causal connection between the supervision of the licensed employee of the funeral establishment by the funeral director in charge and the conduct engaged in by the licensed employee that is the basis of the violation.

Amendment No. 1 was adopted.

SB 864, as amended, was passed to third reading.

SB 1416 ON SECOND READING
(Gallego, Peña, and Fletcher - House Sponsors)

SB 1416, A bill to be entitled An Act relating to the creation of the offense of possession, manufacture, transportation, repair, or sale of a tire deflation device; providing criminal penalties.

Representative Menendez moved to postpone consideration of **SB 1416** until 7:45 p.m. today.

The motion prevailed.

CSSB 761 ON SECOND READING
(Truitt - House Sponsor)

CSSB 761, A bill to be entitled An Act relating to the employment of physicians by certain hospitals associated with nonprofit fraternal organizations.

CSSB 761 was passed to third reading.

SB 587 ON SECOND READING
(Darby - House Sponsor)

SB 587, A bill to be entitled An Act relating to jurisdiction in certain proceedings brought by the attorney general with respect to charitable trusts.

SB 587 was passed to third reading.

POSTPONED BUSINESS

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

CSHCR 21
(by Gallego)

CSHCR 21, Urging Congress to reauthorize the Water Resources Development Act of 2007, Section 5056, and to appropriate sufficient funds so that efforts to solve the salt problem in the Amistad International Reservoir can continue.

CSHCR 21 was laid before the house on May 18 and was postponed until 7:30 a.m. today.

Representative Dutton moved to postpone consideration of **CSHCR 21** until 7:45 p.m. today.

The motion prevailed.

SB 5 ON THIRD READING
(Branch - House Sponsor)

SB 5, A bill to be entitled An Act relating to the administration and business affairs of public institutions of higher education.

SB 5 was read third time on May 18, postponed until later that day, postponed until 7:59 a.m. today, and was again postponed until this time.

Amendment No. 1

Representative Hughes offered the following amendment to **SB 5**:

Amend **SB 5** on third reading by striking the text added to the bill by Floor Amendment No. 7 by Hughes, substituting the following appropriately numbered ARTICLE, and renumbering the ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . STUDENT FEE ADVISORY COMMITTEES

SECTION ____ .01. Subchapter E, Chapter 54, Education Code, is amended by adding Section 54.5033 to read as follows:

Sec. 54.5033. STUDENT FEE ADVISORY COMMITTEE MEETINGS OPEN TO PUBLIC. (a) A student fee advisory committee established under this chapter shall conduct meetings at which a quorum is present in a manner that is open to the public and in accordance with procedures prescribed by the president of the institution.

(b) The procedures prescribed by the president must:

(1) provide for notice of the date, hour, place, and subject of the meeting at least 72 hours before the meeting is convened; and

(2) require that the notice be:

(A) posted on the Internet; and

(B) published in a student newspaper of the institution, if an issue of the newspaper is published between the time of the Internet posting and the time of the meeting.

(c) The final recommendations made by a student fee advisory committee must be recorded and made public.

Amendment No. 1 was adopted.

Amendment No. 2

On behalf of Representative Zedler, Representative Hughes offered the following amendment to **SB 5**:

Amend **SB 5**, on third reading, in added Subsection (b), Section 51.9741, Education Code, by striking "substantially similar" and substituting "similar".

Amendment No. 2 was adopted.

Amendment No. 3

Representative Branch offered the following amendment to **SB 5**:

Amend **SB 5** on third reading as follows:

In Section 51.406(b), Education Code, as added by SECTION 6.02 of the bill, strike Subdivision (9) referencing Section 2052.103, Education Code, (page 23, line 21, house committee printing) and renumber the remaining subdivisions accordingly.

Amendment No. 3 was adopted.

Amendment No. 4

Representative Brown offered the following amendment to **SB 5**:

Amend **SB 5** as follows:

(1) Add the following appropriately numbered SECTION to the bill, renumbering the other sections of the bill accordingly:

SECTION ____ . Subtitle D, Title 3, Education Code, is amended by adding Chapter 89 to read as follows:

CHAPTER 89. THE TEXAS A&M UNIVERSITY SYSTEM HEALTH
SCIENCE CENTER

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 89.001. DEFINITIONS. In this chapter:

(1) "Board" means the board of regents of The Texas A&M University System.

(2) "Health science center" means The Texas A&M University System Health Science Center.

Sec. 89.002 COMPOSITION. (a) The Texas A&M University System Health Science Center is composed of the following component institutions, agencies, and programs under the management and control of the board:

(1) The Texas A&M University System Health Science Center College of Medicine;

(2) The Texas A&M University System Health Science Center Baylor College of Dentistry;

(3) The Texas A&M University System Health Science Center School of Rural Public Health;

(4) The Texas A&M University System Health Science Center Irma Lerma Rangel College of Pharmacy;

(5) The Texas A&M University System Health Science Center College of Nursing;

(6) The Texas A&M University System Health Science Center School of Graduate Studies;

(7) The Texas A&M University System Health Science Center Institute of Biosciences and Technology;

(8) The Texas A&M University System Health Science Center Coastal Bend Health Education Center;

(9) The Texas A&M University System Health Science Center South Texas Health Center; and

(10) The Texas A&M University System Health Science Center Rural and Community Health Institute.

(b) The Texas A&M University System Health Science Center Baylor College of Dentistry may use the name "Baylor" only:

(1) in accordance with:

(A) a license agreement between the health science center and Baylor University; or

(B) other written approval from Baylor University; or

(2) as otherwise permitted by law.

Sec. 89.003. MANDATORY VENUE. (a) Venue for a suit filed against the health science center, any component institution, agency, or program of the health science center, or any officer or employee of the health science center is in Brazos County.

(b) This section does not waive any defense to or immunity from suit or liability that may be asserted by an entity or individual described by this section.

(c) In case of a conflict between this section and any other law, this section controls.

Sec. 89.004. EXPENDITURE OF STATE FUNDS. The board is authorized to expend funds appropriated to it by the legislature for all lawful purposes of the health science center and its component institutions, agencies, and programs as well as funds available under the authority of Section 18, Article VII, Texas Constitution, for the purposes expressed in that section for the support of the health science center and its component institutions, agencies, and programs.

[Sections 89.005-89.050 reserved for expansion]

SUBCHAPTER B. THE TEXAS A&M UNIVERSITY SYSTEM HEALTH SCIENCE CENTER IRMA LERMA RANGEL COLLEGE OF PHARMACY

Sec. 89.051. THE TEXAS A&M UNIVERSITY SYSTEM HEALTH SCIENCE CENTER IRMA LERMA RANGEL COLLEGE OF PHARMACY.

(a) The board shall maintain a college of pharmacy as a component of the health science center.

(b) The college shall be known as The Texas A&M University System Health Science Center Irma Lerma Rangel College of Pharmacy, and the primary building in which the school is operated in Kleberg County must include "Irma Rangel" in its official name.

(2) Add the following appropriately numbered SECTION to the bill, renumbering the other sections of the bill accordingly:

SECTION _____. Section 61.003(5), Education Code, is amended to read as follows:

(5) "Medical and dental unit" means The Texas A&M University System Health Science Center and its component institutions, agencies, and programs; The University of Texas Medical Branch at Galveston; The University of Texas Southwestern Medical Center at Dallas; The University of Texas Medical School at San Antonio; The University of Texas Dental Branch at Houston; The University of Texas M. D. Anderson Cancer Center; The University of Texas Graduate School of Biomedical Sciences at Houston; The University of Texas Dental School at San Antonio; The University of Texas Medical School at Houston; The University of Texas Health Science Center—South Texas and its component institutions, if established under Subchapter N, Chapter 74; the nursing institutions of The Texas A&M University System and The University of Texas System; and The University of Texas School of Public Health at Houston; and such other medical or dental schools as may be established by statute or as provided in this chapter.

(3) Add the following appropriately numbered SECTION to the bill, renumbering the other sections of the bill accordingly:

SECTION _____. The following are repealed:

(1) Subchapters D, F, G, and H, Chapter 86, Education Code; and

(2) Subchapter I, Chapter 87, Education Code.

(4) Add the following appropriately numbered SECTION to the bill, renumbering the other sections of the bill accordingly:

SECTION _____. Section 89.003, Education Code, as added by this Act, applies only to an action brought against The Texas A&M University System Health Science Center, a component institution, agency, or program of that center, or an officer or employee of that center on or after the effective date of this Act.

Amendment No. 4 was adopted.

SB 5, as amended, was passed by (Record 1175): 136 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Dukes; Eiland; Hilderbran; King, S.; Miller, D.; Villarreal.

Absent — Coleman; Giddings; Gonzalez; McClendon; Paxton; Torres; Turner.

STATEMENTS OF VOTE

When Record No. 1175 was taken, my vote failed to register. I would have voted yes.

McClendon

When Record No. 1175 was taken, I was temporarily out of the house chamber. I would have voted yes.

Paxton

When Record No. 1175 was taken, I was temporarily out of the house chamber. I would have voted yes.

Torres

SB 1416 ON SECOND READING (Gallego, Peña, and Fletcher - House Sponsors)

SB 1416, A bill to be entitled An Act relating to the creation of the offense of possession, manufacture, transportation, repair, or sale of a tire deflation device; providing criminal penalties.

SB 1416 was read second time earlier today and was postponed until this time.

Amendment No. 1

Representative Fletcher offered the following amendment to **SB 1416**:

Amend **SB 1416** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION _____. Sections 38.04(b) and (c), Penal Code, are amended to read as follows:

(b) An offense under this section is a Class A misdemeanor, except that the offense is:

(1) a state jail felony if[=

[~~(A)~~] the actor has been previously convicted under this section;

[or

~~[(B) the actor uses a vehicle while the actor is in flight and the actor has not been previously convicted under this section;]~~

(2) a felony of the third degree if:

(A) the actor uses a vehicle while the actor is in flight [~~and the actor has been previously convicted under this section~~]; [~~or~~]

(B) another suffers serious bodily injury as a direct result of an attempt by the officer from whom the actor is fleeing to apprehend the actor while the actor is in flight; or

(C) the actor uses a tire deflation device against the officer while the actor is in flight; or

(3) a felony of the second degree if:

(A) another suffers death as a direct result of an attempt by the officer from whom the actor is fleeing to apprehend the actor while the actor is in flight; or

(B) another suffers serious bodily injury as a direct result of the actor's use of a tire deflation device while the actor is in flight.

(c) In this section:

(1) "Vehicle" [~~;"vehicle"~~] has the meaning assigned by Section 541.201, Transportation Code.

(2) "Tire deflation device" has the meaning assigned by Section 46.01.

SECTION _____. Section 38.04, Penal Code, as amended by this Act, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

Amendment No. 1 was adopted.

SB 1416, as amended, was passed to third reading.

CSHCR 21 **(by Gallego)**

CSHCR 21, Urging Congress to reauthorize the Water Resources Development Act of 2007, Section 5056, and to appropriate sufficient funds so that efforts to solve the salt problem in the Amistad International Reservoir can continue.

CSHCR 21 was laid before the house on May 18, postponed until 7:30 a.m. today, and was again postponed until this time.

CSHCR 21 was adopted by (Record 1176): 138 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Cook; Craddock; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; 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; Hartnett; Hernandez Luna; Hochberg; Hopson; Howard, C.; Howard, D.;

Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; Menendez; Miles; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; 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.; Thompson; Truitt; Turner; Veasey; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Taylor, V.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Dukes; Eiland; Hilderbran; King, S.; Miller, D.; Villarreal.

Absent — Coleman; McClendon; Paxton; Torres.

STATEMENTS OF VOTE

When Record No. 1176 was taken, my vote failed to register. I would have voted yes.

McClendon

When Record No. 1176 was taken, I was temporarily out of the house chamber. I would have voted yes.

Torres

HB 1286 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

Representative D. Howard called up with senate amendments for consideration at this time,

HB 1286, A bill to be entitled An Act relating to adoption of rules by the University Interscholastic League.

Representative D. Howard moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 1286**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1286**: D. Howard, chair; Aycock, Darby, Patrick, and Veasey.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today to attend a committee meeting:

Johnson on motion of Burnam.

(Bohac in the chair)

**HB 413 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Aycock called up with senate amendments for consideration at this time,

HB 413, A bill to be entitled An Act relating to the confidentiality of certain information held by a veterinarian.

Representative Aycock moved to concur in the senate amendments to **HB 413**.

The motion to concur in the senate amendments to **HB 413** prevailed by (Record 1177): 138 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Aycock; Beck; Berman; 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; 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; Hartnett; Hernandez Luna; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; 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, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Dukes; Eiland; Hilderbran; Johnson; King, S.; Miller, D.; Villarreal.

Absent — Anderson, C.; Paxton; Simpson.

STATEMENT OF VOTE

When Record No. 1177 was taken, I was temporarily out of the house chamber. I would have voted yes.

Paxton

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 413** (senate committee printing) in SECTION 1 of the bill, in amended Section 801.353(f), Occupations Code (page 1, line 21), by striking "or physician" and substituting "~~or~~ physician, or other licensed health care professional".

(Eiland now present)

**HB 2154 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

Representative Eiland called up with senate amendments for consideration at this time,

HB 2154, A bill to be entitled An Act relating to certain continuing education requirements for agents who sell Medicare-related products and annuities.

Representative Eiland moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 2154**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 2154**: Eiland, chair; Hancock, Sheets, Smithee, and Walle.

**HB 345 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Kleinschmidt called up with senate amendments for consideration at this time,

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

Representative Kleinschmidt moved to concur in the senate amendments to **HB 345**.

The motion to concur in the senate amendments to **HB 345** prevailed by (Record 1178): 140 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; 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; 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; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Isaac; Jackson; Keffer; King, P.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; 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; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Dukes; Hilderbran; Johnson; King, S.; Miller, D.; Villarreal.

Absent — Lewis; Paxton.

STATEMENT OF VOTE

When Record No. 1178 was taken, I was temporarily out of the house chamber. I would have voted yes.

Paxton

Senate Committee Substitute

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

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 271.153(a), Local Government Code, is amended to read as follows:

(a) The total amount of money awarded in an adjudication brought against a local governmental entity for breach of a contract subject to this subchapter is limited to the following:

(1) the balance due and owed by the local governmental entity under the contract as it may have been amended, including any amount owed as compensation for the increased cost to perform the work as a direct result of owner-caused delays or acceleration;

(2) the amount owed for change orders or additional work the contractor is directed to perform by a local governmental entity in connection with the contract;

(3) reasonable and necessary attorney's fees that are equitable and just; and

(4) interest as allowed by law, including interest as calculated under Chapter 2251, Government Code.

SECTION 2. The change in law made by this Act applies only to an adjudication commenced on or after the effective date of this Act. An adjudication commenced before the effective date of this Act is governed by the law applicable to the adjudication immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2011.

HB 1136 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Aycock called up with senate amendments for consideration at this time,

HB 1136, A bill to be entitled An Act relating to requiring an election authority to provide notice to certain county chairs regarding certain election activities.

Representative Aycock moved to concur in the senate amendments to **HB 1136**.

The motion to concur in the senate amendments to **HB 1136** prevailed by (Record 1179): 140 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; 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; Dutton; Eiland; Eissler; Elkins; Farias; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; 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, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; 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; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Dukes; Hilderbran; Johnson; King, S.; Miller, D.; Villarreal.

Absent — Farrar; Paxton.

STATEMENT OF VOTE

When Record No. 1179 was taken, I was temporarily out of the house chamber. I would have voted yes.

Paxton

Senate Committee Substitute

CSHB 1136, A bill to be entitled An Act relating to requiring an election authority to provide notice to certain county chairs regarding certain election activities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter E, Chapter 31, Election Code, is amended by adding Section 31.124 to read as follows:

Sec. 31.124. PROVISION OF NOTICE TO COUNTY CHAIRS BY ELECTION AUTHORITY. (a) A county election officer of each county shall hold a meeting with the county chair of each political party to discuss, as appropriate, the following for each primary election or general election for state and county officers:

(1) the lists provided by each political party under Section 85.009;

(2) the lists provided by each political party under Section 87.002(c);

and

(3) the implementation of Subchapters A, B, C, and D, Chapter 87.

(b) A county election officer of each county shall deliver written notice of the time and place of the meeting required by Subsection (a) not later than 72 hours before the meeting date to the county chair of each political party that made nominations by primary election for the general election for state and county officers preceding the date of the meeting.

(c) The notice required by Subsection (b) may be delivered by United States mail, electronic mail, or other method of written communication, as determined by the county election officer.

SECTION 2. This Act takes effect immediately if it 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 Act takes effect September 1, 2011.

HB 34 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Branch called up with senate amendments for consideration at this time,

HB 34, A bill to be entitled An Act relating to including in the public high school curriculum instruction in methods of paying for postsecondary education and training.

Representative Branch moved to concur in the senate amendments to **HB 34**.

The motion to concur in the senate amendments to **HB 34** prevailed by (Record 1180): 140 Yeas, 0 Nays, 3 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; 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; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; 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, S.;

Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; 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; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Dukes; Hilderbran; Johnson; King, S.; Miller, D.; Villarreal.

Absent — Paxton.

STATEMENT OF VOTE

When Record No. 1180 was taken, I was temporarily out of the house chamber. I would have voted yes.

Paxton

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 34** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 28.0021(b), Education Code (page 1, line 32), immediately following "section.", insert the following:

Each district and each open-enrollment charter school that offers a high school program shall ensure that a district or charter school student enrolled at an institution of higher education in a dual credit course meeting the requirements for an economics credit under Section 28.025 receives the instruction described under this subsection.

(2) In SECTION 1 of the bill, in added Section 28.0021(c), Education Code (page 1, line 44), between "Subsection (b)" and the period, insert "and shall ensure that the instruction described under this subsection is provided to a district or charter school student enrolled at an institution of higher education in a dual credit course meeting the requirements for an economics credit".

HB 1555 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Thompson submitted the following conference committee report on **HB 1555**:

Austin, Texas, May 16, 2011

The Honorable David Dewhurst
President of the Senate

The Honorable Joe Straus
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 1555** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Ellis	Thompson
Huffman	Allen
Patrick	Eissler
Shapiro	Hartnett
Whitmire	Hochberg
On the part of the senate	On the part of the house

HB 1555, A bill to be entitled An Act relating to the first day of instruction in certain school districts that provide additional days of instruction financed with local funds.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 25.0811(a), Education Code, is amended to read as follows:

(a) Except as provided by this section, a [A] school district may not begin instruction for students for a school year before the fourth Monday in August. A school district may:

(1) begin instruction for students for a school year before the fourth Monday in August if [unless] the district operates a year-round system under Section 25.084; or

(2) begin instruction for students for a school year on or after the first Monday in August at a campus or at not more than 20 percent of the campuses in the district if:

(A) the district has a student enrollment of 190,000 or more;

(B) the district at the beginning of the school year provides, financed with local funds, days of instruction for students at the campus or at each of the multiple campuses, in addition to the minimum number of days of instruction required under Section 25.081;

(C) the campus or each of the multiple campuses are undergoing comprehensive reform, as determined by the board of trustees of the district; and

(D) a majority of the students at the campus or at each of the multiple campuses are educationally disadvantaged.

SECTION 2. This Act takes effect immediately if it 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 Act takes effect September 1, 2011.

Representative Thompson moved to adopt the conference committee report on **HB 1555**.

The motion to adopt the conference committee report on **HB 1555** prevailed by (Record 1181): 140 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; 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; 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; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; 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, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; 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; Truitt; Turner; Veasey; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Dukes; Hilderbran; Johnson; King, S.; Miller, D.; Villarreal.

Absent — Paxton; Torres.

STATEMENTS OF VOTE

When Record No. 1181 was taken, I was temporarily out of the house chamber. I would have voted yes.

Paxton

When Record No. 1181 was taken, I was temporarily out of the house chamber. I would have voted yes.

Torres

I was shown voting yes on Record No. 1181. I intended to vote no.

Zedler

SB 321 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED

On motion of Representative Kleinschmidt, the house granted the request of the senate for the appointment of a Conference Committee on **SB 321**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 321**: Kleinschmidt, chair; Fletcher, Geren, Guillen, and Hardcastle.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today to attend a committee meeting:

Gooden on motion of Burnam.

SB 602 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED

On motion of Representative Marquez, the house granted the request of the senate for the appointment of a Conference Committee on **SB 602**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 602**: Marquez, chair; Brown, S. Davis, Gallego, and Solomons.

HB 275 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS

Representative Pitts called up with senate amendments for consideration at this time,

HB 275, A bill to be entitled An Act relating to making an appropriation of money from the economic stabilization fund for expenditure during the current state fiscal biennium.

Representative Pitts moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 275**.

The motion prevailed. (Guillen recorded voting no.)

HB 275 - MOTION TO INSTRUCT CONFEREES

Representative Walle moved to instruct the Conference Committee on **HB 275** to adhere to the house language in Section 1(a), which stipulates the amount of \$3.9 million is appropriated from the economic stabilization fund to the comptroller of public accounts for the purpose of depositing that amount to the credit of the general revenue fund as money available to use during the state fiscal year ending August 31, 2011, to make expenditures previously authorized by appropriations from general revenue for the state fiscal biennium ending August 31, 2011.

The motion to instruct conferees was lost by (Record 1182): 44 Yeas, 92 Nays, 2 Present, not voting.

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

Nays — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hopson; Howard, C.; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; 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.

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

Absent, Excused — Dukes; Gooden; Hilderbran; Johnson; King, S.; Miller, D.; Villarreal.

Absent — Christian; Coleman; Farias; Huberty; Paxton.

STATEMENTS OF VOTE

When Record No. 1182 was taken, I was temporarily out of the house chamber. I would have voted no.

Christian

When Record No. 1182 was taken, I was in the house but away from my desk. I would have voted no.

Huberty

When Record No. 1182 was taken, I was temporarily out of the house chamber. I would have voted no.

Paxton

HB 275 - CONFERENCE COMMITTEE APPOINTED

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 275**: Pitts, chair; Aycock, Darby, Giddings, and Morrison.

FIVE-DAY POSTING RULE SUSPENDED

Representative Jackson moved to suspend the five-day posting rule to allow the Committee on Judiciary and Civil Jurisprudence to consider **SB 1417**, **SB 1807**, and pending business at 8:30 a.m. tomorrow in E2.010.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Judiciary and Civil Jurisprudence, 8:30 a.m. tomorrow, E2.010, for a public hearing, to consider **SB 1417**, **SB 1807**, and pending business.

SB 647 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED

On motion of Representative L. Taylor, the house granted the request of the senate for the appointment of a Conference Committee on **SB 647**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 647**: L. Taylor, chair; R. Anderson, Hancock, Smithee, and Vo.

(Phillips in the chair)

**HB 3726 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

Representative Guillen called up with senate amendments for consideration at this time,

HB 3726, A bill to be entitled An Act relating to the private entity granted care and custody of the Alamo.

Representative Guillen moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 3726**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 3726**: Guillen, chair; Larson, Price, Deshotel, and Kuempel.

**SB 316 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Gallego, the house granted the request of the senate for the appointment of a Conference Committee on **SB 316**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 316**: Gallego, chair; Rodriguez, Christian, Woolley, and Hartnett.

PROVIDING FOR RECESS

Representative Otto moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house recess until 9:30 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. 3.)

(V. Taylor in the chair)

RECESS

In accordance with a previous motion, the house, at 8:34 p.m., recessed until 9:30 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. 3

HR 2000 (By Bohac), Congratulating Glad Tidings Assembly of God Church in Houston on its 75th anniversary.

To Rules and Resolutions.

HR 2001 (By Bohac), In memory of Madeline Cleveland Harris of Houston.

To Rules and Resolutions.

HR 2002 (By Bohac), In memory of Olga R. Gomez of Houston.

To Rules and Resolutions.

HR 2003 (By Bohac), Congratulating Austin Leighton of Houston on achieving the rank of Eagle Scout.

To Rules and Resolutions.

HR 2004 (By Bohac), In memory of Frank Woodruff Buckles, the last American veteran of World War I.

To Rules and Resolutions.

HR 2005 (By Bohac), In memory of Jean R. Ols of Houston.

To Rules and Resolutions.

HR 2006 (By Bohac), Recognizing the Clayton Library Center for Genealogical Research in Houston as a valuable community and state asset.

To Rules and Resolutions.

HR 2007 (By Bohac), In memory of Camilo R. Gomez of Houston.

To Rules and Resolutions.

HR 2008 (By Bohac), In memory of Clara F. Santikos of Houston.

To Rules and Resolutions.

HR 2009 (By Bohac), In memory of native Texan Edd Kellum Hendee.

To Rules and Resolutions.

HR 2010 (By Bohac), In memory of Louvelle Chafin of Houston.

To Rules and Resolutions.

HR 2011 (By Bohac), In memory of Evelyn Petersen Cernik of Houston.

To Rules and Resolutions.

HR 2012 (By Bohac), In memory of Charles Henry Kadleck of Houston.

To Rules and Resolutions.

HR 2013 (By Bohac), In memory of Diana Lynn Psencik of Houston.

To Rules and Resolutions.

HR 2014 (By Bohac), In memory of Charles Edward Grubbs of Willis.

To Rules and Resolutions.

HR 2015 (By Bohac), Congratulating Janice Gabriel on being named the 2010 Northwest Houston Leader of the Year.

To Rules and Resolutions.

HR 2016 (By Bohac), In memory of Gladys Johnson Glenn.
To Rules and Resolutions.

HR 2017 (By Bohac), In memory of Clymer Lewis Wright, Jr., of Houston.
To Rules and Resolutions.

HR 2018 (By Hernandez Luna), Commemorating the rededication of a Texas Centennial Marker at the Lorenzo de Zavala homesite in Harris County.
To Rules and Resolutions.

HR 2019 (By V. Gonzales), Congratulating Cynthia Leon of Mission on her swearing in as a Texas Department of Public Safety commissioner.
To Rules and Resolutions.

HR 2021 (By Schwertner), Commemorating the Hill Country Shoot-Out Barbeque.
To Rules and Resolutions.

HR 2022 (By Dutton), Congratulating Sharon Nowling Perry on the occasion of her retirement as a teacher at Port Houston Elementary School.
To Rules and Resolutions.

HR 2023 (By Dutton), Congratulating Michael W. Ashley of Houston on his induction into the Prairie View Interscholastic League Coaches Association Hall of Fame.
To Rules and Resolutions.

HR 2024 (By Dutton), In memory of Marjorie Banks Ammons of Houston.
To Rules and Resolutions.

HR 2025 (By Dutton), Honoring Georgia Provost of Houston for her achievements and contributions to the community.
To Rules and Resolutions.

HR 2026 (By Solomons), In memory of U.S. Army Staff Sergeant Carlos Alonzo Benitez of Carrollton.
To Rules and Resolutions.

HR 2027 (By Anchia), Congratulating Carina Nicole Ramirez on her graduation from The University of Texas at Austin.
To Rules and Resolutions.

HR 2028 (By Anchia), In memory of Anthony A. Hernandez of Dallas.
To Rules and Resolutions.

HR 2029 (By Anchia), In memory of Joel M. Lebovitz of Dallas.
To Rules and Resolutions.

HR 2030 (By Alonzo), Commemorating the 36th annual convention of the Hispanic National Bar Association and honoring the event's host, the Dallas Hispanic Bar Association.
To Rules and Resolutions.

HR 2032 (By Kuempel), In memory of renowned industrialist and philanthropist Marvin Selig.
To Rules and Resolutions.

HR 2033 (By Hilderbran), Congratulating George and Mary Virginia Holekamp of Kerrville on their 60th wedding anniversary.
To Rules and Resolutions.

HR 2034 (By Button), Honoring Barbara Powers on earning the Silver Beaver Award from the Circle Ten Council of the Boy Scouts of America.
To Rules and Resolutions.

HR 2035 (By Button), Honoring Thomas Cooper on earning the Silver Beaver Award from the Circle Ten Council of the Boy Scouts of America.
To Rules and Resolutions.

HR 2036 (By Paxton), Congratulating Wester Middle School in Frisco on being named a School to Watch by the Texas Middle School Association.
To Rules and Resolutions.

HR 2037 (By Landtroop), Congratulating David Villarreal-Landtroop of Plainview Christian High School on winning a bronze medal at the 2011 TAPPS State Track and Field Championships.
To Rules and Resolutions.

HR 2038 (By Workman), Recognizing the 2011 Austin Kidney Walk.
To Rules and Resolutions.

HR 2039 (By Isaac), Honoring Miss Mae's Bar-B-Que in Wimberley on its participation in "Bar-B-Quesday" during the 82nd Legislative Session.
To Rules and Resolutions.

HR 2040 (By Isaac), Commemorating the inaugural Memorial Hermann Ironman Texas competition, taking place in The Woodlands on May 21, 2011.
To Rules and Resolutions.

HR 2041 (By Isaac), Honoring Railroad Bar-B-Que on its participation in "Bar-B-Quesday" during the 82nd Legislative Session.
To Rules and Resolutions.

HR 2042 (By Madden), In memory of Diane Price of Richardson.
To Rules and Resolutions.

HR 2043 (By Bohac), Congratulating Lindsay Ann Smith and Bradley Allen Pepper on their engagement.
To Rules and Resolutions.

HR 2044 (By Hunter), In memory of former Aransas County sheriff Bob Hewes of Fulton.
To Rules and Resolutions.

HR 2046 (By Naishtat), Honoring Robert Nunez for his service as a legislative intern.
To Rules and Resolutions.

HR 2047 (By Naishtat), Honoring Clay Scallan for her service as a legislative intern.
To Rules and Resolutions.

HR 2048 (By Naishtat), Commending Eric Leventhal for his service as an intern in the office of State Representative Elliott Naishtat.
To Rules and Resolutions.

HR 2049 (By Naishtat), Honoring Jessica Hoy for her outstanding service as a legislative aide.
To Rules and Resolutions.

HR 2050 (By Naishtat), Honoring Melanie Wilmoth for her outstanding service as a legislative aide.
To Rules and Resolutions.

HR 2052 (By Orr), Commemorating the 150th anniversary of the founding of the Meridian Blue Lodge Freemasons.
To Rules and Resolutions.

HR 2053 (By Carter), Recognizing the members of the Richardson Independent School District board of trustees for their service.
To Rules and Resolutions.

HR 2054 (By Carter), Congratulating Kimberly Locus on the occasion of her retirement as executive director of the Dallas County Republican Party.

To Rules and Resolutions.

HR 2055 (By Y. Davis), Congratulating Ruth Wyrick on earning an honorary doctor of humane letters degree from Southwestern Christian College.

To Rules and Resolutions.

HR 2056 (By Reynolds), Honoring Missouri City mayor pro tem Brett Kolaja for his public service.

To Rules and Resolutions.

HR 2057 (By Reynolds), Commemorating the 2011 Sugar Land Memorial Day ceremony.

To Rules and Resolutions.

HR 2058 (By Reynolds), Commemorating the 2011 Fort Bend Salutes America Memorial Day event.

To Rules and Resolutions.

HR 2059 (By Naishtat), Honoring CommUnityCare, The University of Texas at Austin School of Nursing, and Central Health for creating a family nurse practitioner residency program.

To Rules and Resolutions.

HR 2060 (By Anchia), Honoring The University of Texas Southwestern Medical Center at Dallas for its contributions in research, education, and health care.

To Rules and Resolutions.

HR 2061 (By Martinez Fischer), Honoring Tyler Ingraham of San Antonio for his participation in the 2011 Moreno/Rangel Legislative Leadership Program.

To Rules and Resolutions.

HR 2062 (By Martinez Fischer), Honoring Irma Aguirre of Mission for her participation in the 2011 Moreno/Rangel Legislative Leadership Program.

To Rules and Resolutions.

HR 2063 (By Madden), Honoring the Dallas County Community Supervision and Corrections Department on the occasion of Probation, Parole, and Community Supervision Week.

To Rules and Resolutions.

HR 2064 (By Madden), Congratulating Detective Steve Boyd on being named the 2010 Officer of the Year by the Plano Police Department.

To Rules and Resolutions.

HR 2065 (By Madden), Honoring Chief Gregory W. Rushin for his 25 years of service to the Plano Police Department.

To Rules and Resolutions.

HR 2066 (By Quintanilla), In memory of Matilde Apodaca of Socorro.

To Rules and Resolutions.

HR 2068 (By Harper-Brown), Commemorating the dedication of a historical marker at the Heritage Park depot and honoring the Irving Heritage Society on their work.

To Rules and Resolutions.

HR 2069 (By Thompson), Commending Mark Harris for his service on the board of the Texas Nursery & Landscape Association.

To Rules and Resolutions.

HR 2070 (By Muñoz), Congratulating Victoria Johnson on her selection as the 2011 Mission Consolidated Independent School District Secondary Teacher of the Year.

To Rules and Resolutions.

HR 2071 (By Muñoz), Honoring Christopher Madrid for his participation in the 2011 Moreno/Rangel Legislative Leadership Program.

To Rules and Resolutions.

HR 2072 (By Muñoz), Honoring Mario and Carlos Bracamontes for creating the Toros rugby program in Pharr.

To Rules and Resolutions.

HR 2073 (By Muñoz), Congratulating Melissa Garza on her selection as the 2011 Mission Consolidated Independent School District Elementary Teacher of the Year.

To Rules and Resolutions.

HR 2074 (By Parker), Honoring Texas Health Presbyterian Hospital in Flower Mound on the occasion of its first anniversary.

To Rules and Resolutions.

HR 2075 (By Parker), Congratulating the Flower Mound Police Department on receiving advanced law enforcement accreditation from the Commission on Accreditation for Law Enforcement Agencies.

To Rules and Resolutions.

HR 2076 (By Hilderbran), In memory of Barbara Esgen Stieren of San Antonio.

To Rules and Resolutions.

HR 2077 (By Orr), In memory of U.S. Army Staff Sergeant Bryan Burgess of Cleburne.

To Rules and Resolutions.

HR 2078 (By Madden), Congratulating Officer Scott Kermes on being named the 2009 Officer of the Year by the Plano Police Department.

To Rules and Resolutions.

HR 2079 (By Madden), Honoring Jay Dalehite for his achievements as president of the Canyon Creek Homeowners Association in Richardson.

To Rules and Resolutions.

HR 2080 (By Ritter), Recognizing Transforming Texas Waterfronts.

To Rules and Resolutions.

HR 2081 (By S. King), Honoring Andy Cleveland on her retirement from the Abilene Independent School District.

To Rules and Resolutions.

HR 2082 (By D. Miller), Congratulating Wyman Meinzer on his induction into the Frontier Times Museum Texas Heroes Hall of Honor.

To Rules and Resolutions.

HR 2083 (By D. Miller), Congratulating Louis M. Pearce, Jr., on his induction into the Frontier Times Museum Texas Heroes Hall of Honor.

To Rules and Resolutions.

HR 2084 (By D. Miller), Congratulating Scooter Fries on his induction into the Frontier Times Museum Texas Heroes Hall of Honor.

To Rules and Resolutions.

HR 2085 (By D. Miller), Congratulating Kinky Friedman on his induction into the Frontier Times Museum Texas Heroes Hall of Honor.

To Rules and Resolutions.

HR 2086 (By D. Miller), Commemorating the posthumous induction of Toots Mansfield into the Frontier Times Museum Texas Heroes Hall of Honor.
To Rules and Resolutions.

HR 2087 (By D. Miller), Congratulating the 2011 inductees of the Frontier Times Museum Texas Heroes Hall of Honor in Bandera.
To Rules and Resolutions.

HR 2088 (By Branch), Congratulating Randall Stephenson, chair and CEO of AT&T, on receiving the 2011 H. Neil Mallon Award.
To Rules and Resolutions.

HR 2089 (By Guillen), Congratulating Lizbeth Martinez on her selection as the 2010-2011 U.S. Border Patrol Youth of the Year.
To Rules and Resolutions.

HR 2090 (By Lozano), Honoring Jose Antonio Ramirez for his participation in the 2011 Moreno/Rangel Legislative Leadership Program.
To Rules and Resolutions.

HR 2091 (By Madden), In memory of Rhonda H. Picon of Plano.
To Rules and Resolutions.

SB 774 to Higher Education.

SB 824 to Economic and Small Business Development.

SB 1920 to Natural Resources.

SB 1928 to House Administration.

SCR 51 to House Administration.

SCR 56 to Rules and Resolutions.

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

SB 34 to Defense and Veterans' Affairs.

MESSAGES FROM THE SENATE

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

Message No. 2

MESSAGE FROM THE SENATE SENATE CHAMBER

Austin, Texas
Thursday, May 19, 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 8, Darby SPONSOR: Harris
Relating to prohibiting certain private transfer fees and the preservation of private real property rights; providing penalties.
(Committee Substitute)

HB 260, Hilderbran SPONSOR: Patrick
Relating to the prosecution and punishment of unlawful transport of a person.

(Amended)

HB 962 Hartnett SPONSOR: Rodriguez
Relating to rules regarding return of service.

HB 1774 Taylor, Larry SPONSOR: Huffman
Relating to the continuation and functions of the office of injured employee
counsel under the workers' compensation program.

HB 2189 Elkins SPONSOR: Deuell
Relating to the regulation of handfishing.

HB 2605 Taylor, Larry SPONSOR: Huffman
Relating to the continuation and functions of the division of workers'
compensation of the Texas Department of Insurance.
(Committee Substitute/Amended)

SB 1920 Gallegos
Relating to the powers of the Coastal Water Authority; affecting the authority to
issue bonds.

SCR 56 Fraser
Honoring John Cowan on the occasion of his retirement from the Texas
Association of Dairyemen.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Thursday, May 19, 2011 - 3

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the
following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 92 Cook SPONSOR: Estes
Relating to the regulation of slaughterers by certain counties.
(Amended)

HB 109 Brown SPONSOR: Ogden
Relating to the temporary lowering of prima facie speed limits at a vehicular
accident reconstruction site.
(Committee Substitute)

HB 268 Hilderbran SPONSOR: Seliger
Relating to the exemption from sales and use taxes, including the motor vehicle
sales and use tax, for timber and certain items used in or on a farm, ranch, timber
operation, or agricultural aircraft operation.
(Committee Substitute/Amended)

HB 378 Guillen SPONSOR: Williams
Relating to stationary tow trucks on a highway; providing a penalty.
(Committee Substitute)

HB 447 Menendez SPONSOR: Uresti
Relating to the powers of a defense base development authority.
(Committee Substitute)

HB 970 Gonzales, Larry SPONSOR: Ogden
Relating to the use of municipal hotel occupancy tax revenue to enhance and upgrade coliseums and multiuse facilities in certain municipalities.
(Committee Substitute)

HB 1615 Brown SPONSOR: Ogden
Relating to the administering of medications to children in certain facilities; providing criminal penalties.
(Committee Substitute)

HB 1841 Hartnett SPONSOR: Carona
Relating to the taxability of Internet hosting.

HB 2203 Otto SPONSOR: Williams
Relating to the pilot program authorizing a property owner to appeal to the State Office of Administrative Hearings certain appraisal review board determinations.

HB 2499 Cook SPONSOR: Nichols
Relating to the continuation and functions of the Department of Information Resources and the transfer of certain department functions to the comptroller of public accounts.
(Committee Substitute/Amended)

HB 2725 Hartnett SPONSOR: Williams
Relating to the determination of incompetency in criminal cases.
(Committee Substitute/Amended)

HB 2904 Zerwas SPONSOR: Zaffirini
Relating to the administration of the Glenda Dawson Donate Life-Texas Registry.
(Committee Substitute)

HB 3134 Crownover SPONSOR: Duncan
Relating to the plugging of inactive oil and gas wells.
(Committee Substitute)

HB 3272 Burnam SPONSOR: Deuell
Relating to the low-income vehicle repair assistance, retrofit, and accelerated vehicle retirement program.

HCR 18 Creighton SPONSOR: Shapiro
Urging Congress to propose and submit to the states an amendment to the United States Constitution providing for a federal balanced budget.

HCR 164 Smithee SPONSOR: Seliger
Honoring Jean Hilfiger of Saint-Nabord, France, for his courageous actions in assisting U.S. military forces in France during World War II.

SB 1927 Zaffirini
Relating to the authority of certain volunteer firefighter and emergency services organizations to hold tax-free sales or auctions.

Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

May 18

Agriculture and Livestock - **SB 89**

Border and Intergovernmental Affairs - **SB 1649**
 Criminal Jurisprudence - **SB 158, SB 159, SB 1308, SB 1551**
 Defense and Veterans' Affairs - **SB 966, SB 1796**
 Energy Resources - **SB 105, SB 924, SB 1434**
 Higher Education - **SB 1799, SJR 50**
 Human Services - **SB 218, SB 1178**
 Judiciary and Civil Jurisprudence - **HCR 141, SB 1717**
 Licensing and Administrative Procedures - **SB 266, SB 438, SB 626, SB 799, SB 867, SB 1342**
 Pensions, Investments, and Financial Services - **SB 371, SB 1285, SB 1286**
 Public Education - **SB 738, SB 1872**
 Public Health - **SB 7, SB 901**
 Redistricting - **SB 31**
 State Affairs - **HCR 158, SB 773, SB 781, SB 898, SB 1133, SB 1613**
 Transportation - **SB 1330, SB 1611**
 Urban Affairs - **SB 649, SB 1234**
 Ways and Means - **SB 762, SB 916**

ENROLLED

May 18 - **HB 27, HB 35, HB 118, HB 184, HB 266, HB 315, HB 434, HB 460, HB 479, HB 563, HB 625, HB 650, HB 679, HB 699, HB 716, HB 726, HB 843, HB 848, HB 885, HB 908, HB 988, HB 989, HB 993, HB 1028, HB 1061, HB 1106, HB 1130, HB 1174, HB 1263, HB 1344, HB 1380, HB 1390, HB 1405, HB 1449, HB 1488, HB 1503, HB 1545, HB 1566, HB 1567, HB 1570, HB 1674, HB 1779, HB 1829, HB 1861, HB 1862, HB 1869, HB 1956, HB 2033, HB 2035, HB 2144, HB 2229, HB 2251, HB 2271, HB 2351, HB 2360, HB 2376, HB 2495, HB 2615, HB 2631, HB 2670, HB 2699, HB 2866, HB 2920, HB 2935, HB 3004, HB 3141, HB 3255, HB 3389, HB 3487, HB 3570, HB 3847, HCR 33, HCR 69, HCR 100, HCR 143**

SENT TO THE GOVERNOR

May 18 - **HB 11, HB 205, HB 328, HB 734, HB 965, HB 1064, HB 1254, HB 1300, HB 1450, HB 1789, HB 1889, HB 1901, HB 1936, HB 1952, HB 1953, HB 2002, HB 2067, HB 2131, HB 2403, HB 2468, HB 2503, HB 2831, HB 2936, HCR 127, HCR 135, HCR 154, HCR 155, HCR 161**

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

EIGHTIETH DAY (CONTINUED) — FRIDAY, MAY 20, 2011

The house met at 9:30 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 1183).

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

CAPITOL PHYSICIAN

The speaker recognized Representative Truitt who presented Dr. Erica Swegler of Keller as the "Doctor for the Day."

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

(Cain in the chair)

HR 655 - PREVIOUSLY ADOPTED (by T. King)

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

HR 655, In memory of former Dilley Chief of Police Santos Martinez.

On motion of Representative Woolley, the names of all the members of the house were added to **HR 655** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative T. King who introduced family members of Santos Martinez.

The invocation was offered by Representative Weber.

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. 33).

HR 1965 - ADOPTED

(by Menendez)

Representative Menendez moved to suspend all necessary rules to take up and consider at this time **HR 1965**.

The motion prevailed.

The following resolution was laid before the house:

HR 1965, Congratulating Eric Cooper, president and CEO of the San Antonio Food Bank, on his selection as the 2011 Executive Director of the Year by Feeding America.

HR 1965 was read and was adopted.

On motion of Representative Garza, the names of all the members of the house were added to **HR 1965** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Menendez who introduced Eric Cooper, his wife, Erinn, and Steve Koenig.

HR 2040 - ADOPTED

(by Isaac)

Representative Isaac moved to suspend all necessary rules to take up and consider at this time **HR 2040**.

The motion prevailed.

The following resolution was laid before the house:

HR 2040, Commemorating the inaugural Memorial Hermann Ironman Texas competition, taking place in The Woodlands on May 21, 2011.

HR 2040 was adopted.

(Speaker pro tempore in the chair)

HR 512 - PREVIOUSLY ADOPTED
(by Phillips, Strama, Gallego, and Dukes)

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

HR 512, In memory of Donato P. Rodriguez, Jr.

On motion of Representatives Dukes and Gallego, the names of all the members of the house were added to **HR 512** as signers thereof.

HR 512 - REMARKS

REPRESENTATIVE PHILLIPS: I appreciate the opportunity to bring this memorial resolution for a great Texan who, as we often hear, not only talked the talk but he walked the walk. He had an esteemed career with the Texas Education Agency making sure that all of us had a bright future in education no matter the color of our skin or our sex. He made sure that we were compliant with federal laws and made sure that all children were treated the same. I appreciate the opportunity to bring this and want to recognize, before I move passage, his wife, Teresita, his daughter, Linda, and his son, Donato, and his daughter-in-law, Dana Rodriguez. They are up in the gallery—if ya'll would stand—and his grandson, who is an Eagle Scout. Thanks for coming to let us honor your husband, Donato. He was a fine man and we appreciate his service to Texas. I'm joined today by Dawwna Dukes who knew the Rodriguezes, knew Donato, and Representative Gallego who is from Del Rio where the roots of Donato came from. Thanks for coming today and thanks for letting me bring this. And Representative Roberto Alonzo, with me and Representative Strama, who ya'll saw had a little helper today, and I think the helper took him somewhere, so thanks for letting us honor Donato.

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):

HCR 158 (by Hartnett, Sheets, Aliseda, Riddle, Anchia, et al.), Urging the federal government to grant a conditional green card to certain noncitizens to allow them to enlist in the United States armed forces and urging the federal government to award citizenship to these immigrants upon the completion of four years of honorable military service.

SB 36 was deferred until the end of today's local, consent, and resolutions calendar.

SB 41 (J. Davis - House Sponsor), A bill to be entitled An Act relating to the use of restraints in state supported living centers. (Aycock, S. Davis, Geren, S. King, Kolkhorst, and Kuempel recorded voting no.)

SB 58 (Raymond, Guillen, and Lozano - House Sponsors), A bill to be entitled An Act relating to the designation of segments of State Highway 359, State Highway 16, and State Highway 285 as the Veterans of the Korean War Memorial Highway.

CSSB 71 (Raymond - House Sponsor), A bill to be entitled An Act relating to certain reports submitted and analyses conducted regarding health and human services.

SB 74 (Branch - House Sponsor), A bill to be entitled An Act relating to the disposition of surplus or salvage data processing equipment of a university system or an institution or agency of higher education.

CSSB 78 (Laubenberg - House Sponsor), A bill to be entitled An Act relating to adverse licensing, listing, or registration decisions by certain health and human services agencies.

SB 80 (S. King - House Sponsor), A bill to be entitled An Act relating to public health laboratories administered by the Department of State Health Services.

SB 122 (Gallego, Hartnett, Y. Davis, Zedler, and Rodriguez - House Sponsors), A bill to be entitled An Act relating to postconviction forensic DNA analysis. (Aycock, Geren, Kolkhorst, and Kuempel recorded voting no.)

SB 131 (Kuempel - House Sponsor), A bill to be entitled An Act relating to cemeteries in certain municipalities.

SB 144 was withdrawn.

SB 155 (Zerwas - House Sponsor), A bill to be entitled An Act relating to the eligibility of certain school district employees to participate or be enrolled in certain group health benefit programs.

CSSB 176 (Branch - House Sponsor), A bill to be entitled An Act relating to student eligibility for tuition rebates offered by general academic teaching institutions:

CSSB 209 (Walle - House Sponsor), A bill to be entitled An Act relating to juvenile case managers. (Phillips recorded voting no.)

SB 219 (Gonzalez - House Sponsor), A bill to be entitled An Act relating to health and mental health services for children in foster care and kinship care.

CSSB 221 (Gonzalez - House Sponsor), A bill to be entitled An Act relating to the Department of Family and Protective Services, including protective services and investigations of alleged abuse, neglect, or exploitation for certain adults who are elderly or disabled; providing a criminal penalty. (Aycock, Geren, Kolkhorst, and Kuempel recorded voting no.)

Amendment No. 1

Representative Gonzalez offered the following amendment to **CSSB 221**:

Amend **CSSB 221** (house committee printing) as follows:

(1) In SECTION 2 of the bill, strike amended Section 411.114(a)(2)(I)(i), Government Code (page 4, line 26, through page 5, line 8), and substitute the following:

(i) the report alleges the person has engaged in conduct that meets the applicable ~~[statutory]~~ definition of abuse, neglect, or exploitation under Chapter 261, Family Code, or Chapter 48, Human Resources Code; and

(2) In SECTION 6 of the bill, in proposed Section 48.002(c), Human Resources Code (page 13, line 9), between "chapter" and the underlined period, insert "or Chapter 142, Health and Safety Code".

Amendment No. 1 was adopted.

CSSB 222 (Raymond - House Sponsor), A bill to be entitled An Act relating to access to certain long-term care services and supports under the medical assistance program. (Aycock, S. Davis, Geren, Kolkhorst, Kuempel, Landtroop, and Perry recorded voting no.)

SB 246 (Harper-Brown - House Sponsor), A bill to be entitled An Act relating to toll collection services provided by a regional tollway authority.

SB 247 (Hochberg - House Sponsor), A bill to be entitled An Act relating to the authority of the Texas Holocaust and Genocide Commission to participate in the establishment and operation of an affiliated nonprofit organization and provide grants.

SB 256 (S. King - House Sponsor), A bill to be entitled An Act relating to requiring a private autopsy facility to post a notice for filing a complaint against a physician; providing a penalty.

SB 258 (Zerwas - House Sponsor), A bill to be entitled An Act relating to the pledge of allegiance to the state flag during a state flag retirement ceremony.

CSSB 263 (Kolkhorst - House Sponsor), A bill to be entitled An Act relating to the revocation or suspension of the license of a physician placed on deferred adjudication community supervision or arrested for certain offenses.

SB 264 (Guillen - House Sponsor), A bill to be entitled An Act relating to certain information provided by local workforce development boards regarding certain child-care providers. (White and Zedler recorded voting no.)

SB 303 was deferred until the end of today's local, consent, and resolutions calendar.

SB 304 (Creighton - House Sponsor), A bill to be entitled An Act relating to employment services programs for certain residents receiving services from public hospitals or hospital districts.

SB 310 (Smithee - House Sponsor), A bill to be entitled An Act relating to the Dallam-Hartley Counties Hospital District.

SB 311 (Chisum - House Sponsor), A bill to be entitled An Act relating to the authority of the board of directors of the Ochiltree County Hospital District to employ physicians and other health care providers. (Shelton recorded voting no.)

SB 315 (Madden - House Sponsor), A bill to be entitled An Act relating to the agencies and entities responsible for compiling and maintaining information pertaining to criminal combinations and criminal street gangs.

SB 335 (Eiland - House Sponsor), A bill to be entitled An Act relating to an exemption from regulation as health spas for certain governmental hospitals and clinics.

CSSB 349 (Hopson - House Sponsor), A bill to be entitled An Act relating to the hotel occupancy tax rate in certain municipalities. (Aycock, Berman, Cain, S. Davis, Flynn, Geren, Kolkhorst, Kuempel, Laubenberg, Sheets, Simpson, White, and Zedler recorded voting no; Sheffield recorded voting present, not voting.)

SB 387 (Eiland - House Sponsor), A bill to be entitled An Act relating to the sale and consumption in this state of raw oysters harvested from Texas waters.

SB 400 (Hopson - House Sponsor), A bill to be entitled An Act relating to the entities eligible to make purchases using the cooperative purchasing program administered by the comptroller.

SB 402 (Oliveira - House Sponsor), A bill to be entitled An Act relating to community land trusts. (Landtroop, Perry, and Simpson recorded voting no.)

CSSB 408 (Keffer - House Sponsor), A bill to be entitled An Act relating to inspection of and the operation of watercraft on the John Graves Scenic Riverway; providing for the imposition of a criminal penalty. (White recorded voting no.)

SB 419 (Patrick - House Sponsor), A bill to be entitled An Act relating to prohibiting state funding to public junior colleges for physical education courses offered for joint high school and junior college credit.

SB 431 (W. Smith - House Sponsor), A bill to be entitled An Act relating to the use of fraudulent or fictitious military records; creating an offense.

SB 432 (Bonnen - House Sponsor), A bill to be entitled An Act relating to the penalty for failure to make a timely installment payment of ad valorem taxes on property in a disaster area.

SB 436 (Naishtat - House Sponsor), A bill to be entitled An Act relating to the authority of a county to inspect day-care centers and group day-care homes. (White recorded voting no.)

SB 489 (S. King - House Sponsor), A bill to be entitled An Act relating to the Texas State Technical College System.

SB 494 (Craddick - House Sponsor), A bill to be entitled An Act relating to the authority of certain local governmental entities to borrow money for a public hospital.

SB 499 (Guillen - House Sponsor), A bill to be entitled An Act relating to the identification of breeder deer by microchips.

Representative Guillen moved to postpone consideration of **SB 499** until 8 a.m. Monday, May 23.

The motion prevailed.

CSSB 502 (Thompson - House Sponsor), A bill to be entitled An Act relating to determinations of paternity; creating an offense.

SB 512 (Creighton - House Sponsor), A bill to be entitled An Act relating to the qualification of supervisors of a fresh water supply district.

SB 514 (C. Anderson, Hughes, and Lozano - House Sponsors), A bill to be entitled An Act relating to the acquisition of land and facilities by the Texas State Technical College System.

SB 520 (Zerwas - House Sponsor), A bill to be entitled An Act relating to the creation, administration, powers, and duties of a county assistance district.

SB 540 (Gonzalez - House Sponsor), A bill to be entitled An Act relating to a study of the fiscal impact of adjusting the amount of the ad valorem tax exemption to which disabled veterans and the surviving spouses and children of disabled veterans and certain members of the armed forces are entitled.

SB 545 (Driver - House Sponsor), A bill to be entitled An Act relating to employment records for law enforcement officers, including procedures to correct employment termination reports; providing an administrative penalty.

SB 548 was withdrawn.

SB 558 (Chisum - House Sponsor), A bill to be entitled An Act relating to the Swisher Memorial Hospital District.

SB 563 was withdrawn.

SB 601 (Gonzalez - House Sponsor), A bill to be entitled An Act relating to the authority of the El Paso County Hospital District to employ and commission peace officers.

SB 629 (Isaac - House Sponsor), A bill to be entitled An Act relating to the Ranch at Clear Fork Creek Municipal Utility District No. 1; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

Amendment No. 1

Representative Isaac offered the following amendment to **SB 629**:

Amend **SB 629** (house committee printing) in SECTION 1 of the bill, at the end of added Section 8343.004, Special District Local Laws Code (page 2, line 6), by adding "Consent of the City of San Marcos is required for the inclusion in the district of the 203.47-acre tract described in Section 2 of the Act enacting this chapter."

Amendment No. 1 was adopted.

CSSB 736 (Dukes and Naishtat - House Sponsors), A bill to be entitled An Act relating to membership of local school health advisory councils. (S. King recorded voting no.)

CSSB 747 (Hamilton - House Sponsor), A bill to be entitled An Act relating to the professions regulated by the Texas Real Estate Commission.

Amendment No. 1

Representative Hamilton offered the following amendment to **CSSB 747**:

Amend **CSSB 747** (house committee report), as follows by adding the following, appropriately numbered sections:

SECTION ____. Subtitle A, Title 7, Occupations Code, is amended by adding Chapter 1105 to read as follows:

CHAPTER 1105. SELF-DIRECTED AND SEMI-INDEPENDENT STATUS
OF TEXAS REAL ESTATE COMMISSION

Sec. 1105.001. DEFINITIONS. In this section:

(1) "Agency" means the commission and the board.

(2) "Board" means the Texas Appraiser Licensing and Certification Board.

(3) "Commission" means the Texas Real Estate Commission.

Sec. 1105.002. SELF-DIRECTED AND SEMI-INDEPENDENT STATUS.

(a) Notwithstanding any other provision of law, the agency is self-directed and semi-independent as specified by this chapter. Any Act of the 82nd Legislature that relates to the agency and that is inconsistent with the agency being self-directed and semi-independent may be implemented by the administrator of the agency only on authorization by the agency.

(b) This chapter does not affect the board's status as an independent subdivision of the commission as provided by Section 1103.051.

Sec. 1105.003. BUDGET, REVENUES, AND EXPENSES.

(a) Notwithstanding any other provision of law, including the General Appropriations Act, the commission and the board shall each adopt a separate budget annually using generally accepted accounting principles.

(b) The commission shall be responsible for all direct and indirect costs of the commission's existence and operation. The board shall be responsible for all direct and indirect costs of the board's existence and operation. The agency may not directly or indirectly cause the general revenue fund to incur any cost.

(c) Notwithstanding any other provision of law, the commission and the board may each set the amounts of the respective fees, penalties, charges, and revenues required or permitted by statute or rule as necessary for the purpose of carrying out the separate functions of the commission and the board and funding the respective budgets of the commission and the board adopted and approved under Subsection (a).

(d) Except as provided by Subsection (e), all fees and funds collected by the commission or the board and any funds appropriated to the commission or the board shall be deposited in interest-bearing deposit accounts in the Texas Treasury Safekeeping Trust Company. The comptroller shall contract with the commission and the board for the maintenance of the deposit accounts under terms comparable to a contract between a commercial banking institution and the institution's customers.

(e) A fee collected under:

(1) Section 1101.153(b)(2) shall be deposited in Fund 0193 in the state treasury; and

(2) Section 1101.153(b)(3) shall be deposited in Fund 0001 in the state treasury.

(f) Not later than August 31 of each fiscal year, the agency shall remit \$450,000 to the general revenue fund.

(g) The fiscal year for the agency begins on September 1 and ends on August 31.

Sec. 1105.004. AUDITS. (a) This chapter does not affect the duty of the state auditor to audit the agency. The state auditor shall enter into a contract and schedule with the agency to conduct audits.

(b) Not later than August 31 of each fiscal year, the agency shall remit a nonrefundable retainer to the state auditor in an amount not less than \$10,000. The agency shall reimburse the state auditor for all costs incurred, in excess of the aggregate nonrefundable retainer amounts paid each fiscal year, in performing the audits and shall provide to the governor a copy of any audit performed.

Sec. 1105.005. RECORDS; REPORTING REQUIREMENTS. (a) The agency shall keep financial and statistical information as necessary to disclose completely and accurately the financial condition and results of operations of the agency.

(b) Before the beginning of each regular session of the legislature, the agency shall submit to the legislature and the governor a report describing all of the agency's activities in the previous biennium. The report must include:

(1) an audit as required by Section 1105.004;

(2) a financial report of the previous fiscal year, including reports on the financial condition and results of operations;

(3) a description of all changes in fees imposed on regulated persons;

(4) a report on changes in the regulatory jurisdiction of the agency; and

(5) a list of all new rules adopted or repealed.

(c) In addition to the reporting requirements of Subsection (b), not later than November 1 of each year, the agency shall submit to the governor, the committee of each house of the legislature that has jurisdiction over appropriations, and the Legislative Budget Board a report that contains:

(1) the salary for all agency personnel and the total amount of per diem expenses and travel expenses paid for all agency employees;

(2) the total amount of per diem expenses and travel expenses paid for each member of the agency;

(3) the agency's operating plan and the annual budgets of the commission and the board; and

(4) a detailed report of all revenue received and all expenses incurred by the agency in the previous 12 months.

Sec. 1105.006. ABILITY TO CONTRACT. (a) To carry out and promote the objectives of this chapter, the commission or board may enter into contracts and do all other acts incidental to those contracts that are necessary for the

administration of the commission's or board's respective affairs and for the attainment of the commission's or board's respective purposes, except as limited by Subsection (b).

(b) Any indebtedness, liability, or obligation of the commission or board incurred under this section may not:

(1) create a debt or other liability of this state or another entity other than the commission or board, as appropriate; or

(2) create any personal liability on the part of the members or employees of the agency.

Sec. 1105.007. PROPERTY. The commission or board may:

(1) acquire by purchase, lease, gift, or any other manner provided by law and maintain, use, and operate any real, personal, or mixed property, or any interest in property, necessary or convenient to the exercise of the respective powers, rights, privileges, or functions of the commission or board;

(2) sell or otherwise dispose of any real, personal, or mixed property, or any interest in property, that the commission or board, as appropriate, determines is not necessary or convenient to the exercise of the commission's or board's respective powers, rights, privileges, or functions;

(3) construct, extend, improve, maintain, and reconstruct, or cause to construct, extend, improve, maintain, and reconstruct, and use and operate all facilities necessary or convenient to the exercise of the respective powers, rights, privileges, or functions of the commission or board; and

(4) borrow money, as may be authorized from time to time by an affirmative vote of a two-thirds majority of the commission or board, as appropriate, for a period not to exceed five years if necessary or convenient to the exercise of the commission's or board's respective powers, rights, privileges, or functions.

Sec. 1105.008. SUITS. (a) The office of the attorney general shall represent the agency in any litigation.

(b) Not later than August 31 of each fiscal year, the agency shall remit a nonrefundable retainer to the office of the attorney general in an amount of not less than \$75,000. The nonrefundable retainer shall be applied to any services provided to the agency. If additional litigation services are required, the attorney general may assess and collect from the agency reasonable attorney's fees, in excess of the aggregate nonrefundable retainer amount paid each fiscal year, associated with any litigation under this section.

Sec. 1105.009. ADMINISTRATIVE HEARINGS. (a) Not later than August 31 of each fiscal year, the agency shall remit a nonrefundable retainer to the State Office of Administrative Hearings in an amount of not less than \$75,000 for hearings conducted by the State Office of Administrative Hearings under a law administered by the commission or the board.

(b) The nonrefundable retainer shall be applied to the costs associated with conducting the hearings. If additional costs are incurred, the State Office of Administrative Hearings may assess and collect from the agency reasonable fees, in excess of the aggregate nonrefundable retainer amount paid each fiscal year, associated with conducting the hearings.

Sec. 1105.010. POST-PARTICIPATION LIABILITY. (a) If the agency no longer has status under this chapter as a self-directed semi-independent agency for any reason, the agency shall be liable for any expenses or debts incurred by the agency during the time the agency was a self-directed semi-independent agency. This state is not liable for any expense or debt covered by this subsection, and money from the general revenue fund may not be used to repay the expense or debt.

(b) If the agency no longer has status under this chapter as a self-directed semi-independent agency for any reason, ownership of any property or other asset acquired by the agency during the time the agency was a self-directed semi-independent agency, including unexpended fees in a deposit account in the Texas Treasury Safekeeping Trust Company, shall be transferred to this state.

Sec. 1105.011. DUE PROCESS; OPEN GOVERNMENT. The commission and the board are governmental bodies for purposes of Chapters 551 and 552, Government Code. The agency is a state agency for purposes of Chapters 2001 and 2005, Government Code.

Sec. 1105.012. MEMBERSHIP IN EMPLOYEES RETIREMENT SYSTEM. Employees of the agency are members of the Employees Retirement System of Texas under Chapter 812, Government Code, and the agency's transition to independent status as provided by this chapter has no effect on their membership or any benefits under that system.

SECTION ____ . Section 1101.059(c), Occupations Code, is amended to read as follows:

(c) A person appointed to the commission is entitled to reimbursement~~[, as provided by the General Appropriations Act,]~~ for the travel expenses incurred in attending the training program regardless of whether the attendance at the program occurs before or after the person qualifies for office.

SECTION ____ . Section 1101.101(d), Occupations Code, is amended to read as follows:

(d) The commission shall determine the salaries of the administrator, officers, and employees of the commission. ~~[The amounts of the salaries may not exceed the amounts specified by the General Appropriations Act.]~~

SECTION ____ . Section 1103.103(b), Occupations Code, is repealed.

SECTION ____ . (a) To provide a reasonable period for the Texas Real Estate Commission to establish itself as a self-directed and semi-independent agency under Chapter 1105, Occupations Code, as added by this Act, the following amounts are appropriated out of the general revenue fund:

(1) for the state fiscal year ending August 31, 2012, an amount equal to 50 percent of the amount of general revenue appropriated to the agency for the state fiscal year ending August 31, 2011; and

(2) for the state fiscal year ending August 31, 2013, an amount equal to 50 percent of the amount of general revenue appropriated to the agency for the state fiscal year ending August 31, 2011.

(b) Subject to Chapter 1105, Occupations Code, as added by this Act, the appropriations made by Subsection (a) of this section may be spent by the Texas Real Estate Commission as the commission directs. The Texas Real Estate

Commission shall repay to the general revenue fund the appropriation made to the commission for the state fiscal year ending August 31, 2012, not later than that date and as funds become available. The Texas Real Estate Commission shall repay to the general revenue fund the appropriation made to the commission for the state fiscal year ending August 31, 2013, not later than that date and as funds become available.

SECTION _____. The transfer of the Texas Real Estate Commission to self-directed and semi-independent status under Chapter 1105, Occupations Code, as added by this Act, and the expiration of self-directed and semi-independent status may not act to cancel, suspend, or prevent:

- (1) any debt owed to or by the commission or the Texas Appraiser Licensing and Certification Board;
- (2) any fine, tax, penalty, or obligation of any party;
- (3) any contract or other obligation of any party; or
- (4) any action taken by the commission or the board in the administration or enforcement of the commission's or the board's duties.

SECTION _____. The Texas Real Estate Commission and the Texas Appraiser Licensing and Certification Board shall continue to have and exercise the powers and duties allocated to the commission or the board in the commission's or the board's enabling legislation, except as specifically amended by this Act.

SECTION _____. Title to or ownership of all supplies, materials, records, equipment, books, papers, and furniture used by the Texas Real Estate Commission or the Texas Appraiser Licensing and Certification Board is transferred to the commission or the board, respectively. This Act does not affect any property owned by the commission or the board on or before the effective date of this Act.

SECTION _____. The Texas Real Estate Commission and the Texas Appraiser Licensing and Certification Board shall relocate to state-owned office space not later than September 1, 2011, and shall pay rent to this state in a reasonable amount to be determined by the Texas Facilities Commission for the use and occupancy of the office space. Aggregate rental payments may not be less than \$550,000 per fiscal year for the state fiscal years ending August 31, 2012, and August 31, 2013. Aggregate rental payments may not be less than \$425,000 per fiscal year for each state fiscal year ending August 31, 2014, August 31, 2015, and August 31, 2016. The Texas Real Estate Commission and the Texas Appraiser Licensing and Certification Board will not be liable for any rent due under any contract with the Texas Facilities Commission for state-owned office space upon revocation of the agency's self-directed, semi-independent status.

Amendment No. 1 was adopted.

SB 767 was withdrawn.

SB 768 (Dukes - House Sponsor), A bill to be entitled An Act relating to the creation of the Rio de Vida Municipal Utility District No. 1; providing authority to impose a tax and issue bonds. (Berman, Flynn, Landtroop, Perry, and Phillips recorded voting no.)

Amendment No. 1

Representative Dukes offered the following amendment to **SB 768**:

Amend **SB 768** (house committee printing) as follows:

(1) In SECTION 1 of the bill, strike added Section 8379.004(b), Special District Local Laws Code (page 2, lines 6-15), and substitute the following:

(b) If the city does not consent to the creation of the district under this section before September 1, 2012:

(1) the district is dissolved September 1, 2012, except that:

(A) any debts incurred shall be paid;

(B) any assets that remain after the payment of debts shall be transferred to the city or another local governmental entity to be used for a public purpose; and

(C) the organization of the district shall be maintained until all debts are paid and remaining assets are transferred; and

(2) this chapter expires September 1, 2012.

(2) In SECTION 1 of the bill, in added Section 8379.007, Special District Local Laws Code (page 3, line 20), strike "created by a municipality in which the district is located".

(3) In SECTION 1 of the bill, strike added Section 8379.054(a), Special District Local Laws Code (page 4, lines 20-26), and substitute the following:

(a) The temporary board consists of:

(1) Jeff Frank;

(2) Gordon Westergren;

(3) Steve Soward;

(4) Clint Walker; and

(5) Rob Riviere.

(4) In SECTION 1 of the bill, in added Section 8379.105, Special District Local Laws Code (page 6, lines 7-8), strike "CONSENT ORDINANCE OR RESOLUTION. The district" and substitute "CONSENT AGREEMENT, ORDINANCE, OR RESOLUTION. (a) The district".

(5) In SECTION 1 of the bill, in added Section 8379.105, Special District Local Laws Code (page 6, between lines 12 and 13), insert the following:

(b) Any agreement between the district and the city related to the city's consent to the creation of the district is valid and enforceable.

(c) On the issuance of bonds, the district is considered to have acknowledged and consented to the exercise of the city's authority as to actions taken by the city under Section 54.016(g), Water Code.

(6) In SECTION 1 of the bill, in added Section 8379.108, Special District Local Laws Code (page 7, line 4), strike "RECLAMATION AND GRADING POWERS" and substitute "MASS GRADING AND IMPROVEMENTS TO LAND IN THE DISTRICT".

(7) In SECTION 1 of the bill, in added Section 8379.302(d), Special District Local Laws Code (page 12, line 13), strike "Rio de Vida Municipal Utility District No. 1" and substitute "(insert name of district or name of new district created under Subchapter D)".

(8) In SECTION 1 of the bill, strike added Section 8379.401, Special District Local Laws Code (page 15, lines 9-11), and substitute the following:

Sec. 8379.401. APPLICABILITY OF LAW ON ANNEXATION OF DISTRICT. (a) The district is a "water or sewer district" for the purposes of Section 43.071, Local Government Code.

(b) Sections 43.0561 and 43.0562, Local Government Code, do not apply to the annexation of the district.

(9) In SECTION 1 of the bill, strike added Section 8379.404, Special District Local Laws Code (page 16, lines 1-3).

(10) In SECTION 1 of the bill, in added Section 8379.405, Special District Local Laws Code (page 16, line 4), strike "Sec. 8379.405" and substitute "Sec. 8379.404".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Dukes offered the following amendment to **SB 768**:

Amend **SB 768** as follows:

(1) In SECTION 1 of the bill, strike added Section 8379.003, Special District Local Laws Code, and substitute the following new Section 8379.003, Special District Local Laws Code:

"Sec. 8379.003. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect permanent directors as provided in Section 8379.051 of this chapter and Section 49.107, Water Code."

(2) In SECTION 1 of the bill, strike added Section 8379.051, Special District Local Laws Code, and substitute the following new Section 8379.051, Special District Local Laws Code:

"Sec. 8379.051. GOVERNING BODY; TERMS. (a) Except as provided by Subsection (b), the district is governed by a board of five elected directors.

(b) If required under the terms of the agreement, ordinance, or resolution by which a municipality consents to the creation of the district, the board consists of:

(1) four elected directors; and

(2) one director appointed by the governing body of the municipality.

(c) A director appointed under Subsection (b)(2) is not required to be a qualified voter of the district or to own land subject to taxation in the district.

(d) Except as provided by Section 8379.052, directors serve staggered four-year terms.

(e) The common law doctrine of incompatibility of office does not disqualify an official or employee of a municipality from being appointed a director by the governing body of a municipality under Subsection (b)(2), and a director appointed to the board may continue to serve in a public office of or be employed by the municipality."

(3) In SECTION 1 of the bill, strike added Sections 8379.052, Special District Local Laws Code, and substitute the following new 8379.052, Special District Local Laws Code:

"Sec. 8379.052. TEMPORARY DIRECTORS. (a) The temporary board consists of:

- (1) Jeff Frank;
- (2) Gordon Westergren;
- (3) Steve Soward;
- (4) Clint Walker; and
- (5) Rob Riviere.

(b) Temporary directors serve until the earlier of:

- (1) the date permanent directors are elected under Section 8379.003; or
- (2) the fourth anniversary of the effective date of the Act enacting this

chapter.

(c) If permanent directors have not been elected under Section 8379.003 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

- (1) the date permanent directors are elected under Section 8379.003; or
- (2) the fourth anniversary of the date of the appointment or

reappointment.

(d) If Subsection (c) applies, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as successor temporary directors the five persons named in the petition. The commission shall appoint as successor temporary directors the five persons named in the petition."

(4) In SECTION 1 of the bill, strike added Sections 8379.053 and 8379.054, Special District Local Laws Code, and renumber the sections reserved for expansion accordingly.

Amendment No. 2 was adopted.

SB 794 (S. King and Margo - House Sponsors), A bill to be entitled An Act relating to the use of money from the permanent fund for health-related programs to provide grants to nursing education programs.

SB 795 (Naishtat - House Sponsor), A bill to be entitled An Act relating to regulation of nurse aides. (S. King recorded voting no.)

CSSB 803 (Hunter - House Sponsor), A bill to be entitled An Act relating to venue projects in certain counties. (White recorded voting no.)

SB 813 (W. Smith - House Sponsor), A bill to be entitled An Act relating to the creation of the Harris County Municipal Utility District No. 528; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

SB 822 (Zerwas - House Sponsor), A bill to be entitled An Act relating to expedited credentialing of certain physicians by managed care plans.

SB 860 (Gonzalez - House Sponsor), A bill to be entitled An Act relating to the authority of the El Paso County Hospital District to appoint, contract for, or employ physicians, dentists, and other health care providers. (S. King and Shelton recorded voting no.)

SB 882 (Madden, Burkett, Aliseda, Carter, Christian, et al. - House Sponsors), A bill to be entitled An Act relating to the filing of a copy of certain records related to the release of accused persons on personal bond.

SB 896 (Laubenberg - House Sponsor), A bill to be entitled An Act relating to the issuance of specialty license plates to certain family members of a person who dies while serving in the United States armed forces.

SB 910 (Lozano - House Sponsor), A bill to be entitled An Act relating to certain state attorneys called into active duty military service.

SB 942 (Lucio - House Sponsor), A bill to be entitled An Act relating to the creation and financing of the Lakeway Regional Medical Center Defined Area in Travis County Water Control and Improvement District No. 17; providing authority to impose a tax and issue bonds.

Amendment No. 1

Representative Lucio offered the following amendment to **SB 942**:

Amend **SB 942** (house committee printing) as follows:

(1) In SECTION 1 of the bill, in added Subchapter B, Chapter 9017, Special District Local Laws Code (page 2, between lines 25 and 26), insert the following new Section 9017.054:

Sec. 9017.054. EXCLUSION OF TERRITORY FROM DEFINED AREA.
Before holding an election under Section 9017.060, the district may exclude territory from the defined area in the manner provided by Sections 49.303, 49.304, 49.305, 49.306, and 49.307, Water Code.

(2) In SECTION 1 of the bill, in added Section 9017.054, Special District Local Laws Code (page 2, line 26), strike "9017.054" and substitute "9017.055".

(3) In SECTION 1 of the bill, in added Section 9017.055, Special District Local Laws Code (page 3, line 4), strike "9017.055" and substitute "9017.056".

(4) In SECTION 1 of the bill, in added Section 9017.055(b), Special District Local Laws Code (page 3, line 10), strike "9017.056, 9017.059, 9017.060, 9017.061, 9017.062, or 9017.063" and substitute "9017.057, 9017.060, 9017.061, 9017.062, 9017.063, or 9017.064".

(5) In SECTION 1 of the bill, in added Section 9017.056, Special District Local Laws Code (page 3, line 17), strike "9017.056" and substitute "9017.057".

(6) In SECTION 1 of the bill, in added Section 9017.057, Special District Local Laws Code (page 3, line 26), strike "9017.057" and substitute "9017.058".

(7) In SECTION 1 of the bill, in added Section 9017.058, Special District Local Laws Code (page 4, line 11), strike "9017.058" and substitute "9017.059".

(8) In SECTION 1 of the bill, in added Section 9017.058, Special District Local Laws Code (page 4, line 14), strike "9017.056" and substitute "9017.057".

(9) In SECTION 1 of the bill, in added Section 9017.058, Special District Local Laws Code (page 4, line 16), strike "Code." and substitute "Code, primarily intended to serve the defined area."

(10) In SECTION 1 of the bill, in added Section 9017.059, Special District Local Laws Code (page 4, line 17), strike "9017.059" and substitute "9017.060".

(11) In SECTION 1 of the bill, in added Section 9017.059, Special District Local Laws Code (page 4, line 19), strike "9017.055" and substitute "9017.056".

(12) In SECTION 1 of the bill, in added Section 9017.060, Special District Local Laws Code (page 5, line 1), strike "9017.060" and substitute "9017.061".

(13) In SECTION 1 of the bill, in added Section 9017.060, Special District Local Laws Code (page 5, line 2), strike "9017.059" and substitute "9017.060".

(14) In SECTION 1 of the bill, in added Section 9017.061, Special District Local Laws Code (page 5, line 8), strike "9017.061" and substitute "9017.062".

(15) In SECTION 1 of the bill, in added Section 9017.061, Special District Local Laws Code (page 5, line 14), strike "9017.059" and substitute "9017.060".

(16) In SECTION 1 of the bill, in added Section 9017.062, Special District Local Laws Code (page 5, line 22), strike "9017.062" and substitute "9017.063".

(17) In SECTION 1 of the bill, in added Section 9017.063, Special District Local Laws Code (page 5, line 27), strike "9017.063" and substitute "9017.064".

(18) In SECTION 1 of the bill, in added Section 9017.063, Special District Local Laws Code (page 6, line 1), strike "9017.059" and substitute "9017.060".

(19) In SECTION 1 of the bill, in added Section 9017.064, Special District Local Laws Code (page 6, line 4), strike "9017.064" and substitute "9017.065".

Amendment No. 1 was adopted.

CSSB 943 (Anchia - House Sponsor), A bill to be entitled An Act relating to the classification, use, and regulation of electric energy storage equipment or facilities.

SB 953 (Madden - House Sponsor), A bill to be entitled An Act relating to the conditions for granting an occupational license to certain persons, the monitoring of those persons by a local community supervision and corrections department, and the fees associated with department services. (Berman and Flynn recorded voting no.)

CSSB 988 (Larson and Peña - House Sponsors), A bill to be entitled An Act relating to the creation of a cybersecurity, education, and economic development council. (Berman, Flynn, and White recorded voting no.)

SB 992 (Lucio - House Sponsor), A bill to be entitled An Act relating to the allocation of loans made under the owner-builder loan program. (Aycock, Geren, Kolkhorst, and Kuempel recorded voting no.)

SB 1047 (J. Davis - House Sponsor), A bill to be entitled An Act relating to the eligibility of an innovation and commercialization organization associated with the Lyndon B. Johnson Space Center to receive funding from the Texas emerging technology fund. (Berman, Flynn, S. King, and White recorded voting no.)

SB 1057 (Harper-Brown and Fletcher - House Sponsors), A bill to be entitled An Act relating to the transfer of certain vehicle registrations at the time of sale of the vehicle. (Laubenberg, Sheets, and Simpson recorded voting no.)

SB 1098 was withdrawn.

SB 1154 (McClendon - House Sponsor), A bill to be entitled An Act relating to a task force for the development of a strategy to reduce child abuse and neglect and improve child welfare. (Aycock, S. Davis, Geren, S. King, Kolkhorst, Kuempel, Landtroop, Laubenberg, Perry, Phillips, Sheets, and Simpson recorded voting no.)

CSSB 1178 (Raymond - House Sponsor), A bill to be entitled An Act relating to the regulation of certain shelter day-care facilities, child-care facilities, and individuals providing child-care services, and access to certain criminal history record information; providing an administrative penalty. (Berman, Flynn, and Phillips recorded voting no.)

SB 1187 (Hartnett - House Sponsor), A bill to be entitled An Act relating to the effect of indexing notices of lis pendens.

SB 1208 (Madden - House Sponsor), A bill to be entitled An Act relating to the age until which juveniles placed on determinate sentence probation may be on probation.

SB 1248 (Lucio - House Sponsor), A bill to be entitled An Act relating to the designation of a portion of State Highway 499 as the Colonel Bill Card Boulevard.

CSSB 1250 (Lozano - House Sponsor), A bill to be entitled An Act relating to the applicability of certain restrictions on the location and operation of concrete crushing facilities. (Aycock, Berman, Flynn, Geren, Kolkhorst, Landtroop, Laubenberg, Perry, and Sheets recorded voting no.)

SB 1251 (Alvarado - House Sponsor), A bill to be entitled An Act relating to the board of directors of the Greater East End Management District. (Aycock, Geren, Kolkhorst, Kuempel, Landtroop, and Perry recorded voting no.)

Amendment No. 1

Representative Alvarado offered the following amendment to **SB 1251**:

Amend **SB 1251** (house committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Sections 3807.052(a) and (b), Special District Local Laws Code, are amended to read as follows:

(a) The mayor and members of the governing body of the City of Houston shall appoint directors from persons recommended by the board. ~~[Notwithstanding Subchapter D, Chapter 375, Local Government Code, to be qualified to serve as director, a person must be at least 18 years of age and:~~

~~[(1) be a resident of the district; or~~

~~[(2) have a district business interest.]~~

(b) Appointments to the board must ensure that[?]

~~[(1)]~~ at least one-third ~~[60 percent]~~ of the directors are residents of the district; ~~and~~

~~[(2) each director who does not reside in the district has a district business interest].~~

SECTION 2. Section 3807.052(c), Special District Local Laws Code, is repealed.

SECTION 3. (a) The change in law made by this Act applies only to a person appointed to the board of directors of the Greater East End Management District on or after the effective date of this Act.

(b) The change in law made by this Act does not affect the right of a person appointed to the board of directors of the Greater East End Management District before the effective date of this Act to continue to serve on the board until the person's term expires.

SECTION 4. This Act takes effect immediately if it 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 Act takes effect September 1, 2011.

Amendment No. 1 was adopted.

SB 1295 (Beck - House Sponsor), A bill to be entitled An Act relating to the mining and reclamation of certain land previously affected by surface coal mining operations.

SB 1311 (Lozano, C. Anderson, Muñoz, et al. - House Sponsors), A bill to be entitled An Act relating to the designation of certain highways as part of the Purple Heart Trail.

SB 1320 (V. Gonzales - House Sponsor), A bill to be entitled An Act relating to the execution of deeds conveying residential real estate in connection with certain transactions involving residential real estate. (Landtroop and Perry recorded voting no.)

Amendment No. 1

Representative V. Gonzales offered the following amendment to **SB 1320**:

Amend **SB 1320** (house committee printing), on page 2, line 10, by striking "fourth" and substituting "second".

Amendment No. 1 was adopted.

SB 1331 (Gallego - House Sponsor), A bill to be entitled An Act relating to criminal offenses regarding the possession or consumption of alcoholic beverages by a minor and providing alcoholic beverages to a minor.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Burkett, Representative Gallego offered the following committee amendment to **SB 1331**:

SECTION _____. Amend **SB 1331** (engrossed) to read as follows:

Page 1, line 8, after "It is an" and before "to the application" strike "exception" and replace it with "does not apply to".

Amendment No. 1 was adopted.

SB 1352 (Naishtat - House Sponsor), A bill to be entitled An Act relating to the lease of property or hospital facilities by certain hospital districts. (Berman and Flynn recorded voting no.)

SB 1386 (Oliveira - House Sponsor), A bill to be entitled An Act relating to the refusal to register motor vehicles by a county assessor-collector or the Texas Department of Motor Vehicles. (Aycock, Cain, S. Davis, Geren, Kolkhorst, Kuempel, Landtroop, Laubenberg, and Zedler recorded voting no.)

Amendment No. 1

Representative Oliveira offered the following amendment to **SB 1386**:

Amend **SB 1386** (house committee printing) as follows:

- (1) On page 1, line 6, strike "(a), (b)," and substitute "(a)".
- (2) On page 1, lines 13-14, strike "complaint or citation relating to a county fine, fee, or tax" and substitute "complaint, citation, information, or indictment in a court in the county in which a criminal proceeding is pending against the owner".
- (3) Strike page 1, lines 15-18.
- (4) On page 1, lines 19-20, strike "shall [may]" and substitute "may".
- (5) Strike page 2, line 1 and substitute "complaint, citation, information, or indictment in a court in the county in which a criminal proceeding is pending against the owner".
- (6) On page 2, line 4, between "contract" and the period, insert ", or another county department for expenses related to services under the contract".
- (7) On page 2, lines 8-9, strike "the assessor-collector for the [a]" and substitute "a".
- (8) On page 2, line 25, strike "shall" and substitute "may".
- (9) On page 3, line 3, between "contract" and the period, insert ", or another county department for expenses related to services under the contract".
- (10) On page 3, lines 7 and 9, strike "complaint or citation" and substitute "complaint, citation, information, or indictment".

Amendment No. 1 was adopted.

SB 1410 (Patrick - House Sponsor), A bill to be entitled An Act relating to reporting student enrollment in tech-prep programs and evaluating tech-prep consortia.

SB 1414 (Eiland - House Sponsor), A bill to be entitled An Act 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. (Aycock, Geren, Kolkhorst, and Kuempel recorded voting no.)

CSSB 1422 (Solomons - House Sponsor), A bill to be entitled An Act relating to coordinated county transportation authorities; creating an offense.

CSSB 1477 (Kleinschmidt - House Sponsor), A bill to be entitled An Act relating to differential pay and benefits for certain employees of emergency services districts who are members of the armed forces.

SB 1543 (Larson - House Sponsor), A bill to be entitled An Act relating to the authority of an independent school district to invest in corporate bonds.

Amendment No. 1

Representative Larson offered the following amendment to **SB 1543**:

Amend **SB 1543** (house committee printing) in SECTION 1 of the bill as follows:

(1) In added Section 2256.0204(a), Government Code (page 1, line 9), strike "senior secured".

(2) In added Section 2256.0204(a)(1), Government Code (page 1, line 15), after the semicolon, add "or".

(3) In added Section 2256.0204(a), Government Code, strike Subdivisions (2) and (3) (page 1, lines 16-20).

(4) In added Section 2256.0204(a), Government Code (page 1, line 21), strike "(4)" and substitute "(2)".

(5) In added Section 2256.0204, Government Code, strike Subsection (c) (page 2, lines 1-11) and substitute the following:

(c) In addition to authorized investments permitted by this subchapter, an independent school district subject to this section may purchase, sell, and invest its funds and funds under its control in corporate bonds that, at the time of purchase, are rated by a nationally recognized investment rating firm "AA-" or the equivalent and have a stated final maturity that is not later than the third anniversary of the date the corporate bonds were purchased.

(6) In added Section 2256.0204(d)(1), Government Code (page 2, line 17), after the semicolon, add "or".

(7) In added Section 2256.0204(d)(2), Government Code (page 2, line 20), strike "; or" and substitute ".".

(8) In added Section 2256.0204(d), Government Code, strike Subdivision (3) (page 2, lines 21-22).

(9) In added Section 2256.0204(e)(1), Government Code (page 2, line 27), after the semicolon, add "and".

(10) In added Section 2256.0204(e)(2), Government Code (page 3, line 5), strike "; and" and substitute ".".

(11) In added Section 2256.0204(e), Government Code, strike Subdivision (3) (page 3, lines 6-8).

(12) In added Section 2256.0204(f)(1), Government Code (page 3, line 17), strike "AA" and substitute "AA-".

(13) In added Section 2256.0204, Government Code, strike Subsection (g) (page 3, lines 20-21).

Amendment No. 1 was withdrawn.

Representative Larson moved to postpone consideration of **SB 1543** until 8 a.m. Monday, May 23.

The motion prevailed.

SB 1578 (Deshotel - House Sponsor), A bill to be entitled An Act relating to the addition of a county to a freight rail district. (White recorded voting no.)

SB 1598 (Smithee - House Sponsor), A bill to be entitled An Act relating to the inspection of portable fire extinguishers.

SB 1660 (Alvarado - House Sponsor), A bill to be entitled An Act relating to certain unclaimed property of veterans and veterans' families.

SB 1667 (Truitt - House Sponsor), A bill to be entitled An Act relating to the administration of and benefits payable by the Teacher Retirement System of Texas and to certain domestic relations orders.

SB 1668 (Truitt - House Sponsor), A bill to be entitled An Act relating to purchase of service credit in the Teacher Retirement System of Texas.

SB 1669 (Truitt - House Sponsor), A bill to be entitled An Act relating to the resumption of service by retirees under the Teacher Retirement System of Texas.

SB 1687 (Coleman - House Sponsor), A bill to be entitled An Act relating to information on turnover among licensed jailers at jails under the jurisdiction of the Commission on Jail Standards. (Aycock, S. Davis, Geren, Kolkhorst, Kuempel, and Phillips recorded voting no.)

SB 1692 (Alvarado - House Sponsor), A bill to be entitled An Act relating to municipal and county budgets on the Internet.

SB 1719 (Fletcher - House Sponsor), A bill to be entitled An Act relating to certain comprehensive development agreements of the Texas Department of Transportation. (White recorded voting no.)

CSSB 1736 (Castro, Sheets, Vo, R. Anderson, and J. Davis - House Sponsors), A bill to be entitled An Act relating to the establishment of the College Credit for Heroes program.

SB 1755 (W. Smith - House Sponsor), A bill to be entitled An Act relating to the issuance of certain specialty license plates.

SB 1831 (D. Miller - House Sponsor), A bill to be entitled An Act relating to the designation of the El Camino Real de los Tejas National Historic Trail as a historic highway.

CSSB 1910 (Margo, Pickett, Quintanilla, and Marquez - House Sponsors), A bill to be entitled An Act relating to the delay of the transition to competition in the Western Electricity Coordinating Council service area and to net metering and energy efficiency goals and programs for utilities in that area. (White recorded voting no.)

SCR 11 (Morrison - House Sponsor), Designating May 22 of each year from 2011 through 2020 as William Elmo Merrem Day in honor of the first Eagle Scout from Texas.

SCR 16 (Scott - House Sponsor), Designating the month of March each year from 2011 through 2020 as Women Veterans Month in tribute to the immeasurable contributions that women in the military have made to this nation.

SB 36 (Castro - House Sponsor), A bill to be entitled An Act relating to methods for increasing student success and degree completion at public institutions of higher education. (Berman, Flynn, and Simpson recorded voting no.)

SB 303 (Scott and White - House Sponsors), A bill to be entitled An Act relating to health care services provided or paid by a hospital district.

Representative Scott moved to postpone consideration of **SB 303** until 8 a.m. Monday, May 23.

The motion prevailed.

ADJOURNMENT

At 11:27 a.m., the chair announced that the house would stand adjourned until 11:30 a.m. today.

ADDENDUM

SIGNED BY THE SPEAKER

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

House List No. 33

HB 215, HB 423, HB 555, HB 591, HB 901, HB 1550, HB 1770, HB 2007, HB 2014, HB 2342, HB 2851, HB 3051, HB 3234

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

EIGHTY-FIRST DAY — FRIDAY, MAY 20, 2011

The house met at 11:30 a.m. and was called to order by the speaker pro tempore.

The roll of the house was called and a quorum was announced present (Record 1184).

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.

RULES SUSPENDED

Representative Thompson moved to suspend all necessary rules to take up and consider at this time, on third reading and final passage, the bills on the local, consent, and resolutions calendar which were considered on the previous legislative day.

The motion prevailed.

MOTION FOR ONE RECORD VOTE

On motion of Representative Thompson and by unanimous consent, the house agreed to use the first record vote taken for all those bills on the local, consent, and resolutions calendar that require a record vote on third reading and final passage, with the understanding that a member may record an individual vote on any bill with the journal clerk.

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

The following bills which were considered on second reading on the previous legislative day on the local, consent, and resolutions calendar were laid before the house, read third time, and passed by the following record vote (members registering votes and the results of the vote are shown following bill number).

(Record 1185): 149 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; 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(C); Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker.

SB 41 (Aycock, S. Davis, Geren, S. King, Kolkhorst, and Kuempel - no) (143 - 6 - 1)

SB 36 (Berman, Flynn, and Simpson - no) (146 - 3 - 1)

SB 58

SB 71

SB 74

SB 78

SB 80

SB 122 (Aycock, Geren, Kolkhorst, and Kuempel - no) (145 - 4 - 1)

SB 131

SB 155

SB 176

SB 209 (Phillips - no) (148 - 1 - 1)

SB 219

SB 221 (Aycock, Geren, Kolkhorst, and Kuempel - no) (145 - 4 - 1)

SB 222 (Aycock, S. Davis, Geren, Kolkhorst, Kuempel, Landtroop, and Perry - no) (142 - 7 - 1)

SB 246

SB 247

SB 256

SB 258

SB 263

SB 264 (White and Zedler - no) (147 - 2 - 1)

SB 304 was withdrawn.

SB 310

SB 311 (Shelton - no) (148 - 1 - 1)

SB 315

SB 335 was withdrawn.

SB 349 (Aycock, Berman, Cain, S. Davis, Flynn, Geren, Kolkhorst, Kuempel, Laubenberg, Sheets, Simpson, White, and Zedler - no; Sheffield - present, not voting) (135 - 13 - 2)

SB 387

SB 400

SB 402 (Landtroop, Perry, and Simpson - no) (146 - 3 - 1)

SB 408 (White - no) (148 - 1 - 1)

SB 419

SB 431

SB 432

SB 436 (White - no) (148 - 1 - 1)

SB 489 was withdrawn.

SB 494 was withdrawn.

SB 502

SB 512

SB 514

SB 520

SB 540

SB 545

- SB 558**
- SB 601**
- SB 629**
- SB 736** (S. King - no) (148 - 1 - 1)
- SB 747**
- SB 768** (Berman, Flynn, Landtroop, Perry, and Phillips - no) (144 - 5 - 1)
- SB 794**
- SB 795** (S. King - no) (148 - 1 - 1)
- SB 803** (White - no) (148 - 1 - 1)
- SB 813**
- SB 822**
- SB 860** (S. King and Shelton - no) (147 - 2 - 1)
- SB 882**
- SB 896**
- SB 910**
- SB 942**
- SB 943**
- SB 953** (Berman and Flynn - no) (147 - 2 - 1)
- SB 988** (Berman, Flynn, and White - no) (146 - 3 - 1)
- SB 992** (Aycock, Geren, Kolkhorst, and Kuempel - no) (145 - 4 - 1)
- SB 1047** (Berman, Flynn, S. King, and White - no) (145 - 4 - 1)
- SB 1057** (Laubenberg, Sheets, and Simpson - no) (146 - 3 - 1)
- SB 1154** (Aycock, S. Davis, Geren, S. King, Kolkhorst, Kuempel, Landtroop, Laubenberg, Perry, Phillips, Sheets, and Simpson - no) (137 - 12 - 1)
- SB 1178** (Berman, Flynn, and Phillips - no) (146 - 3 - 1)
- SB 1187**
- SB 1208**
- SB 1248**
- SB 1250** (Aycock, Berman, Flynn, Geren, Kolkhorst, Landtroop, Laubenberg, Perry, and Sheets - no) (140 - 9 - 1)
- SB 1251** (Aycock, Geren, Kolkhorst, Kuempel, Landtroop, and Perry - no) (143 - 6 - 1)
- SB 1295**
- SB 1311**
- SB 1320** (Landtroop and Perry - no) (147 - 2 - 1)

SB 1331

SB 1352 (Berman and Flynn - no) (147 - 2 - 1)

SB 1386 (Aycock, Cain, S. Davis, Geren, Kolkhorst, Kuempel, Landtroop, Laubenberg, and Zedler - no) (140 - 9 - 1)

SB 1410

SB 1414 (Aycock, Geren, Kolkhorst, and Kuempel - no) (145 - 4 - 1)

SB 1422

SB 1477

SB 1578 (White - no) (148 - 1 - 1)

SB 1598

SB 1660

SB 1667

SB 1668

SB 1669

SB 1687 (Aycock, S. Davis, Geren, Kolkhorst, Kuempel, and Phillips - no) (143 - 6 - 1)

SB 1692

SB 1719 (White - no) (148 - 1 - 1)

SB 1736

SB 1755

SB 1831

SB 1910 (White - no) (148 - 1 - 1)

The following resolutions which were laid out on the previous legislative day on the local, consent, and resolutions calendar were adopted by the above referenced vote (Record 1185): 149 Yeas, 0 Nays, 1 Present, not voting (members registering vote and the results of the vote are shown following bill number).

HCR 158

SCR 11

SCR 16

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.)

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Economic and Small Business Development, during lunch recess today, Desk 14, for a formal meeting, to consider **SB 824**.

Homeland Security and Public Safety, during lunch recess today, Desk 119, for a formal meeting, to consider pending business.

Transportation, during lunch recess today, Desk 97, for a formal meeting, to consider **SB 1925** and pending business.

Licensing and Administrative Procedures, during lunch recess today, Desk 122, for a formal meeting, to consider pending business.

Natural Resources, during lunch recess today, 1W.14, for a formal meeting, to consider **SB 1913**, **SB 1914**, **SB 1915**, **SB 1916**, **SB 1920**, and pending business.

Defense and Veterans' Affairs, during lunch recess today, Desk 15, for a formal meeting, to consider **SB 34**.

RECESS

At 11:54 a.m., the chair announced that the house would stand recessed until 1:20 p.m. today.

AFTERNOON SESSION

The house met at 1:20 p.m. and was called to order by Representative Harper-Brown.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Geren requested permission for the Committee on House Administration to meet while the house is in session, at 3 p.m. today, in 3W.9, to consider **SB 1928** and **SCR 51**.

Permission to meet was granted.

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).

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

House Administration, 3 p.m. today, 3W.9, for a formal meeting, to consider **SB 1928** and **SCR 51**.

LEAVE OF ABSENCE GRANTED

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

Patrick on motion of Aycock.

HR 1846 - PREVIOUSLY ADOPTED

(by Woolley)

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

HR 1846, Congratulating Benjamin McPhaul on his graduation from The University of Texas at Austin.

SCR 55 - ADOPTED
(Smithee - House Sponsor)

Representative Smithee moved to suspend all necessary rules to take up and consider at this time **SCR 55**.

The motion prevailed.

The following resolution was laid before the house:

SCR 55, Commemorating the lives of John Clinton Formby and Margaret Clark Formby.

SCR 55 was read and was unanimously adopted by a rising vote.

On motion of Representative Price, the names of all the members of the house were added to **SCR 55** as signers thereof.

INTRODUCTION OF GUEST

The chair recognized Representative Smithee who introduced Lisa Formby.

MAJOR STATE CALENDAR
SENATE BILLS
THIRD READING

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

SB 23 ON THIRD READING
(Zerwas - House Sponsor)

SB 23, A bill to be entitled An Act relating to the administration of and efficiency, cost-saving, fraud prevention, and funding measures for certain health and human services and health benefits programs, including the medical assistance and child health plan programs.

SB 23 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE BERMAN: Chuck, it's the same question—since we're getting all this together for intent—same question I asked of Dr. Zerwas yesterday. Is there anything in the amendment or the bill that would allow a physician to start acting like a pharmacist from his office?

REPRESENTATIVE HOPSON: Not to my knowledge, Leo, there's not in this bill.

REMARKS ORDERED PRINTED

Representative Berman moved to print remarks between Representative Hopson and Representative Berman.

The motion prevailed.

SB 23 was passed by (Record 1186): 102 Yeas, 45 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.; Deshotel; Driver; Eiland; Eissler; Elkins; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Gonzales, L.; Gooden; 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; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; 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.; Dukes; Dutton; Farias; Farrar; 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; Paxton; Pickett; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker; Harper-Brown(C).

Absent, Excused — Patrick.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1186. I intended to vote no.

Deshotel

I was shown voting yes on Record No. 1186. I intended to vote no.

Hilderbran

I was shown voting yes on Record No. 1186. I intended to vote no.

T. King

I was shown voting no on Record No. 1186. I intended to vote yes.

Paxton

SB 663 ON THIRD READING

(Anchia - House Sponsor)

SB 663, A bill to be entitled An Act relating to the continuation and functions of the State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments; providing an administrative penalty.

SB 663 was passed by (Record 1187): 143 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.; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; 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; 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; Harper-Brown(C).

Absent, Excused — Patrick.

Absent — Deshotel; King, S.; Lucio; Peña.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1187. I intended to vote no.

Garza

When Record No. 1187 was taken, my vote failed to register. I would have voted yes.

S. King

HR 1975 - ADOPTED (by Branch)

Representative Castro moved to suspend all necessary rules to take up and consider at this time **HR 1975**.

The motion prevailed.

The following resolution was laid before the house:

HR 1975, Recognizing May 20, 2011, as GenTX Day.

HR 1975 was adopted.

SB 660 ON THIRD READING (Ritter - House Sponsor)

SB 660, A bill to be entitled An Act relating to the review and functions of the Texas Water Development Board, including the functions of the board and related entities in connection with the process for establishing and appealing desired future conditions in a groundwater management area.

Representative Ritter moved to postpone consideration of **SB 660** until the end of third reading bills on today's General State Calendar.

The motion prevailed.

**GENERAL STATE CALENDAR
SENATE BILLS
THIRD READING**

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

**SB 543 ON THIRD READING
(L. Taylor - House Sponsor)**

SB 543, A bill to be entitled An Act relating to a probate fee exemption for estates of certain law enforcement officers, firefighters, and others killed in the line of duty.

SB 543 was passed by (Record 1188): 145 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; 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.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, 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; 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; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Harper-Brown(C).

Absent, Excused — Patrick.

Absent — Branch; Murphy.

**SB 710 ON THIRD READING
(Menendez - House Sponsor)**

SB 710, A bill to be entitled An Act relating to the disclosure of a hazardous drain in a swimming pool or spa by a seller of residential real property.

SB 710 failed to pass by (Record 1189): 68 Yeas, 77 Nays, 2 Present, not voting. (The vote was reconsidered later today, and **SB 710** was passed by Record No. 1203.)

Yeas — Allen; Alonzo; Alvarado; Anchia; Burnam; Cain; Castro; Coleman; Crownover; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Garza; Gonzales, L.; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Hopson; Howard, D.; Isaac; Johnson; King, P.; Kolkhorst; Kuempel; Larson; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Morrison; Muñoz; Naishtat; Oliveira; Peña; Pickett; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Schwertner; Scott; Shelton; Smith, T.; Strama; Taylor, L.; Thompson; Torres; Veasey; Villarreal; Vo; Walle; Woolley.

Nays — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Darby; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Geren; Gooden; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Hilderbran; Howard, C.; Huberty; Hughes; Hunter; Jackson; Keffer; King, S.; King, T.; Kleinschmidt; Landtroop; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Murphy; Nash; Orr; Otto; Parker; Paxton; Perry; Phillips; Pitts; Price; Riddle; Sheets; Sheffield; Simpson; Smith, W.; Smithee; Solomons; Taylor, V.; Truitt; Weber; White; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Harper-Brown(C).

Absent, Excused — Patrick.

Absent — Giddings; Turner.

STATEMENTS OF VOTE

I was shown voting no on Record No. 1189. I intended to vote yes.

Huberty

I was shown voting yes on Record No. 1189. I intended to vote no.

T. Smith

SB 864 ON THIRD READING (Marquez - House Sponsor)

SB 864, A bill to be entitled An Act relating to the services included in a retail price list provided by a funeral establishment.

SB 864 was passed by (Record 1190): 146 Yeas, 0 Nays, 2 Present, not voting.

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

Present, not voting — Mr. Speaker; Harper-Brown(C).

Absent, Excused — Patrick.

Absent — Naishtat.

SB 761 ON THIRD READING
(Truitt - House Sponsor)

SB 761, A bill to be entitled An Act relating to the employment of physicians by certain hospitals associated with nonprofit fraternal organizations.

SB 761 was passed by (Record 1191): 146 Yeas, 0 Nays, 3 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; 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; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; 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; Harper-Brown(C); Shelton.

Absent, Excused — Patrick.

SB 587 ON THIRD READING
(Darby - House Sponsor)

SB 587, A bill to be entitled An Act relating to jurisdiction in certain proceedings brought by the attorney general with respect to charitable trusts.

Representative Aycock moved to postpone consideration of **SB 587** until 2:30 p.m. today.

The motion prevailed.

SB 1416 ON THIRD READING
(Gallego, Peña, and Fletcher - House Sponsors)

SB 1416, A bill to be entitled An Act relating to the creation of the offense of possession, manufacture, transportation, repair, or sale of a tire deflation device; providing criminal penalties.

SB 1416 was passed by (Record 1192): 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; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; 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; 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; Harper-Brown(C).

Absent, Excused — Patrick.

POSTPONED BUSINESS

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

SB 660 ON THIRD READING
(Ritter - House Sponsor)

SB 660, A bill to be entitled An Act relating to the review and functions of the Texas Water Development Board, including the functions of the board and related entities in connection with the process for establishing and appealing desired future conditions in a groundwater management area.

SB 660 was read third time earlier today and was postponed until this time.

Amendment No. 1

Representative Keffer offered the following amendment to **SB 660**:

Amend, on third reading, the amendment by Martinez Fischer to **CSSB 660** that was adopted on second reading by striking the amendment and substituting the following:

Amend **CSSB 660** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

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

SUBCHAPTER S. DISCLOSURE OF WATER USAGE AND COMPOSITION OF HYDRAULIC FRACTURING FLUIDS

Sec. 91.851. DISCLOSURE OF WATER USAGE AND COMPOSITION OF HYDRAULIC FRACTURING FLUIDS. (a) Texas Water Development Board shall use the data provided by an annual report submitted by the commission indicating total water usage reported by operators under this subchapter for statewide water planning purposes.

(b) The commission by rule shall:

(1) require an operator of a well on which a hydraulic fracturing treatment is performed to:

(A) complete the form posted on the hydraulic fracturing chemical registry Internet website of the Ground Water Protection Council and the Interstate Oil and Gas Compact Commission with regard to the well;

(B) include in the form completed under Paragraph (A):

(i) the total volume of water used in the hydraulic fracturing treatment; and

(ii) each chemical ingredient that is subject to the requirements of 29 C.F.R. Section 1910.1200(g)(2);

(C) post the completed form described by Paragraph (A) on the website described by that paragraph or, if the website is discontinued or permanently inoperable, post the completed form on another publicly accessible Internet website specified by the commission;

(D) submit the completed form described by Paragraph (A) to the commission with the well completion report for the well; and

(E) in addition to the completed form specified in Paragraph (D), provide to the commission a list, to be made available on a publicly accessible website, of all other chemical ingredients not listed on the completed form that were intentionally included and used for the purpose of creating a hydraulic fracturing treatment for the well. The commission rule shall ensure that an operator, service company, or supplier is not responsible for disclosing ingredients that:

(i) were not purposely added to the hydraulic fracturing treatment;

(ii) occur incidentally or are otherwise unintentionally present in the treatment; or

(iii) in the case of the operator, are not disclosed to the operator by a service company or supplier. The commission rule shall not require that the ingredients be identified based on the additive in which they are found or that the concentration of such ingredients be provided;

(2) require a service company that performs a hydraulic fracturing treatment on a well or a supplier of an additive used in a hydraulic fracturing treatment on a well to provide the operator of the well with the information necessary for the operator to comply with Subdivision (1);

(3) prescribe a process by which an entity required to comply with Subdivision (1) or (2) may withhold and declare certain information as a trade secret for purposes of Section 552.110, Government Code, including the identity and amount of the chemical ingredient used in a hydraulic fracturing treatment;

(4) require a person who desires to challenge a claim of entitlement to trade secret protection under Subdivision (3) to file the challenge not later than the second anniversary of the date the relevant well completion report is filed with the commission;

(5) limit the persons who may challenge a claim of entitlement to trade secret protection under Subdivision (3) to:

(A) the landowner on whose property the relevant well is located;

(B) a landowner who owns property adjacent to property described by Paragraph (A); or

(C) a department or agency of this state; and

(6) prescribe an efficient process for an entity described by Subdivision (1) or (2) to provide information, including information that is a trade secret as defined by Appendix D to 29 C.F.R. Section 1910.1200, to a health professional or emergency responder who needs the information in accordance with Subsection (i) of that section.

(c) The commission shall provide an annual report of the total water usage reported under this subchapter to the Texas Water Development Board.

SECTION _____. Subchapter S, Chapter 91, 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 date the initial rules adopted by the Railroad Commission of Texas under that subchapter take effect. A hydraulic fracturing treatment performed on a well for which an initial drilling permit is issued before the date the initial rules take effect 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 Railroad Commission of Texas shall adopt rules under Subchapter S, Chapter 91, Natural Resources Code, as added by this Act, not later than January 1, 2012.

Amendment No. 1 was adopted.

SB 660, as amended, was passed by (Record 1193): 143 Yeas, 4 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; 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.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Craddick; Kleinschmidt; Lewis; Taylor, V.

Present, not voting — Mr. Speaker; Harper-Brown(C).

Absent, Excused — Patrick.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1193. I intended to vote no.

S. Davis

I was shown voting yes on Record No. 1193. I intended to vote no.

Lavender

SB 1662 ON SECOND READING (Turner - House Sponsor)

SB 1662, A bill to be entitled An Act relating to the payment of costs associated with certain educational programs of Prairie View A&M University.

SB 1662 was read second time on May 19 and was postponed until 8 a.m. today.

SB 1662 was passed to third reading by (Record 1194): 144 Yeas, 2 Nays, 3 Present, not voting.

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

Nays — Paxton; Weber.

Present, not voting — Mr. Speaker; Harper-Brown(C); Hartnett.

Absent, Excused — Patrick.

SB 710 - NOTICE GIVEN

Pursuant to the provisions of Rule 7, Section 37(c) of the House Rules, at 2:12 p.m., Representative Workman announced his intention to make the motion to reconsider the vote by which **SB 710** failed to pass.

HCR 66

(by Hancock, et al.)

HCR 66, Urging the United States Congress to prevent the Environmental Protection Agency from regulating greenhouse gases for stationary sources.

HCR 66 was laid before the house on May 18 and was postponed until 9 a.m. today.

HCR 66 was adopted by (Record 1195): 107 Yeas, 34 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Deshotel; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown(C); Hartnett; Hilderbran; Hochberg; 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; 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.; Thompson; Torres; Truitt; Turner; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Dukes; Dutton; Eiland; Farias; Farrar; Gonzales, V.; Gonzalez; Gutierrez; Hernandez Luna; Howard, D.; Johnson; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Miles; Naishtat; Oliveira; Raymond; Reynolds; Strama; Veasey; Vo; Walle.

Present, not voting — Mr. Speaker.

Absent, Excused — Patrick.

Absent — Anderson, R.; Lozano; Menendez; Muñoz; Pickett; Rodriguez; Villarreal.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1195. I intended to vote no.

Giddings

I was shown voting yes on Record No. 1195. I intended to vote no.

Hochberg

When Record No. 1195 was taken, I was in the house but away from my desk. I would have voted no.

Muñoz

When Record No. 1195 was taken, I was in the house but away from my desk. I would have voted no.

Rodriguez

I was shown voting yes on Record No. 1195. I intended to vote no.

Thompson

I was shown voting yes on Record No. 1195. I intended to vote no.

Turner

CSSB 1811 ON SECOND READING (Pitts - House Sponsor)

CSSB 1811, A bill to be entitled An Act relating to certain state fiscal matters; providing penalties.

CSSB 1811 was read second time on May 18, postponed until May 19, and was again postponed until 2 p.m. today.

Representative Geren moved to postpone consideration of **CSSB 1811** until 4 p.m. today.

The motion prevailed.

MAJOR STATE CALENDAR SENATE BILLS SECOND READING

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

SB 31 ON SECOND READING
(Solomons - House Sponsor)

SB 31, A bill to be entitled An Act relating to the composition of the districts for the election of members of the Texas Senate.

SB 31 - REMARKS

REPRESENTATIVE SOLOMONS: **SB 31** is the senate bill creating the revised senate districts in light of the 2010 census. Members, this is the senate's version of our redistricting map. They had their map; we have ours. The senate created this map after receiving some public input through seven interim hearings around the state. And after releasing the proposed map, the Senate Committee on Redistricting had two public hearings on the map. The plan creates 31 senate districts with an average population of 811,147.

The map was approved. The senate attorneys have reviewed the map and believe it complies with the Texas Constitution and the Voting Rights Act and other applicable laws. The map was approved by the senate by a vote of 29-2. And according to legislative tradition, if we both get this far, the senate does not amend the house map, and the house does not amend the senate map. The Senate Committee on Redistricting approved our map, **HB 150**, without any senator offering even a single amendment, and the full senate approved **HB 150** on second reading, again, without any senator offering any amendment to our map. So, they respected our map and are hopefully expecting us to respect their map.

The senate is waiting for us to proceed so they can move forward on our **HB 150** redistricting map to final passage. They moved it out on second reading. We are trying to do that today, to move ours to third reading, so we can be in the same playing field. And I do want to personally appreciate the courtesy of Senator Seliger, who has had a tough job over there, both for the senate maps and our map, and demonstrated that, moving our map without an amendment, and I believe that we should show the same courtesy to them as they showed to us on our map. I would ask none of you to offer any amendments, however, I do think there are a couple filed, but I want to talk to those members. And I would—I'd be happy to yield, all I was going to do was—unless there was somebody willing to withdraw their amendment, then I just want to move passage, and hopefully we can pass it on to third reading, so we can take that up maybe tomorrow. But, yes, I'll be happy to yield.

REPRESENTATIVE CASTRO: Burt, can you tell us how many majority-minority districts are there in this proposed version of the senate map?

SOLOMONS: How many majority-minority districts? I don't know, it's the senate map.

CASTRO: Or, minority-majority districts, I should say.

SOLOMONS: Well, we talked about this. I have a whole list that Senator Seliger sent over here of all the various—for a final number, I don't know how many there are.

CASTRO: Do you know whether it has changed much from the current senate, the lines existing now, versus—

SOLOMONS: I don't want to say there's a specific number in the change or not. I don't know, it's a senate map, and I didn't really look at that aspect. They did send over some information about each of the districts, if anybody had a question about a specific district.

CASTRO: Okay, thank you.

SOLOMONS: It's on—all the same information, just like we did ours, is on RedAppl if you want to look at it and see how it is. I'm sure most of you will have hopefully already looked at it. I know there was some questions about one of the districts about whether or not it was protected or not, but other than that, it's just a senate map.

REPRESENTATIVE RAYMOND: I'm sorry, Mr. Chairman, I was not here when you laid out **SB 31**, I was actually in the senate. So, I apologize I missed your opening remarks. I do want to ask you, however, could you remind me how far it is from your home to here? Two hundred and something miles?

SOLOMONS: From my home?

RAYMOND: Two hundred and something?

SOLOMONS: I guess when we do the mileage, I think it's—from Carrollton, 200 miles or so. Actually, from my apartment—I measured it once from my apartment—from my house to my current apartment was 220 something miles.

RAYMOND: Right, so 220 miles, so if there was a state senate district in **SB 31** that ran from Carrollton to here, just in terms of common sense, do you think that would make sense?

SOLOMONS: It might. I mean some of these districts are huge. I mean they really are, the senate—unless you're in the—

RAYMOND: Well, then we aren't going to agree on this, Mr. Chairman.

SOLOMONS: Unless you're from Dallas County, or perhaps Harris County, if you start including counties, some of them are smaller than others. Some of them—there's a lot of counties in it.

RAYMOND: I don't think there are any, in the map that you are putting before us, I don't think there are any districts that run from Carrollton to Austin.

SOLOMONS: No, I don't think there are any from Carrollton to Austin. There apparently is one running up from your area to Travis County.

RAYMOND: There's one that runs from where I live, 230 miles from here, and from where Representative Guillen, my deskmate, lives, which is 303 miles from here, to here. From 300 miles away to Austin; from the Rio Grande Valley, from Laredo to Austin. And so, there are a lot of reasons why this is not a good map, but I assure you, if you stop and look at it, and if you had worked on this map—I know you, by my understanding, you pretty much just accepted the map and

didn't work on it, and I understand that. But, I have to point out part of my concern with this map. It's clearly—with reference to my district in Laredo, the city of Laredo that I represent is very different from the city of Austin.

SOLOMONS: I understand that. I know Senate District 21 seems to be rather lengthy, but we didn't draw that. We didn't draw this. They went through their process over there.

RAYMOND: I understand, Mr. Chairman. It's just that—

SOLOMONS: I understand.

RAYMOND: I don't think this map will survive the courts, either.

SOLOMONS: There are members, probably on both sides, that think that our respective maps look funny in some districts, but it's their map and that's what we are kind of doing.

REPRESENTATIVE RODRIGUEZ: Burt, Mr. Chairman, this is along the same lines of what Mr. Peña Raymond was talking about. Travis County, now this map is divided four ways. We have four senators now representing, according to this map, representing Travis County. And the one that I take particular interest—all of that I take particular interest with, or objection to, mainly because the county itself, as you know, has over 1 million people in it, and it easily could be drawn to have two senators. One representing the bulk of the city, do you agree with that? That the population is such that you could create basically one senator representing the entire city?

SOLOMONS: Let me just tell you what I've learned this redistricting process. You have to move where the populations are, and I'm not going to try to second guess what the senate did in how they divided Travis County. The arguments from some of the Travis County folks is that it should be primarily one person. However, in all the urban counties, they're all divided. They've all got divisions. Every one of the major urban counties, in drawing a redistricting map, has been divided in at least three, four ways, and maybe some five ways.

RODRIGUEZ: Yeah, well, and I agree with that. You have a lot of the bigger counties that do have more than one senator. I think that makes sense, but to have four for Travis County is hard to—

SOLOMONS: I'm sorry.

RODRIGUEZ: I said, I agree with you. I think you're right. Obviously, the larger populated counties tend to have more than one senator, I agree, but whether it's four or five, I'm not sure if that's very common.

SOLOMONS: That is pretty darn common.

RODRIGUEZ: You know, let's say Dallas and Houston, but they're much bigger than Austin.

SOLOMONS: Bexar County, Travis County, Harris County, Dallas County, Tarrant County—all are major metropolitan areas—are divided. And there are people who are okay with that, and there are some who think that is not necessary, but when you start looking where the numbers have to come from, that's why you seem to see that on these maps.

RODRIGUEZ: Well, this is going to be the last thing that I mention on this, I know this isn't your map. I know you didn't draw this, but this is my opportunity to at least let the members know how I feel about this, and ask you a couple of questions. The objection that I have to this is also—my district, which is predominately Hispanic, is now entirely in Senator Zaffirini's district, who I have a lot of respect for, but as Richard Raymond mentioned to you before, I think the problem with this map is the assumption that someone with a Spanish surname is the same, no matter where they are in the State of Texas. And I will tell you that, being from South Texas, I know that the needs of South Texans are very different than the needs in Austin. Someone with a Spanish surname in Austin has different interests than those in South Texas, in the Valley, and in Laredo. And I think that's the problem with this map. And again, I know this isn't what you drew up, but I think that's going to be very problematic in the courts, potentially.

SOLOMONS: All I can say is that they drew it, the numbers seem to work, and you needed the populations. There were population center issues about where the population is coming from.

RODRIGUEZ: My concern is that it is done at the expense of minorities in urban areas, and that's really what concerns me—

SOLOMONS: And I understand that, but I would say based on what I saw on the map, all the counties are going to be very well represented even though some may think, "Well, it shouldn't have been that many, maybe it could have been more." But they're all going to be represented by some wonderful senators. They're just asking us to approve their map.

RODRIGUEZ: Well, Chairman, I respectfully disagree with that. Thank you.

REPRESENTATIVE BURNAM: Chairman Solomons, what is the most difficult job someone might be assigned in the legislative process during the redistricting session?

SOLOMONS: In my opinion, redistricting or the budget, one or the other.

BURNAM: And so, it's not my intent to suggest that the messenger should be killed today. However, I really think it's a terrible plan, and I want to ask you some questions to see if you know what you are attempting to do, with the bill that you are carrying, to my home district and my home county. Are you aware that both I and Representative Veasey testified before the senate committee concerning what they are proposing to do to the senatorial district that most of our constituents live in today?

SOLOMONS: I did not know that you and Mr. Veasey testified over on the senate side. No, I didn't.

BURNAM: Well, we both testified against the bill. Are you aware why we testified against the bill, because of what it does to Senate District 10?

SOLOMONS: I didn't know you testified over there, so how would I know why you didn't want the map?

BURNAM: Well then, maybe this line of questioning was designed so you know a little bit about how bad this bill is for Tarrant County, and particularly the people that I represent. Are you aware that under the proposed lines, the concentrations of African Americans in Tarrant County are busted up, are cracked into four different senatorial districts?

SOLOMONS: I believe Tarrant County has got four senatorial districts, right.

BURNAM: Well, and are you aware, more specifically and importantly, the concentrations of African American populations are cracked up into those four different senatorial districts? Are you aware that is also true of the Hispanic population?

SOLOMONS: As I understand it, the senate drew their map, their attorneys approved it, they don't think it's a violation. I understand that you and Mr. Veasey feel like there are some issues with that, yes.

BURNAM: Well, in fact, more specifically, if you looked at my—District 90, that I currently represent, which I'm sure you are aware, is over 70 percent Hispanic. The District 90 that I currently represent is cracked into three different senatorial districts. It is impossible to crack the district into three different senatorial districts, when the district is over 70 percent Hispanic, without cracking those populations into three different senatorial districts. Are you aware of that?

SOLOMONS: I'm aware that some of the districts go into, I would guess, your district, as well as Mr. Veasey's, towards the city of Fort Worth.

BURNAM: Well, correct. In fact, I've mentioned on this floor before, I'm the only representative that only represents Fort Worth.

(Speaker in the chair)

Amendment No. 1

Representative Alonzo offered the following amendment to **SB 31**:

Plan No. S139

[Please refer to the supplement to today's journal for the proposed map and reports associated with this amendment.]

REPRESENTATIVE ALONZO: Mr. Speaker, members, in the committee, I had mentioned that I had considered presenting a plan that allowed for a Hispanic opportunity district, and in the end, Mr. Veasey presented it. So, what I'm going to do is bring it before you. And, I know, I'm being very respectful of Chairman Solomons' comments about the process of respecting the senate and they are

listening to the house plan. But, let me tell you, with all due respect to Mr. Solomons, you know, we have to have a discussion. Let me tell you why we have to have a discussion.

As you'll recall, I have consistently mentioned, consistently mentioned the increase of the population in the census from 2000 to 2010. And I have consistently mentioned that in the last 10 years, the increase of the population of the State of Texas was 65 percent Hispanic. Members, 3 million more people are in the state. Three million more people in the state, which has led us to have an additional four congress people. But, what's more important than consistently mentioning that there's an increase in population in the state, one of those big increases is in North Texas. In Dallas, about 1 million Hispanics; in Fort Worth, 500,000. It takes approximately 800,000 to create a senate district. So, even though I'm not very good at math, I think what that means is that we would get two Hispanic opportunity districts. Two opportunity Hispanic districts for the senate. Two. But in this amendment, I'm being fair; I'm not asking for two, I'm asking for one.

Members, this amendment, what it does is connect Dallas and Fort Worth. In considering the increase in population of Hispanics, there is no Hispanic member in North Texas in the senate to argue for senate district—there is no opportunity at this time. So what I'm trying to do is rectify, rectify, rectify, rectify that misnomer that has occurred in North Texas. No more, no more, no more, no more will you not consider the Hispanics in North Texas. We've got 1.5 million in two counties. We're there, this is an opportunity, even though we couldn't say it in the senate, we are saying it here in the house.

REPRESENTATIVE BRANCH: Mr. Alonzo, do you think it's possible, or impossible, to rectify your statements between the growth of the Hispanic population, which I think we all acknowledge, and also the dispersion of that growth? Because I know, even in your district, you were short. What was your house district short in population?

ALONZO: About 30,000.

BRANCH: Thirty-thousand. And I think your good friend and colleague, Representative Anchia, what was his district short?

ALONZO: About the same number.

BRANCH: Was it closer to 50,000?

ALONZO: It was close to that.

BRANCH: Yes, would that be a possible number?

ALONZO: That is possible, and you're 100 percent correct at the moment. And let me tell you why I say, "at the moment." The reason I say, "at the moment" is this—in my opinion, if I may comment real quick, in my opinion there—

BRANCH: Thank you, sir.

ALONZO: —is more to the story, because, in my opinion the count was not correct. But, at the moment, even with that necessity for our districts, there's tons of folks in North Texas.

BRANCH: Yes, and I just wanted to make sure that the point was made; in case you disagreed, I wanted to hear your point. There seems to be a large dispersion of growth in Texas of all ethnicities, and particularly Hispanic, and therefore it's not been concentrated. So, in our county of Dallas, where sometimes people are under the illusion that there's a higher concentration in certain areas, even in west Dallas County, we were short population, isn't that correct?

ALONZO: That's correct.

BRANCH: Thank you.

ALONZO: But, you know, just to add—addition to the comments that Mr. Branch—it goes back to the discussion we've been having of redistricting that's at two levels. One level is fair, and the other level is legal. Depending on who draws the line, that determines the fairness at the time. But yet, there's another little asterisk Mr. Dan Branch likes to point out. We have to consider the legal part, as well.

BURNAM: Mr. Alonzo, your proposed amendment would create a Hispanic district that is a majority Hispanic?

ALONZO: A Hispanic opportunity district.

BURNAM: A Hispanic opportunity district. In what area does it cover? Tarrant and Dallas County?

ALONZO: That is correct. It covers Dallas and Tarrant County, yes.

BURNAM: And are you aware that Senator Wendy Davis offered in the senate an amendment that would create a Hispanic opportunity district and the senators voted that down?

ALONZO: Well, I appreciate it. At least my prayer was answered in the senate side, at least for consideration.

BURNAM: At least it was up for consideration. Do you think it's possible that it may be impossible to convince some of our members on the house floor that what they're doing is not only illegal, but not right, and unfair?

ALONZO: I think it's possible that they're listening, because they are. I can tell, because I can see their eyes looking this way, and I appreciate the listening, members, because this affects us all, and we have to take into consideration the two issues—what's fair, and what's legal. And I'm here to be helpful members, I'm trying to be a helpful kind of guy. The helpful part is for you to put those two issues into consideration; one is the fairness issue, and the other one is the legal issue. So, in all fairness, and being legal, we want to take this map into consideration, and that's why I bring it before you.

BURNAM: Representative Alonzo, while I might prefer a map that is a majority-minority opportunity district that's entirely within Tarrant County, and I believe that is possible to do, and that would be the fairest thing to my county. Can you appreciate why I've supported your amendment? To make sure that we have this discussion about what is happening with the high population growth of Hispanics in the state, and what appears to be an intentional—an

intentional—attempt to create retrogression by reducing the number of senatorial districts that minorities can actually have an impact in deciding who their representative in the senate is.

ALONZO: And let me comment, Mr. Burnam. You'll hear, members, what I said in this discussion, besides the legal part and the fair part, is the word Hispanic opportunity districts. I'm not saying that it's me or somebody else that should be elected—whoever the district decides. In your case, Mr. Burnam, we have that situation, it is a Hispanic opportunity district, the Hispanic population in that district decided on yourself. In Houston, we have what's called a "Gene Green" congressional district that is a Hispanic opportunity district. The Hispanics in that district decided to elect Mr. Green. What I'm saying is, let's create an opportunity—the numbers, members, are so big; they are big. Can you imagine 1 million and half a million? That's 1.5 million. I think it's time. We're in the 21st century. How long must we wait? We have to wait a long time, members, for us to create an opportunity, for state reps to get elected, for city council folks to get elected, JPs to get elected, judges to get elected. This is now time. We've come to that point on those elections. Now is the time, we can say that today in this house that this house recognizes the change, it's positive, it's good. This is an opportunity for us to have a Hispanic opportunity district in North Texas.

BURNAM: So, Representative Alonzo, in conclusion my question would be, do you believe that it is possible to create a fair and legal district in North Texas? But that has not been done, we've not been given that opportunity with the senate bill that has been sent over here, but we can with your amendment?

ALONZO: No, but under this plan it's legally possible and fairly possible.

BRANCH: Mr. Alonzo, you've been talking about legal and fair.

ALONZO: Yes.

BRANCH: And, would you agree that fair is often subjective and in the eye of the beholder?

ALONZO: That is correct. In the eye of the beholder of the majority of the decision-makers. That's why, Mr. Branch, let me tell you what I commented the other day—

BRANCH: And is that why we have laws and try to get through, because fairness can be different for all?

ALONZO: That is correct.

BRANCH: In fact, wasn't it your 35th president, John Kennedy, that said, "Life is not fair"?

ALONZO: Not only that. One of the examples I used in our redistricting hearings, Mr. Branch, was this. We make decisions as legislators, and somebody else interprets it. We might like it, we might not like it, but we live with it. And one of the examples I used, members, as Mr. Branch pointed out about

interpreting, and making sure it's legally right. In 2000, there was an election for president. In my opinion, the process said that Al Gore won, but the Supreme Court said George Bush won. I didn't like it, but I lived with it.

What's going to happen here, we're going to present this map. If you help me today, if you help me today, that will be done with, I think. But, if you don't, we'll have an interpretation—but again, as I walk away from the podium I want to thank Chairman Solomons for allowing us to be a part of a big effort that took a long, long time going around the state and hearing different opinions. In closing members, I ask that you—just to let you know, I'm going to give you some information, but it's coming, it's coming, it's coming. The chairman has advised me that he is going to move to table. I'm not surprised. So, you will not be surprised that I ask that you vote no on the motion to table. It's possible to vote no on the motion to table.

SOLOMONS: This is the senate map, and I appreciate the lively discussion, and the passion that Mr. Alonzo shares in trying to have what he believes is fair, more minority districts. But, this is a senate map and we're trying to move it to third reading so we can get our map done, as well for what we did on this house floor for some odd 16 hours, or whatever it was. So anyway, I'm going to move to table. I do think the map is legal—according to the senate attorneys. And they put a lot of work into it over in the senate, and I ask you to table Mr. Alonzo's amendment.

Representative Solomons moved to table Amendment No. 1.

The motion to table prevailed by (Record 1196): 98 Yeas, 46 Nays, 4 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; 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.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; 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; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; King, T.; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker(C); Howard, D.; Johnson; Strama.

Absent, Excused — Patrick.

Absent — Torres.

STATEMENT OF VOTE

When Record No. 1196 was taken, I was temporarily out of the house chamber. I would have voted yes.

Torres

Amendment No. 2

Representative Martinez Fischer offered the following amendment to **SB 31**:
Plan No. S154

[Please refer to the supplement to today's journal for the proposed map and reports associated with this amendment.]

REPRESENTATIVE MARTINEZ FISCHER: Members, this is a map that I think is something you can support, because it's actually **SB 31** with two tweaks in two areas, Senate District 17, and Senate District 10. We know the obvious. We argued this during house redistricting, but I'll restate it for the purposes of potential Section 5 challenges down the road. Last decade, 89 percent of all growth in this state was minority population, and over 65 percent of that growth in Texas has been Latino population growth. Today, Latinos make up over 37 percent of the Texas population, and over 33 percent of the Texas voting age population. Simply put, minorities, African Americans, Hispanics, and Asian Americans combined, now constitute more than 50 percent of the voting age population in Texas.

I think the senate has done a good job in drawing their map. However, in doing so, they made some mistakes, in my view, in two districts. And I said District 17, which is currently represented by Senator Joan Huffman, today, as we speak, has a 42.4 percent African American, Hispanic voting age population. The map, as passed by the senate, reduces that to 35 percent. The amendment that I'm offering increases the African American, Hispanic voting age population to 59.7 percent, making it a minority opportunity district. And looking at it more specifically, if you just want to look at Hispanic voting age population, and African American voting age population by itself, **SB 31** for District 17 has a 20.2 percent Hispanic voting age population and a 12.8 percent African American voting age population. This amendment increases these percentages to 37.4 HVAP and 23.1 BVAP. This plan, S154, will increase African American VAP by 10.3 percent in District 17. It impacts Senator Jackson's district by taking the current district and running it all the way up to Port Arthur to connect African American communities in Port Arthur, Texas.

With regard to Senate District 10, we create a minority-majority district in the metroplex that's actually a CVAP district, which is one of the highest thresholds in minority districts, to indicate you can draw a CVAP district in the metroplex if you wanted to. Those are very difficult to draw on the state. Courts have been very willing to scrutinize a map that does not look at population in a CVAP capacity. This is what District 10 does. **SB 31** had a combined African

American, Hispanic voting age population of 35.2 percent. Currently, it's 42.40, so we regress back a bit. This amendment will increase the BHVAP to 75.2 percent. In order to create this minority-majority seat, District 10 goes into Dallas County, it takes minority population from District 9, belonging to Senator Harris, District 16, Senator Carona, and District 23, Senator West.

With respect to Senator West, the net effect of what it does, because you have to be very sensitive with Senator West's district, his African American voting age population actually goes up 3.7 percent, and his Hispanic population actually reduces. So, it becomes even a stronger African American district for Senate District 23. It still performs the same way with its election data, but it does make that district even stronger in terms of African American voting age population. That's what this does.

I think that when you look at this in the big picture you will probably see some Section 5 challenges with respect to these districts and whether or not you could have created this minority opportunity districts. This amendment only does that, it does not impact anybody else. Although, there is probably potential in other parts of the state, and I'll let those who wish to do that, independently, take that up on their own, but these are the most egregious violations, in my view, of Section 5, and that's why I wanted to bring a map with minimal changes, and that's why we only make these changes in 17 and 10. And I certainly would ask the author of this—or the sponsor of **SB 31** to find this acceptable to him for the purposes of Section 5.

REPRESENTATIVE VEASEY: I wanted to ask my deskmate, Trey Martinez Fischer—one of the things that happened during the congressional re-redistricting that took place back in 2003 was the fact that republicans had a certain percentage that was elected statewide, like, let's say that they got, you know, 50-plus percent of the votes, so they deserve a certain percentage of the congressional seats. Now, are you familiar—I'm sure you're aware of this, and I think you probably just laid it out, that the Hispanic population and the African American population of this state now constitutes the fact that there should be 11 or 12 Hispanic centers and even three or four African American centers. Does your map sort of fall into the same sort of line of thought that the republicans preached a few years ago, saying that certain percentages should line up according to a certain population?

MARTINEZ FISCHER: Well, to be very clear about it, I think this map is clearly about population. I mean, we've always taken the view that we let the politics fall where the politics fall, but we draw the map based on the demographic growth, and if districts can support that growth, and I think—that's why I don't want to come to this floor and say that we can redraw every senate district in the state. But there are two areas where you've got explosive minority population, but in fact, in reality, when those senate districts came back, the minority population, instead of growing, diminished. I think that's problematic. I think, at a minimum, they should have maintained some semblance of a status quo and perhaps maybe moved up incrementally, but it actually went backwards. And that's what we were alerted to, and that's why I thought, in these two areas, we

can adjust this by just purely looking at the demographic shifts and not care about the politics, and draw a map that will comport with those changes. And so that's what we attempted to do with Senate Districts 10 and 17.

VEASEY: One of the things that's also disturbing about the map that passed out of the senate and that passed out of the House Redistricting Committee is the fact that so many African American and Latino communities were either stranded and put into far-flung reaching rural districts, or either they were unnecessarily packed. How does your map address the issue of packing in areas that have been stranded?

MARTINEZ FISCHER: And, I will say this—respectfully, I've had a lot of time to work with Chairman Solomons on redistricting, and we've had some very good conversations. But I think as far as analyzing this map with regard to District 10, it's very difficult to accomplish what has been accomplished here by dispersing minority communities when in fact, in the metroplex area, that's where some of the strongest growth has occurred. And so, when you look at Senate District 10—what's been drawn in the senate—this is not anything anybody did over here. It doesn't comport with the demographic growth, it doesn't comport with the minority opportunities, and you can't take a district that's a coalition minority district that is growing and growing and then disperse it, and not make up for it somewhere else. And so, because the complexity of District 10 has changed so much, that's frankly the easiest district to draw in the entire state because there's so much opportunity in the minority community. And now, we've drawn here a minority CVAP district that's over 50 percent—that is actually the hardest district to draw, demographically speaking. So, if we could draw it on a couple days' notice by looking at the senate map and making adjustments to it, then certainly, the senate could have drawn it, if it wanted to. I think, argument on argument, you know, the argument's going to be—the potential is there.

We have demonstrated that there is a demographic potential to draw a CVAP district in the metroplex, and the question is going to become, why wasn't it done? What was the compelling reason to not do it, and where did you offset that? And arguably, if you diminish in 10 and you diminish in 17, and you're not making up for it anywhere, I think it's going to be very difficult to respond to on a Section 5 argument. But, I don't have the last word, and I know as much as Burt Solomons has done the work on this, he knows he doesn't have the last word. We'll let those at the justice department or the D.C. Court, the District of Columbia, wherever the Section 5 review will take place, we'll let them decide. But, we need stuff like this. We need demonstrations like this to show, as an exhibit, that it could have been done.

And I know we're running out of time in the session, and there's been very little time afforded to look at the senate map. I know the argument about taking it as a courtesy and passing the map because they will pass our map, and I understand that. I respect that tradition. But when it comes to voting rights, when it comes to representing communities of color, when it comes to what MALC is trying to accomplish in representing the Voting Rights Act, we could not let this go by. And so, that's why we've taken the time to draw a very limited

map in making changes in the two biggest areas that needed to be changed, recognizing there are still other places on the board that probably could have been changed and should have been changed. And had there been more time to vet that, I think we could have brought that argument to the floor, but I think this is the best that we could find on a very short notice as to, you know, the lack of minority opportunity existing in the Texas Senate at a time when the demographic population is growing at rates that's unimaginable to other places in the country.

VEASEY: What type of message do you think we are sending if the African American population continues to grow, and the Latino population continues to grow at the level at which it's growing, but we continue to create opportunities, and draw opportunities in redistricting for the Anglo population that's not increasing as fast—and particularly in the rural areas, where it's not increasing nearly as fast. What type of message are we sending about who these opportunities are for when those populations are growing faster? I just think that we could be sending the wrong message here, especially to the black and Hispanic community, by saying that you're decreasing but we are going to use your numbers so we can create additional opportunities for our community and not your community.

MARTINEZ FISCHER: I think that looking at demography and looking at the potential in the minority growth, you could redraw the senate map in a much different way, and I concede that. But, in just being consistent, and looking at the growth, and looking at the target areas where that growth occurs, you could draw a reasonable map that comports with the overwhelming view of the state senate and maybe grant them that deference and that courtesy that Chairman Solomons alluded to. But in these two areas it's just too obvious to ignore, and so in being consistent about respecting those demographics, that's why we do the census.

We do the census to know what our state looks like, and we want to know what our total population is so that we can get money, and then we have the obligation, once every decade, to draw these maps, and you know, the maps ought to represent the shifting demographics. And what I said earlier—I don't know if you caught this—today, as a result of the census, more than 50 percent of the voting age population in the State of Texas is either African American, Hispanic, or Asian. But yet, you won't find that reflection in our maps, and I think we can do a much better job. That is the obligation that MALC has undertaken with respect to any district that has a single-member district. We did this with the State Board of Education. We did this with the Texas House. We put an amendment on the Railroad Commission Sunset to make the argument. You know, since 1891, there's only been three Hispanics elected to serve on the Railroad Commission, since 1891. And we're still doing these districts statewide. We made the argument that you can do three districts, and you can run them for the same amount of terms, and rotate the chair to comport with the house desire in the Railroad Commission map, but we did it there, as well.

And so, when it comes to the senate, you know, I'm mindful of the courtesy, I'm mindful of the deference, but I'm also more cognizant of the Voting Rights Act. I'm more cognizant of our duty, as minority lawmakers, to represent the

voiceless. And if you look at that senate map, the voiceless people on those maps are communities of color, and that's what I try to correct in Senate District 10 and Senate District 17.

VEASEY: Representative Martinez Fischer, since the Voting Rights Act was passed in the mid-1960s, in Tarrant County they have always started with the fact that southeast Fort Worth, which is the largest African American community in Fort Worth, and the north side, that both of those areas would be in one senate district. Why do you think under this plan, that was passed out of the senate and passed out of the house committee, that they seek to remove both of those districts out of the Fort Worth core district, or in this case, Senate District 10?

MARTINEZ FISCHER: I'm not going to pretend to know. I'm not going to speculate, but I can tell you it has nothing to do with demographics. If demographics was the paramount concern protecting the growing minority population, protecting minority opportunity districts, if that was the primary driver of the senate map, Senate District 10 would look much different. If protecting a growing minority coalition district in 17, you would want to expand that growth were you could, and not take it back. I mean, it goes back—it goes from 42.40 percent today to 35.2 percent. It goes back seven percentage points at a time when the growth is unspeakable for minorities, particularly for Latinos. Excuse me, I'm sorry, that's in 10. In 17 it's about the same, 42.40 to 35.20 on the African American, Hispanic VAP. Our amendment improves that substantially. It makes it a true minority opportunity district. It gives minorities the opportunity to represent the candidate of their choice, and it is truly a coalition district. It is a 37 percent HVAP district under my amendment and a 23.1 percent BVAP district.

SOLOMONS: I do appreciate the passion, as well, of Mr. Martinez Fischer. I'm not sure where 17 and 10 meet on this field, but let me just say this. This is a senate map. His map does more than just affect two districts. It really affects quite a bit of the state. It is a senate map. Their senate lawyers have assured Mr. Seliger that it meets the Voting Rights Act. Mr. Martinez Fischer's map actually is redrafting his vision of what the senate maps ought to look like—senate districts ought to look like. I would beg to differ that we shouldn't be doing that, and I would ask that we move to table Mr. Martinez Fischer's amendment.

REPRESENTATIVE C. HOWARD: Representative Solomons, do you realize that Representative Fischer's map splits Fort Bend County into four separate senatorial districts?

SOLOMONS: I believe that Mr. Martinez Fischer's amendment affects quite a bit of the state in a way that I don't think this house would like to see it, and I'm pretty sure the senators wouldn't like to see it, and it's their map.

C. HOWARD: And the other aspect of that—we talked about community of interest, and minority representation. One of the fastest growing populations is the Asian American population, and his map actually disperses that into four different sections, dispersing that minority representation. Are you aware of that?

SOLOMONS: No, but thank you for telling us.

C. HOWARD: Thank you, I think we need to table this amendment.

VEASEY: I wanted to ask you a question about this map that I, quite frankly, find a little bit disturbing. Back in 2001, is it your understanding—

SOLOMONS: The senate map is disturbing or Mr. Martinez Fischer's version of the senate districts is disturbing?

VEASEY: No, the senate map. But you're right, we're not on that particular amendment. When you are ready to close, I'll come back.

BURNAM: Chairman Solomons, I'd like to ask a clarifying question—something I thought I heard you say in an exchange earlier about putting a higher priority over the interest of the 31 people that serve the people of Texas on the other end of the capitol, versus the 150,000 people that I represent in Fort Worth. Let's be clear—

SOLOMONS: I don't believe I said that, but go ahead.

BURNAM: That's the reason I want a clarifying question.

SOLOMONS: I don't believe I said that. I said this is a senate map and, quite frankly, I appreciate the vigor, and the passion, and the idea that some of the members feel as if they should have another version for minority purposes and Voting Rights Act. And I would only add that I believe the attorneys for Senator Seliger and the senate have said that they believe this complies with the constitution, Texas Constitution, and Voting Rights Act. And you know as well as I do, should we pass this map, and they pass our map, and it goes to the governor's desk, and then there are probably going to be several lawsuits over certain aspects of these maps, and we'll figure out, you know, from a third party perspective. But, right now, the attorneys and the folks involved in the redistricting process, in their interpretation, seem to think that this does comply with the Voting Rights Act.

BURNAM: Right, but the purpose of my clarifying question is just to make sure that everybody is clear that the 31 people serving over there do not fall under the protection of the Voting Rights Act, and almost 80 percent of my constituents, and almost 80 percent of Mr. Veasey's constituents do fall under the protection of the Voting Rights Act. I just wanted to make sure that you're clear on that. And you are, aren't you?

SOLOMONS: If that's your opinion. I understand what you're trying to do.

BURNAM: I'm just trying to clarify the debate.

SOLOMONS: Well, I'm telling you that they based their map, after a number of hearings, and based on what they believe the interpretation is. I understand you have a difference of opinion—

BURNAM: Well, actually, there was only one hearing, and it was an abbreviated hearing, and it was less than 24 hours' notice. Is that not correct?

SOLOMONS: They had seven interim hearings around the state. They had two public hearings, of which, by the way, no one showed up—for the public, on the second hearing. No one.

BURNAM: Chairman Solomons, is it not true that they only had one hearing on this bill and it was conducted within less than 24 hours' notice?

SOLOMONS: That's not true.

BURNAM: It was less than 30 hours' notice?

SOLOMONS: You said they only had one hearing. They had two hearings and no one came to the second hearing. That's my understanding.

REPRESENTATIVE MADDEN: Burt, I was looking at the district that they have in this amendment that is Senator Huffman's. And it was brought up earlier by Mr. Raymond that it was, like, 200 some miles from Carrollton down to Austin. Do you have any idea how many miles would have to be driven to get from one end of Senator Huffman's district that they have to the other, and how many of those would have to be swum, instead of driven, because of the layout they have in that district?

SOLOMONS: I have no idea. It appears that some of his versions of what he thinks the district should look like, seems to be rather lengthy.

MADDEN: I measured it. I think it's about 350 miles that they'd have to go from one end to the other.

SOLOMONS: Well, as Mr. Alonzo said, and Mr. Branch mentioned, fair and legal is perhaps in the eye of the beholder.

MADDEN: And how fair would it be for the senate to have to swim that length from Galveston up to the further parts of East Texas they have in that map?

SOLOMONS: I don't think you should have to swim across your district.

MADDEN: I don't think that either.

SOLOMONS: That's just me.

Representative Solomons moved to table Amendment No. 2.

MARTINEZ FISCHER: They do have swimming lessons in the 17th, please don't confuse yourself. And, frankly, that district is actually drawn that way as it came out of the senate, we just picked it up in Brazoria and took it to Port Arthur. If you looked at Senate District 19, you'd need more than some floaties to get through that senate district from San Antonio to El Paso. You've heard the arguments. This is a demonstration to show what can be done. We don't have the last word—I don't, Chairman Solomons doesn't, but respectfully, this is the only place where we can make the argument to start the process. And so, with that, if any members are concerned about voting rights, minority voting rights, Voting Rights Act, I'd ask you to please vote no on the motion to table, and—I ask you to vote no.

LEAVE OF ABSENCE GRANTED

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

Pickett on motion of Menendez.

SB 31 - (consideration continued)

The motion to table prevailed by (Record 1197): 99 Yeas, 44 Nays, 5 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; 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.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; 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; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; King, T.; Lozano; Lucio; 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(C); Howard, D.; Johnson; Mallory Caraway; Strama.

Absent, Excused — Patrick; Pickett.

Amendment No. 3

Representative Veasey offered the following amendment to **SB 31**:

Plan No. S149

[Please refer to the supplement to today's journal for the proposed map and reports associated with this amendment.]

COMMITTEE GRANTED PERMISSION TO MEET

Representative Hilderbran requested permission for the Committee on Ways and Means to meet while the house is in session, at 4:15 p.m. today, in 3W.15, to consider **SB 1546**, **SB 1574**, and **SB 1927**.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Ways and Means, 4:15 p.m. today, 3W.15, for a formal meeting, to consider **SB 1546, SB 1574, and SB 1927.**

SB 31 - (consideration continued)

VEASEY: Members, I wanted to share this plan with you, 137, but before I go into the plan let me be clear about one thing. Yesterday there was a column, I believe it was in one of the major newspapers here, that said I was—when we had our redistricting hearing, over in the Ag Museum, that I was in there, "fighting hard for the incumbent" in Senate District 10. That could be the furthest thing from the truth. Whenever I argue these points, or whenever I make the arguments that I do in redistricting, particularly as it pertains to Tarrant County, I am making arguments on behalf of the constituents that I represent in southeast Fort Worth that are largely African American and Latino. And also, the constituents in Representative Burnam's district in north Fort Worth who were split up and put in the Senate District 12 and flung into Denton County.

I am making arguments on behalf of these constituents and for these constituents only, and we need to be 100 percent clear on that, and I would appreciate it that when we're talking about redistricting that if the other elected officials in this body and the people that talk about redistricting and send this message out to the State of Texas through different medians, that it stay focused on the constituents that are being discriminated against. And the plan that was passed out of the senate and was passed out of the house, and not on a single senator, particularly the incumbent in Senate District 10, because that is not what it is about. It is about people in Stop Six, near southeast-side Fort Worth, the north side, Rolling Hills, Everman, Forest Hill in my district, that have been sent out to a rural area where the people that live in that area came and testified—the republicans that live in those counties—they came and testified and said that they did not want to be in a district that included urban Tarrant or urban Dallas Counties.

BURNAM: Representative Veasey, you serve on the redistricting committee here in the house, correct?

VEASEY: Absolutely.

BURNAM: And you took the somewhat unusual measure to go testify against the proposed senate lines in the senate redistricting hearings, correct?

VEASEY: Yes, I did.

BURNAM: And I also did the same thing, is that correct?

VEASEY: Yes.

BURNAM: And you represent a majority-minority district and I represent a majority-minority district, and an overwhelming portion of both of our districts—in my case, all of Fort Worth—all my district is within the city of Fort Worth right now and almost all of your district is within the city of Fort Worth

right now, with the notable exception of Forest Hill, which is the first majority African American city council in the State of Texas for suburban—so, we both support highly minority communities—

VEASEY: Yes.

BURNAM: And it was revealed in the testimony in the senate hearing that the four minority city council members from the city of Fort Worth have all sent letters or signed a letter objecting to cracking your legislative district and my legislative district into three different senatorial districts, is that correct?

VEASEY: That is correct.

BURNAM: Isn't it also true that, as a part of the testimony, the constable that represents an overlapping area of my legislative district, Constable Sergio De Leon, sent a letter objecting to cracking his constable district into three different senatorial districts, is that correct?

VEASEY: Yes, that is correct. Yes.

BURNAM: And, lastly, but most importantly to you and me on a personal level, isn't it true that the Lake Como Neighborhood Advisory Council has sent a letter pleading to put them in with southeast Fort Worth because they are the largest African American neighborhood in Fort Worth, not in southeast Fort Worth?

VEASEY: That was Como's first priority, was to ask that they be put back in the senate district with southeast Fort Worth, like they had been for years.

BURNAM: And you know that I have said for at least the last year and a half that my first priority is to restore the Lake Como community whom I represent—they represent over 10 percent of my constituency—to restore them to the same senatorial district, that they had been in for over 20 years combined, with southeast Fort Worth, is that correct?

VEASEY: That's correct.

BURNAM: And what came to surprise us is that while they put the Lake Como community in District 10, they took most of southeast Fort Worth out of District 10, is that correct?

VEASEY: That is—yes, they put us in Senate District 20—most of—

BURNAM: The other thing that totally surprised us, they took the historical north side, one of the oldest barrio communities in Fort Worth, they took all of the north side Diamond Hill communities and put them in a senatorial district dominated by Denton County, is that correct?

VEASEY: That is absolutely correct.

BURNAM: So, what they've done in putting the Lake Como community over in a district that is centered in Fort Worth, but taking southeast Fort Worth, they have cracked the African American communities in Fort Worth into two different senatorial districts. Is that correct?

VEASEY: To paraphrase the great author, Ellison, they wanted to make sure that we were—that the black and Latino communities and Tarrant County were put in a basement and shut off for the next 10 years to make sure that we will not be able to have any influence in the senate districts.

BURNAM: Well let's make it clear—

VEASEY: And this plan that I'm laying out corrects that and makes it fair.

BURNAM: And let's make it clear, in the case of District 90, the district that I represent, the north side, north of downtown, north of the river, is a heavily Hispanic and some African American district now, but that Hispanic community has been cracked away from the Hispanic community on the south side, the other historically large Hispanic community in Fort Worth, and they are divided—separated—into not two, but three different senatorial districts. I think you have a good amendment, there should be no objection to this amendment. All this does is correct the illegal proposal to crack African American, Hispanic communities in Fort Worth and the larger Tarrant County and puts them into one district so they can have a viable voice in electing who and deciding who their senator will be. Thank you very much for offering the amendment.

VEASEY: And, not only is this plan more fair than the plan that was passed out of the senate, which is a very unfair plan that Representative Solomons laid out today, the plan that I have, that I'm laying out also takes into consideration the testimony that we heard from various communities in and around North Texas. We had a republican from Hood County come out and testify and say that they did not want to be in a senate district that came into a large urban area. The same thing with republican officials that came in from Johnson County—I fix that on this map.

And those of you that are familiar with Tarrant County may know the story from several years ago about the city of Benbrook. They were upset about an African American football coach that was hired—because Benbrook is in Fort Worth ISD—they were upset about an African American football coach that was hired because that was the first time one had been hired there, and so they wanted to secede from the Fort Worth ISD and start their own school district. They said they could have a school district like Aledo or like Granbury were it not for the Fort Worth ISD. One of the things—and the older parts of Benbrook, along 377, definitely have a flavor to them like a Granbury or an Aledo community, and so one of the things that I did on this plan is I put southeast Fort Worth back into an urban-dominated—

SOLOMONS: Mr. Veasey, I think—didn't you bring this one forth yesterday? Mr. Veasey brought this amendment to the committee and the committee did not approve. I understand Mr. Veasey's concern about his district and which district it is in, and the communities around there, but, once again, I would ask you to table Mr. Veasey's amendment as the committee did in not approving it, because it seems as if the senate felt that that was where the population had to come from. That's where they needed to go, and it does not violate the Voting Rights Act. So, anyway, I'm going to ask you to table Mr. Veasey's amendment.

Representative Solomons moved to table Amendment No. 3.

VEASEY: I disagree with Chairman Solomons tremendously. This act clearly violates the Voting Rights Act. There are many neighborhoods in which they could have put in Senate District 22 that fit in more neatly with 22, with Hood and Johnson Counties and areas that go all the way down to Falls County, than southeast Fort Worth. The story I was telling a minute ago about Benbrook along 377, the Benbrook community fits in very nicely with the Granbury communities. Hood County, Johnson County, Cleburne, named after Confederate generals, those are more communities of interest, and the various restaurants and watering holes along 377, those are communities of interest. Those communities, they do things, they congregate together, they church together; we need to make sure that southeast Fort Worth is with a more urban community. Benbrook and other parts of Fort Worth would fit in a lot neatly—more nicer with Senate District 22. It is clear that the motive behind putting southeast Fort Worth in Senate District 22 is to make sure that votes don't have to count, and when you think about the Legislative Redistricting Board and the comments that they made, they specifically said that the minority communities in Senate District 10 were not being fragmented and that the communities of interest were being kept together. Now, those same comments that were produced by republicans on the Legislative Redistricting Board are being ignored so they can discriminate against voters in southeast Fort Worth. The plan is completely unfair.

We need to go, and move forward, and have a good plan that everyone can be proud of where everyone has a fair chance. When you look at the number of African Americans and Hispanics and the numbers that have grown in Tarrant County, it is clear that in trying to create this new seat that they would like to create that they are putting the interest of people with money and voters that aren't growing as fast as African American and Latino voters in front of those who deserve opportunity and deserve to be able to elect a state senator of their choice. I ask that you be fair, that you do the right thing, that you have a good story to go back and share with your kids and your grandchildren, that you are on the right side of a civil rights issue. The Voting Rights Act—people fought hard, people died, people sacrificed a lot to make sure that we would have fair elections in this country and to make sure that people would have the opportunity to have fair representation. We do not want to turn back the clocks today and vote against the Voting Rights Act, to vote against the civil rights legacy that we have in this country. Let's do the right thing and vote no on the motion to table.

The motion to table prevailed by (Record 1198): 96 Yeas, 42 Nays, 5 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Burkett; Button; Cain; Callegari; Chisum; 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.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender;

Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; 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; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; King, T.; Lozano; Lucio; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishat; Oliveira; Raymond; Reynolds; Rodriguez; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker(C); Howard, D.; Johnson; Mallory Caraway; Strama.

Absent, Excused — Patrick; Pickett.

Absent — Alvarado; Brown; Carter; King, S.; Workman.

STATEMENTS OF VOTE

When Record No. 1198 was taken, I was in the house but away from my desk. I would have voted no.

Alvarado

When Record No. 1198 was taken, my vote failed to register. I would have voted yes.

Carter

When Record No. 1198 was taken, I was temporarily out of the house chamber attending a hearing for the Committee on House Administration. I would have voted yes.

S. King

Amendment No. 4

Representative Veasey offered the following amendment to **SB 31**:

Plan No. S137

[Please refer to the supplement to today's journal for the proposed map and reports associated with this amendment.]

VEASEY: I wanted to lay out a statewide plan here. I think this plan, also, is much more fair than the plan that was passed out of the senate and passed out of the house redistricting committee a day or two ago. This amendment can produce the same, or better, Hispanic districts along the border without going into Travis County. One of the things that's also addressed, that Representative Solomons talks about—the SSVR numbers are equal or greater than the SSVR numbers in the proposed map. Travis County is already a Hispanic opportunity district and the map gives Hispanics the opportunity to also elect the person of their choice in District 14, and also keeps in line with the submissions that were

made by the Legislative Redistricting Board back in 2001, and keeps the insular minority communities of 10, 9, 14, and 16 together. Of course, under the plan that was voted out, 10, 9, 14, and 16 have been greatly fragmented and packed unnecessarily and we want to make sure that that doesn't change. Of course, in Senate District 10, in Tarrant County, the Anglo population, currently, is below 50 percent and they make that over 50 percent, which is illegal, and it's also a violation, and that is corrected in this statewide plan also.

BURNAM: Representative Veasey, while maybe we weren't ready to support your first amendment which addressed, exclusively, the problem of the likely illegality of the proposed Tarrant County plan, this proposal addresses, in addition to Tarrant County, the concerns that have been articulated concerning the cracking of Latino populations here in Travis County?

VEASEY: Yes.

BURNAM: And you say that it provides for an opportunity district in the southern portion of the state that doesn't exist in the current plan?

VEASEY: Yes, absolutely.

BURNAM: Could you explain that one a little bit better? What does that provide us?

VEASEY: I have the map right here. It's a—and I don't have the exact numbers right in front of me, but I can explain it to you—but, I can promise you that the map that I have here today, this statewide plan, that the opportunities are much more in line with the state when you look at the number of Hispanics that have increased statewide and the African American populations that have increased statewide, it's much more in line. It also falls under that same philosophy that the republicans used back during the redistricting, where they said we make up a certain percentage of the statewide elections, therefore, we should have an equal proportion of those congressional seats. Well, I do that—that is what this particular amendment follows. This amendment follows the same republican doctrine of—and just replace republican with the word African American and Hispanics—that if there are a certain number of Hispanics, a certain number of African Americans, and a certain voting percentage, which I believe President Barack Obama received about 43, 44 percent of the vote in 2008, and that is what this senate map reflects.

BURNAM: Under the existing senate district lines, there are only three senatorial districts that are anchored on the Rio Grande between Brownsville and Laredo and are majority Hispanic districts. What does your proposal do?

VEASEY: In my proposal—and I'm going to have to let you look at it—is a—because I had to put this together very quickly, I didn't have the chance to look at it like I would like to, but based on what I was given by my legal counsel, it rectifies some of the mistakes that were in the—

BURNAM: So, it doesn't represent the retrogression that the proposal—that Representative Solomons brought to us?

VEASEY: It fixed all the retrogression that has taken place in the proposed—

BURNAM: And it attempts to address the issue of the increasingly larger and larger Hispanic population in our state as opposed to when the lines were drawn a decade ago.

VEASEY: Absolutely. One of the things that disturbs me about the statewide plan that was voted out of the house committee, that's on the floor today, and one of the reasons why I wanted to submit this plan, was that if you look at the rural populations and you look at the—versus the African American and Hispanic population that's increasing in the state, it's clear that many of those opportunities for the rural senators and populations that aren't growing quite as rapidly, are being maintained and even increased on the backs of African Americans and Latinos, and that's unfair.

BURNAM: So this form of retrogression you're talking about is they're achieving these lines on the backs of urban Hispanics and African Americans?

VEASEY: That—if there's anything that is clear about this map, it is that fact that the population increases in the state are being used to preserve the old guard.

BURNAM: That's kind of like you're trying to adopt the balanced budget, isn't it? It's essentially the same thing—on the backs of the working minorities in this state. Thank you.

VEASEY: Thank you. Members, I ask that you vote for this particular plan. All of the problems in Tarrant County, in Dallas County, Harris County, are rectified under this map. This is a map that we can go to the Justice Department with and be proud. I think it is something that will reflect nicely on our state, because whenever you get into these redistricting battles and things are done blatantly, for instance, when you take southeast Fort Worth all the way down into—past Falls County, past McLennan County, it leaves a very negative perception on the state. It makes it look like Texas is not a friendly place for African Americans and Latinos to reside, and even though it is one of the fastest growing areas for African Americans and Latinos, and we want to make sure that our state keeps its friendly face. We also want to make sure that we do the right thing not only morally, but what is legal, and in keeping with the Voting Rights Act. I can tell you that this plan, Plan 137, keeps us in line with the Voting Rights Act and it's fair to all citizens.

SOLOMONS: Mr. Veasey's prior amendment affected all but three districts, this amendment affected all the districts in his look at how he believes the senate map should look, and he's basing it on a variety of arguments that he believes are relevant, so, I'm going to move to table.

(Aycock in the chair)

Representative Solomons moved to table Amendment No. 4.

VEASEY: Members, I close, and ask you to vote no on the motion to table.

The motion to table prevailed by (Record 1199): 98 Yeas, 44 Nays, 6 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; 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.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; 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; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; King, T.; Lozano; Lucio; 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; Aycock(C); Howard, D.; Johnson; Mallory Caraway; Strama.

Absent, Excused — Patrick; Pickett.

Amendment No. 5

Representatives Turner and Y. Davis offered the following amendment to **SB 31**:

Plan No. S153

[Please refer to the supplement to today's journal for the proposed map and reports associated with this amendment.]

REPRESENTATIVE TURNER: I want to echo and reaffirm what you have heard from Representative Trey Martinez Fischer and Representative Veasey. This map that is being filed by the Legislative Black Caucus creates the two African American districts, Districts 13 and 23, and then the Hispanic districts that are included in 19, 20, 21, 26, 27, and 29. It also creates two minority impact districts, the District 10 and District 15. There are a total number of minority districts of 11 that are included in this amendment. We just believe that with the added growth that has occurred, and where that growth has occurred, that these minority districts, both African American and Hispanic, and minority impact districts should be incorporated and adopted, and therefore we are putting forth this amendment for your consideration.

REPRESENTATIVE Y. DAVIS: Thank you, Representative Turner, I appreciate you bringing these maps to us. Are you aware that all of the districts needed population added, except for a couple of districts down in the Valley—the senate districts—they needed population added?

TURNER: Yes.

Y. DAVIS: And are you aware that in this Plan 153, we actually put intact and keep the minority district together in District 10, which is a concern that Representative Veasey and Burnam had with regard to destroying integrity of 10 and the minority population?

TURNER: And that's why from the outset I want to reaffirm and echo what Representative Veasey, Representative Burnam, and Representative Trey Martinez Fischer had to say.

Y. DAVIS: And, with this map it is our intent to increase the overall population of minority districts that will be reflective of the population of minorities in the State of Texas, is that correct?

TURNER: That is correct. And let me just say—I don't see Representative Solomons. There's Representative Solomons, I don't know if you've had an opportunity to see it, but I would say to you that this would enhance the State of Texas. Quite frankly, if it was on the local and consent calendar, it would pass.

SOLOMONS: I'm going to move to table Mr. Turner's statewide substitute plan. It's his version, I believe, of what the senate districts should look like, and based on a variety of factors, the senate, however, voted their plan out and they were told, as I understand it, that that meets the Voting Rights Act, and should we pass this map, I'm sure some of these same arguments you've heard today are going to be at the courthouse, and we'll just have to let them decide. But at the end of the day, that it is a statewide substitute based on what Mr. Turner believes needs to be done.

Y. DAVIS: Chairman Solomons, are you aware that in this plan we essentially leave the core of all the districts intact, except by adding population to them without taking the core districts away?

SOLOMONS: If you tell me that, that's fine.

Y. DAVIS: And, I appreciate you have no interest in trying to review it, but I just want to go through these questions just for the record since you have no interest in looking at it. Districts 20 and 27, Senator Hinojosa and Senator Lucio's district, they were not cut because they were already within deviation, are you aware of that?

SOLOMONS: I'm not aware of that. Your plan, I know, as the senate plan did on a variety of the senate districts, based on the information that was presented to me from Senator Seliger—from his notebook—in what they represent in each of those districts

Y. DAVIS: And, when you visited with Senator Seliger, did he indicate his plan maximized minority participation—minority districts throughout the State of Texas? Did he indicate that this plan would maximize the populations so that you would maximize the number of opportunity districts for minorities to be elected in?

SOLOMONS: My notes reflect from him is that his attorney told him that the map that they finally approved from the senate met the Voting Rights Act requirement in the Texas Constitution and other applicable laws, I guess someone else will end up having to determine that.

Y. DAVIS: And I appreciate that, but my question was, did he indicate whether or not, in doing so, that his map would create the most minority districts that create the greatest opportunities for districts for minorities to be represented in, even understanding that it meets the Voting Rights Act? My question is whether or not his plan maximized the opportunity for minorities to be—

SOLOMONS: He did not tell me that. We didn't have that conversation, he did not tell me that.

Y. DAVIS: Thank you. Did he indicate to you whether he was aware that District 10, it tore up that district in terms of minority representation in those communities? Did you all discuss what happened to District 10 in his map?

SOLOMONS: I have notes from what he sent over in connection with District 10. We didn't discuss in any detail, but I do have his notes as to what happened in District 10 and what he is—with the understanding of what District 10 did. The combination of black and Hispanic voting age population was only 42.4 percent, 17.9 percent black and 24.8 percent Hispanic. The SSVRs with only 12.1 percent, and so whether or not it was a protected minority district or not, there were issues that were discussed by the lawyers over there and how that worked, they don't believe that it's a protected minority district. In the new District 10, the black plus Hispanic VAP is 35.2 percent, 13.4 percent black and 22.1 percent Hispanic. The SSVR is 11.3 percent, 59.4 percent of the voting age population is Anglo. These are the notes that I have on that.

Y. DAVIS: Let me ask you another question, as it relates to minority impact districts, did he indicate if there were any other minority impact districts available that could have been drawn?

SOLOMONS: I'm sorry, he was talking to me to remind me that the current district is 52 percent, so if you'll repeat the question again—

Y. DAVIS: I was just—to get with what he was talking about, so we can go back and cover that, I was just trying to ask you about the integrity of those communities—minority communities being torn up in District 10. But my next question was whether or not they looked at if there were any other minority impact districts that could be drawn, that they did not draw in the senate plan?

SOLOMONS: I don't know. Ms. Davis, I only have the notes. One of the notes was of how the district was made up based on population issues—wasn't so much a community interest, and that may be an issue down the road, but if the numbers work the way they were supposed to work, what they believe for the Voting Rights Act, we'll see.

Y. DAVIS: And I was just trying to talk about communities of interest and the last question I have is, one of the interests we have is to create additional districts, obviously, so I was wondering if they considered whether or not there could be other districts that could be created that they chose not to create? Is that—

SOLOMONS: Senator Seliger and I did not have that conversation. Members, I'm going to move to table Mr. Turner's amendment and ask that you do so.

Representative Solomons moved to table Amendment No. 5.

TURNER: We have taken a lot of time to go through and draw these maps. We do believe these maps are in the best interest of the State of Texas. It takes into account where the growth has taken place in this state and, again, it maximizes African American and Hispanic minority impact districts, and I would ask for your favorable consideration. I now would ask you to vote no on the motion to table, and allow us an opportunity to further debate this amendment.

The motion to table prevailed by (Record 1200): 93 Yeas, 48 Nays, 4 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; 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, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Weber; Woolley; Workman; Zedler; Zerwas.

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

Present, not voting — Mr. Speaker; Aycock(C); Howard, D.; Strama.

Absent, Excused — Patrick; Pickett.

Absent — King, P.; Larson; Mallory Caraway.

VEASEY: Members, I know that asking you to do the right thing in regard to redistricting is tough. Back when the Voting Rights Act was passed, in the 1960s, a lot of the folks—there weren't very many African American or Hispanic elected officials at that time. I think if you look at the pictures that are hanging on the ground floor, that you won't start to see Hispanic or African Americans that are serving in the legislature until around the late 1960s. A lot of those folks

that served in the legislature prevented many African Americans and Hispanics from serving, for many, many years before the passage of the Voting Rights Act. They were good people, just like you were. The people that served here back in the 1940s, 1950s, they were good folks, just like all of you are. And so, I know that asking you today to do the right thing, as it pertains to the Voting Rights Act, is tough for you, just as it was tough for those folks that served here 40, 50 years ago. I'm asking you to not do this to our state.

When you look at the growth patterns in this state, particularly in the metroplex and other large urban areas, you'll see that the Hispanic and African American population has outpaced the population of Anglos in this state. We have to have fair representation. You can't have a system of design and map that continues to promote Anglo candidates and the old guard over the fast growing Latino and black populations. It's just not fair. There's no way to argue that it's fair. And if you look at the way—how these districts work, chopped up and produced to basically dilute the African American and Latino growth, there is no way that you think it's fair. I mean, look at the Legislative Redistricting Board, which in 2001 was dominated by republicans, and this is what they said when they submitted the plan to the Department of Justice, DOJ, for preclearance, it says, "This plan generally avoids unnecessarily fragmenting significantly black and Hispanic insular communities, even when such communities are not large enough to constitute a voting majority of senate districts. As a result, Districts 14, 15, 9, and 10 contain significant minority communities that are essentially kept intact within these districts." That is—those are words that are produced by republicans. Now, those words are being trampled. Now, those words are being totally disregarded so the people that live in the state senate districts and rural areas and areas that aren't—populations that aren't growing as fast as minority populations in the state can continue to have the same level of representation, and even greater representation, at the expense of those who are choosing to move here and call Texas home.

The African American community in the Dallas-Fort Worth area is the second fastest African American growing area in the entire country, only behind Atlanta, Georgia. The Latino community in Dallas-Fort Worth is the fastest growing Latino community in the entire country. You cannot look at Senate District 10 in particular, and when you think about—and I know that everyone in the Tarrant delegation, in particular, knows the communities of—the south side, near southeast side, that make up near southeast—make up southeast Fort Worth, also the communities of Forest Hill and Everman. You cannot look at that map that stretches all the way down to Falls County and think that that's fair.

The people that served before you, that sat in these seats, they knew that the discrimination back in the '50s and '60s that was happening against African Americans, most of those people knew that wasn't fair, some of them probably were prejudiced people, but most of them knew that that was not fair. But they could not find the courage within themselves to do the right thing. Even when something was greatly happening that was discriminatory. They could not do the right thing because they thought that they were not going to get reelected, and so they let discrimination take place. I'm asking you to not do that today. Have a

good story to tell to your kids and your grandkids when you get ready to leave here that, despite the fact that your constituents may not have been sympathetic to the African Americans being flung all the way into—and isolated and sent all the way into McLennan County and Johnson County, and places that some people have absolutely nothing in common with, that you did the right thing. That you did what the people before you—what the people 50 years ago could not do. And that you stood up for civil rights, you stood up for the Voting Rights Act, and that you changed Texas history forever.

BURNAM: Representative Burnam joins his colleague from Tarrant County. Marc and I represent the two majority-minority districts in Tarrant County, and what is done to the representation for our constituents is unforgivable. Unfortunately, pretty consistent with the theme of this legislation, the total indifference, lack of concern, beyond the neglect, what we're about to see, today, is another example of why Texas is under the Voting Rights Act, because in many ways we continue to behave just like the old south, the old Confederate state that we are, consistently ignoring the rights of minority communities. In the case of Tarrant County, we take the African American population and crack it into four different senatorial districts. We take the Latino population and do exactly the same thing. It's harshest in the senatorial district I represent now, because the inner city, entirely within the city of Fort Worth—the district that I represent right now—is cracked into three different senatorial districts, two of which are dominated by populations outside of Tarrant County. I'm asking you—I don't really have high expectations, but I'm asking you to hear the appeals of four minority city council members of Fort Worth, our JP, our neighborhood associations—this is wrong, and unfortunately, you'll probably not listen, and we'll just have to see you in court, and we'll have a delay in implementing the new senatorial lines. I ask you to vote no against this horrible bill.

ALONZO: I'm going to be brief, but I just wanted to come and oppose this plan, because, as I mentioned when I was making my comments, it was time to let folks know that there's a significant amount of population, Hispanics in North Texas. You remember when Chairman Solomons began his presentation, he said in the business—and I won't use his exact words—but in the business of redistricting, you go where the population goes. Guess what? The population goes to North Texas. Population is in North Texas—the numbers are there. One million Hispanics in Dallas County, 500,000 in Tarrant County. The population is there.

Now, with this amendment that I presented, that could have fixed that discussion, it showed that 63 percent of the population would have been Latino and 57 would have been Hispanic voting age population. Members, one of the things that's going to be considered, as Chairman Solomons pointed out, that the Voting Rights Act was enacted in Congress in 1965 to protect racial and ethnic minorities from discrimination in voting, and is widely considered one of the most effective civil rights laws in American history. Texas has covered jurisdiction under Section 5 of the Voting Rights Act, which requires federal review of election changes in covered jurisdictions and blocks changes denying or abridging the right to vote on accounts of race, color, or because of

discrimination based on membership of a language minority. Changes that lead to retrogression for racial language minorities, respective of effective exercise of the electoral franchise.

Members, Texas was responsible for 107 Section 5 objections interposed by the justice department under Section 5 from 1983 to June 2006. Ten of these objections were aimed at blocking statewide voting changes that would discriminate against minority voters. The reason I point that out—the discussion has been, on the one hand, there was a discussion of fairness, on the other hand on the legal—that the proposed map is legal. I propose to say that it's not. We created opportunity to fix it, and it was tonight. You have one more opportunity to fix it, and that's by voting no on this bill. I strongly urge you, members, I strongly urge you. I come here from North Texas to let you know we have a growing population, we have growing opportunities, we want to have an opportunity to participate at the state senate level.

SOLOMONS: I appreciate your courtesies and your patience with this, this entire session on redistricting. If we're able to move to third reading, hopefully, we'll, for the first time in a long time, pass both a house map and a senate map. I understand the concerns of some of my colleagues, particularly in a couple of the districts, but I would ask your indulgence to pass this on to third reading.

SB 31 was passed to third reading by (Record 1201): 92 Yeas, 48 Nays, 7 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; 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; King, P.; Kleinschmidt; Kolkhorst; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; 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; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Present, not voting — Mr. Speaker; Aycock(C); Howard, D.; Keffer; King, S.; Mallory Caraway; Strama.

Absent, Excused — Patrick; Pickett.

Absent — Lyne.

STATEMENTS OF VOTE

I was shown voting present, not voting on Record No. 1201. I intended to vote yes.

Aycock

I was shown voting present, not voting on Record No. 1201. I intended to vote no.

Mallory Caraway

REMARKS ORDERED PRINTED

Representative Burnam moved to print remarks on **SB 31**.

The motion prevailed.

(Speaker in the chair)

COMMITTEE GRANTED PERMISSION TO MEET

Representative S. Miller requested permission for the Committee on Homeland Security and Public Safety to meet while the house is in session, at 5:15 p.m. today, in 3W.9, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Homeland Security and Public Safety, 5:15 p.m. today, 3W.9, for a formal meeting, to consider pending business.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Hunter requested permission for the Committee on Calendars to meet while the house is in session, at 5:15 p.m. today, in 3W.15, to set a calendar.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Calendars, 5:15 p.m. today, 3W.15, for a formal meeting, to set a calendar.

(Ritter in the chair)

POSTPONED BUSINESS

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

SB 587 ON THIRD READING **(Darby - House Sponsor)**

SB 587, A bill to be entitled An Act relating to jurisdiction in certain proceedings brought by the attorney general with respect to charitable trusts.

SB 587 was read third time earlier today and was postponed until this time.

(Patrick now present)

SB 587 was passed by (Record 1202): 130 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; 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.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Huberty; Hughes; Isaac; Jackson; Keffer; King, P.; Kleinschmidt; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Margo; Marquez; Martinez; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Villarreal; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Pickett.

Absent — Anchia; Burnam; Castro; Coleman; Gonzales, V.; Gonzalez; Gutierrez; Howard, D.; Johnson; King, S.; King, T.; Kolkhorst; Mallory Caraway; Martinez Fischer; McClendon; Veasey; Vo.

STATEMENTS OF VOTE

When Record No. 1202 was taken, my vote failed to register. I would have voted yes.

Anchia

When Record No. 1202 was taken, I was temporarily out of the house chamber. I would have voted yes.

Castro

When Record No. 1202 was taken, I was in the house but away from my desk. I would have voted yes.

Gonzalez

When Record No. 1202 was taken, I was in the house but away from my desk. I would have voted yes.

Kolkhorst

When Record No. 1202 was taken, I was in the house but away from my desk. I would have voted yes.

Martinez Fischer

When Record No. 1202 was taken, I was in the house but away from my desk. I would have voted yes.

McClendon

When Record No. 1202 was taken, I was in the house but away from my desk. I would have voted yes.

Veasey

HR 2151 - ADOPTED
(by S. Miller)

Representative S. Miller moved to suspend all necessary rules to take up and consider at this time **HR 2151**.

The motion prevailed.

The following resolution was laid before the house:

HR 2151, Congratulating National Cowgirl Hall of Fame member Isora DeRacy Young on the occasion of her 106th birthday.

HR 2151 was adopted.

HR 2133 - ADOPTED
(by Hilderbran)

Representative Hilderbran moved to suspend all necessary rules to take up and consider at this time **HR 2133**.

The motion prevailed.

The following resolution was laid before the house:

HR 2133, Congratulating Richard Taylor of Mason on his receipt of a 2011 Lone Star Land Steward Award from the Texas Parks and Wildlife Department.

HR 2133 was adopted.

(S. Miller in the chair)

HR 2038 - ADOPTED
(by Workman)

Representative Workman moved to suspend all necessary rules to take up and consider at this time **HR 2038**.

The motion prevailed.

The following resolution was laid before the house:

HR 2038, Recognizing the 2011 Austin Kidney Walk.

HR 2038 was adopted.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Smithee requested permission for the Committee on Insurance to meet while the house is in session, at 6:15 p.m. today, in 3W.15, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Insurance, 6:15 p.m. today, 3W.15, for a formal meeting, to consider pending business.

SB 710 - VOTE RECONSIDERED

Representative Workman moved to reconsider the vote by which **SB 710** failed to pass.

The motion to reconsider prevailed.

**SB 710 ON THIRD READING
(Menendez - House Sponsor)**

The chair laid before the house, on its third reading and final passage,

SB 710, A bill to be entitled An Act relating to the disclosure of a hazardous drain in a swimming pool or spa by a seller of residential real property.

SB 710 was read third time earlier today and failed to pass.

SB 710 was passed by (Record 1203): 142 Yeas, 4 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycoc; 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; 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, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Menendez; Miles; Miller, D.; Miller, S.(C); Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Quintanilla; Raymond; Reynolds; 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.

Nays — Gooden; King, S.; Landtroop; Riddle.

Present, not voting — Mr. Speaker.

Absent, Excused — Pickett.

Absent — Martinez Fischer; McClendon.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1203. I intended to vote no.

S. Davis

When Record No. 1203 was taken, I was in the house but away from my desk. I would have voted yes.

Martinez Fischer

When Record No. 1203 was taken, I was in the house but away from my desk. I would have voted yes.

McClendon

(Speaker in the chair)

POSTPONED BUSINESS

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

CSSB 1811 ON SECOND READING (Pitts - House Sponsor)

CSSB 1811, A bill to be entitled An Act relating to certain state fiscal matters; providing penalties.

CSSB 1811 was read second time on May 18, postponed until May 19, postponed until 2 p.m. today, and was again postponed until this time.

Amendment No. 1

Representative Pitts offered the following amendment to **CSSB 1811**:

Floor Packet Page No. 1

Amend **CSSB 1811** (house committee printing) as follows:

(1) Strike page 1, lines 4-24, and page 2, lines 1-8.

(2) On page 2, strike lines 20-24 and substitute:

SECTION 2.03. The changes in law made by this article apply only to a tax credit for an examination or evaluation fee paid on or after January 1, 2012. Tax credits for examination or evaluation fees paid before January 1, 2012, are governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(3) On page 6, lines 8-9, strike "written documentation" and substitute: equivalent records, such as electronically stored images of such documents,

(4) Strike page 8, lines 25-27, page 9, lines 1-27, and page 10, lines 1-26, and substitute the following:

SECTION 5.01. Articles 103.0033(b), (c), (e), (f), (h), (i), and (j), Code of Criminal Procedure, are amended to read as follows:

(b) This article applies ~~only~~ to each[:

~~(1) a~~ county in this state ~~[with a population of 50,000 or greater,]~~ and to each

~~(2) a~~ municipality with a population of 100,000 or greater.

(c) Unless granted a waiver under Subsection (h), each ~~[county and]~~ municipality shall develop and implement a program that complies with the prioritized implementation schedule under Subsection (h). A county may develop and implement a program that complies with the prioritized implementation schedule under Subsection (h) ~~[program must include district, county, and justice courts].~~

(e) Not later than June 1 of each year, the office shall identify those counties and municipalities that:

(1) have not implemented a program; and

(2) are planning ~~[able]~~ to implement a program before April 1 of the following year.

(f) The ~~[comptroller, in cooperation with the]~~ office~~;~~ shall develop a methodology for determining the collection rate of counties and municipalities described by Subsection (e) before implementation of a program. The office ~~[comptroller]~~ shall determine the rate for each county and municipality not later than the first anniversary of the county's or municipality's adoption of a program.

(h) The office~~;~~ ~~[in consultation with the comptroller,]~~ may:

(1) use case dispositions, population, revenue data, or other appropriate measures to develop a prioritized implementation schedule for programs; and

(2) for a municipality, determine whether it is not actually cost-effective to implement a program in the ~~[a county or]~~ municipality and grant a waiver to the ~~[county or]~~ municipality.

(i) Each county that implements a program and each municipality shall at least annually submit to the office ~~[and the comptroller]~~ a written report that includes updated information regarding the program, as determined by the office ~~[in cooperation with the comptroller]~~. The report must be in a form approved by the office ~~[in cooperation with the comptroller]~~.

(j) The office ~~[comptroller]~~ shall periodically audit ~~[counties and]~~ municipalities to verify information reported under Subsection (i) and confirm that the ~~[county or]~~ municipality is conforming with requirements relating to the program. ~~[The comptroller shall consult with the office in determining how frequently to conduct audits under this section.]~~

SECTION 5.02. Section 133.058(e), Local Government Code, is amended to read as follows:

(e) A municipality ~~[or county]~~ may not retain a service fee if, during an audit under ~~[Section 133.059 of this code or]~~ Article 103.0033(j), Code of Criminal Procedure, the Office of Court Administration of the Texas Judicial System ~~[comptroller]~~ determines that the municipality ~~[or county]~~ is not in compliance with Article 103.0033, Code of Criminal Procedure. The municipality ~~[or county]~~ may continue to retain a service fee under this section on receipt of a written confirmation from the office ~~[comptroller]~~ that the municipality ~~[or county]~~ is in compliance with Article 103.0033, Code of Criminal Procedure.

SECTION 5.03. Section 133.103(c-1), Local Government Code, is amended to read as follows:

(c-1) The treasurer shall send to the comptroller 100 percent of the fees collected under this section by a municipality [~~to the comptroller~~] if, during an audit under [~~Section 133.059 of this code or~~] Article 103.0033(j), Code of Criminal Procedure, the Office of Court Administration of the Texas Judicial System [~~comptroller~~] determines that the municipality [~~or county~~] is not in compliance with Article 103.0033, Code of Criminal Procedure. The municipality [~~or county~~] shall continue to dispose of fees as otherwise provided by this section on receipt of a written confirmation from the office [~~comptroller~~] that the municipality [~~or county~~] is in compliance with Article 103.0033, Code of Criminal Procedure.

(5) On page 18, line 12, strike "June 1 [~~30~~]" and substitute "March 1 [~~June 30~~]".

(6) On page 18, line 21, strike "June 1 [~~30~~]" and substitute "March 1 [~~June 30~~]".

(7) On page 19, line 6, strike "June 1 [~~30~~]" and substitute "March 1 [~~June 30~~]".

(8) On page 19, lines 16-17, strike "June 1 [~~30~~]" and substitute "March 1 [~~June 30~~]".

(9) On page 26, line 15, strike "51.607, 403.030," and substitute "403.030".

(10) Strike page 26, lines 18-27, page 27, lines 1-27, page 28, lines 1-27, and page 29, lines 1-22.

(11) On page 31, line 18, between "person" and "that", insert "or entity".

(12) On page 31, line 21, between "are" and "affiliated", insert "all".

(13) On page 32, line 5, strike "resides" and substitute "maintains the insured's principal residence".

(14) On page 32, lines 10-11, strike "resides or maintains its" and substitute "maintains the insured's principal residence or maintains the insured's".

(15) On page 33, lines 11-13, strike "the Nonadmitted and Reinsurance Reform Act of 2010, contained in the Dodd-Frank Wall Street Reform and Consumer Protection Act (Pub. L. No. 111-203)" and substitute "15 U.S.C. Section 8201 et seq."

(16) On page 35, line 8, between "person" and "that", insert "or entity".

(17) On page 35, line 11, between "are" and "affiliated", insert "all".

(18) On page 35, line 22, strike "resides" and substitute "maintains the insured's principal residence".

(19) On page 35, line 27, strike "resides" and substitute "maintains the insured's principal residence".

(20) On page 36, line 1, strike "its" and substitute "the insured's".

(21) On page 38, line 2, strike "Sections 226.053(b-1) and (c)," and substitute "Section 226.053(b-1)".

(22) On page 38, line 6, strike "July 11" and substitute "July 21".

(23) On page 38, line 7, strike "July 11" and substitute "July 21".

(24) Renumber the articles and sections of the bill appropriately.

Amendment No. 2

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

Amend Amendment No. 1, amending **CSSB 1811** by adding the following appropriately numbered ARTICLE and renumbering existing ARTICLES of the bill accordingly:

ARTICLE ____ . SALE OF CERTAIN REAL PROPERTY HELD
BY CERTAIN STATE AGENCIES

SECTION ____ .01. AUTHORIZATION FOR SALE. (a) Except as provided by Section 2 of this Act, the General Land Office shall, not later than August 31, 2013, offer for sale on behalf of each holder of real property the tracts of real property described by Section 3 of this Act.

(b) Except as otherwise provided by this Act, the sale shall be conducted as provided by Section 31.158, Natural Resources Code.

SECTION ____ .02. SPECIFIC TERMS. (a) The General Land Office may not offer for sale the property described by Section 3(b) of this Act held by the Texas Department of Transportation until after the date the agency completes the relocation of the agency operations to another location.

(b) The General Land Office is required to implement this Act with respect to the property held by the Texas Department of Criminal Justice described in Section 3(a)(2) of this Act only if the legislature prohibits the use of appropriated money to operate the Central Unit, Sugar Land, Fort Bend County. If the legislature does not prohibit the use of appropriated money specifically for the operation of the Central Unit, Sugar Land, Fort Bend County, the General Land Office may not implement this Act with respect to the property described in Section 3(a)(2) of this Act.

(c) Before the sale of a parcel of real property described by SECTION 3 of this Act may be made, a survey of the parcel must be conducted by or under the direction of the General Land Office.

SECTION ____ .03. PROPERTY DESCRIPTIONS. (a) Property held by the Texas Department of Criminal Justice is described as follows:

(1) Estelle Unit (part), Parcel B, 895.99 acres out of a 5,458.73 acre tract, GLO ID #702, located at FM 980 and FM 3478, Huntsville, Walker County, Texas, more particularly described as follows:

Being all that certain tract or parcel of land situated in the Stephen Manning Survey, Abstract Number 31 and being a part of a 2507.09 acre tract of land called Second Tract conveyed by the W. L. Smither Estate to the State of Texas Department of Corrections and described in deed of record in Volume 392, Pages 124 - 130 of the Walker County Deed Records (W.C.D.R.) and more particularly described as follows:

BEGINNING at a found 1 1/4" galvanized iron pipe in the Right of Way of F.M. 980 having Texas State Plane Coordinate Value of X = 3,522,562.7595 ft. (3,522,562.78'), Y = 468,762.5719 ft. (468,762.63') for the lower southwest corner of a 4928.35 acre tract described in a deed from the Trinity River Authority to the State of Texas Department of Corrections of record in Volume 223, Page 745 W.C.D.R. and the southeast corner of said 2507.09 acre tract and

of this tract, from which U.S. Coast and Geodetic Triangulation Station "PRAIRIE 1943" bears S 58° 13' 35" W 11,117.22 ft. THE SOURCE OF BEARINGS FOR THIS SURVEY IS THE GRID BEARING BETWEEN THE SAID STATION AND ITS AZIMUTH MARK;

THENCE, S 59° 56' 38" W (N 59° 57' 20" E 275.57') with a southerly line of said 2507.09 acre tract and within the said Right of Way of F.M. 980 a distance of 275.58 ft. to another found 1 1/4" galvanized iron pipe for an angle corner of said tract and this tract;

THENCE, S 64° 54' 28" W (N 64° 54' 20" E 6629.24') continuing with another southerly line of said 2507.09 acre tract and generally with fence a distance of 5431.97 ft. to a found concrete monument for an angle corner of this tract and the northerly Right of Way of F.M. 980;

THENCE, S 75° 40' 07" W (N 75° 59' 50" E 101.98') leaving the southerly line of said 2507.09 acre tract, with a northerly Right of Way line of said F.M. 980 and generally with fence a distance of 102.04 ft. to another found concrete monument for an angle corner of said right of way and of this tract;

THENCE, S 64° 52' 22" W (N 64° 41' 15" E 600.00') with another northerly Right of Way line of F.M. 980 and generally with fence a distance of 599.80 ft. to another found concrete monument at the intersection of said right of way line and the easterly Right of Way line of F.M. 3478 for a corner of this tract, from which a found 5/8" iron rod on the northerly Right of Way line of F.M. 980 and on the west line of said 2507.09 acre tract bears S 63° 46' 57" W 499.19;

THENCE, N 35° 21' 01" W (S 35° 22' 19" E 113.76') with an easterly Right of Way line of said F.M. 3478 and generally with fence a distance of 113.49 ft. to another found concrete monument for a corner of this tract;

THENCE, N 7° 24' 35" W (S 7° 28' 45" E 5335.18') with another easterly Right of Way line of said F.M. 3478 and generally with fence a distance of 5331.22 ft. to a found concrete monument at the Point of Curve to the left, for a corner of this tract;

THENCE, with said curve to the left, and generally with fence, having the following data: Delta - 5° 14' 08" Lt. (5° 14' Lt.), Radius - 2924.79 ft. (2924.79'), Length - 267.26 ft. (267.14'), Long Chord - N 10° 06' 46" W 267.17 ft. (S 10° 05' 45" E 267.05') and a Radial Bearing In - S 82° 30' 11" W, to another found concrete monument at the Point of Tangent for a corner of this tract;

THENCE, N 12° 39' 43" W (S 12° 42' 45" E 2703.16') continuing with the easterly Right of Way of said F.M. 3478 and generally with fence a distance of 2699.86 ft. to another found concrete monument for the north corner of this tract and an angle corner of said right of way line, from which another found concrete monument bears N 29° 12' 28" E 127.67 ft. (S29° 32' 39" W 129.31');

THENCE, N 84° 36' 29" E, leaving said right of way line, a distance of 4368.03 ft. to a set 5/8" iron rod with cap "TEXAS GLO" on an easterly line of said 2507.09 acre tract and a westerly line of said 4928.35 acre tract, 4.12 ft. northeast of fence, for the northeast corner of this tract, from which a set 5/8" iron rod with cap "TEXAS GLO" for an angle corner of said tracts bears N 24° 30' 10" W 681.98 ft.;

THENCE, S 24° 30' 10" E (N 24° 30' 10" W 1028.50') with said line a distance of 346.66 ft. to a found old car axle 0.90' northeast of fence for an angle corner of said tracts and of this tract;

THENCE, S 25° 21' 25" E (N 25° 21' 25" W 2803.75') with another line of said tracts a distance of 2804.12 ft. to another found old car axle 0.90' southwest of fence for an angle corner of said tracts and of this tract;

THENCE, S 25° 57' 35" E (N 25° 57' 35" W 975.68') with another line of said tracts a distance of 975.81 ft. to a set 5/8" iron rod with cap "TEXAS GLO" 7.10' northeast of fence for an angle corner of said tracts and of this tract;

THENCE, S 25° 34' 15" E (N 25° 34' 15" W 2481.39') with another line of said tracts, at 2475.7 ft. pass fence, in all a distance of 2481.72 ft. to the Place of Beginning and containing 895.99 acres of land.

This description was prepared from an actual survey performed on the ground on June 3, 2003 and is accompanied by a survey plat with the same date and is made a part hereof. The Coordinates and Bearings shown are Grid based on the Texas State Plane Coordinate System - NAD 1927, South Zone. Distances shown are Horizontal Surface Measurements in feet. Record information is shown in parenthesis. Record information was obtained from the Walker County Clerk's Office, the State of Texas Department of Criminal Justice, and the State of Texas General Land Office.

; and

(2) Central Unit, Sugar Land, Fort Bend County, Texas, generally described as:

M.M. Battle League, Abstract No. 9, Alexander Hodge League, Abstract No. 32, Fort Bend County 325.74 acres Parcel A (229.58 acres) is located on the north side of US Highway 90A west of the Sugar Land Municipal Airport. Parcel B (96.16 acres) is located at the northwest corner of State Highway 6 and US Highway 90A in Sugar Land.

(b) Property held by the Texas Department of Transportation is described as follows:

Bull Creek Camp Hubbard Annex State Headquarters, 28.912 acres, GLO ID #747, located at 4305 Bull Creek Road, Austin, Travis County, Texas, more particularly described as follows:

BEING A 28.912 ACRE TRACT OF LAND SITUATED IN THE GEORGE W. SPEAR SURVEY, LEAGUE NO. 7, ABSTRACT NO. 697 IN TRAVIS COUNTY, TEXAS, BEING PART OF THAT CERTAIN 75.79 ACRE TRACT OF LAND, AS DESCRIBED IN A DEED TO THE STATE OF TEXAS, STATE DEPARTMENT OF HIGHWAYS AND PUBLIC TRANSPORTATION OF RECORD IN VOLUME 1086, PAGE 452, REAL PROPERTY RECORDS TRAVIS COUNTY, TEXAS, DATED OCTOBER 28, 1988, SAID 28.912 ACRE TRACT BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:

BEGINNING at a brass disk in concrete found for the most southerly corner of said 75.79 acre tract, being also the northwest corner of Lot 1, Ridgelea a subdivision of record in Book 4, Page 258 of the Plat Records of Travis County,

Texas and being in the east line of Bull Creek Road, a 60 foot wide right-of-way, said monument having a Texas State Plane Coordinate, Central Zone coordinate of N=10,087,759.67 and E=3,111,175.08;

(1) THENCE N 23°52'30" W, with the west line of said 75.79 acre tract and the east line of said Bull Creek Road, for a distance of 2033.82 feet to a brass disk in concrete found at the beginning of a curve to the right;

(2) THENCE in a northerly direction with the west line of said 75.79 acre tract and the east line of said Bull Creek Road, along said curve to the right, same having a central angle 50°33'42", and a radius of 199.11 feet, an arc distance of 175.71 feet to a brass disk in concrete found at the end of said curve

(3) THENCE N 26°42'45" E, with the west line of said 75.79 acre tract and the east line of said Bull Creek Road, for a distance of 261.64 feet to a 1/2 inch iron rod with cap found for an angle point;

(4) THENCE S 62°31'59" E, departing the east line of said Bull Creek Road and over and across said 75.79 acre tract, with the east line of the herein described tract, for a distance of 89.17 feet to a 1/2 inch iron rod with cap found for an angle point;

(5) THENCE S 81°57'55" E, continuing with over and across said 75.79 acre tract, with the east line of the herein described tract, for a distance of 278.39 feet to a 1/2 inch iron rod with cap found for an angle point;

(6) THENCE N 25°54'29" E, continuing with over and across said 75.79 acre tract, with the east line of the herein described tract, for a distance of 209.60 feet to a 1/2 inch iron rod with aluminum cap stamped "TxDOT" set for an angle point;

(7) THENCE S 63°17'24" E, continuing with over and across said 75.79 acre tract, with the east line of the herein described tract, for a distance of 128.50 feet to a brass disk in concrete found for an angle point;

(8) THENCE S 14°01'54" E, continuing with over and across said 75.79 acre tract, with the east line of the herein described tract, for a distance of 894.06 feet to a brass disk in concrete found for an angle point;

(9) THENCE S 06°28'23" W, continuing with over and across said 75.79 acre tract, with the east line of the herein described tract, for a distance of 308.12 feet to a brass disk in concrete found for an angle point;

(10) THENCE S 23°53'13" E, continuing with over and across said 75.79 acre tract, with the east line of the herein described tract, at a distance of 649.77 feet pass a brass disk in concrete found, for a total distance of 654.91 feet to a 1/2 inch iron rod with aluminum cap stamped "TxDOT" found for the southeast corner of the herein described tract, being also in the southeast line of said 75.79 acre tract and being in the northwest line of Lot 11 of said Ridgelea subdivision;

(11) THENCE S 31°33'51" W, with the southeast line of said 75.79 acre tract and the northwest line of said Ridgelea subdivision, for a distance of 257.58 feet to a 1/2 inch iron pipe found for an angle point;

(12) THENCE S 28°06'08" W, with the southeast line of said 75.79 acre tract and the northwest line of said Ridgelea subdivision, for a distance of 365.51 feet to the POINT OF BEGINNING and containing 28.912 acres of land.

NOTE: Bearings are based on NAD 83, Datum, Texas State Plane Coordinate System, North Central Zone, with all distances and coordinates adjusted to the surface by a combined scale factor of 1.0001.

(c) Property held by the Texas Facilities Commission is described as follows:

(1) Bull Creek New State Cemetery, 46.19 acres, GLO ID #2402, located at 4203 Bull Creek Road, Austin, Travis County, Texas, more particularly described as follows:

BEING 44.07 ACRES OF LAND OUT OF THE GEORGE W. SPEAR LEAGUE IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AND BEING OUT OF AND A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED BY DEED TO THE STATE OF TEXAS AS RECORDED IN VOLUME 776, PAGE 225, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS. SAID 44.07 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a set brass cap in concrete for the northwest corner of said State of Texas tract, same being the west corner of Lot 34 of Shoal Village, Section Two, a subdivision in the City of Austin, Texas, as recorded in Book 5, Page 150, of the Plat Records of Travis County, Texas, and being on the east right-of-way line of Bull Creek Road (an existing 60' R/W) and being the northwest corner of this tract;

(1) THENCE S 62° 05' 02" E, along the north line of said State of Texas tract of land, same being the south line of said subdivision, a distance of 919.08 feet to a set brass cap in concrete for an angle point in the north line of said State of Texas, tract of land same being an angle point in the south line of Lot 45 of Shoal Village, Section Three, a subdivision of record in the City of Austin, Texas, as recorded in Book 6, Page 71, of the Plat Records of Travis County, Texas;

(2) THENCE along the north line of said State of Texas, tract of land, same being the south line of the following subdivisions in the City of Austin, Texas, said Shoal Village, Section Three, Shoal Village, Sec. 5, as recorded in Plat Book 6, Page 72, of the Plat Records of Travis County, Texas, Shoal Village, Sec. 6, as recorded in Plat Book 7, Page 7, of the Plat Records of Travis County, Texas, Shoal Village, Section Seven, as recorded in Plat Book 14, Page 80, of the Plat Records of Travis County, Texas, Oak Haven, Section Three, as recorded in Book 11, Page 40, of the Plat Records of Travis County, Texas, the following two (2) courses and distances:

1. S 63° 02' 45" E, a distance of 306.61 feet, a 1/2" iron rod found, and

2. S 63° 11' 57" E, a distance of 327.57 feet to the point of intersection with the centerline of Shoal Creek for the northeast corner of this tract;

(3) THENCE along the centerline of Shoal Creek with it's meanders, same being the east line of this tract, the following seven (7) courses and distances:

1. S 03° 49' 32" E, a distance of 146.37 feet, a 1/2" I. R. set,

2. S 11° 51' 40" W, a distance of 68.56 feet, a 1/2" I. R. set,
3. S 17° 44' 58" E, a distance of 255.55 feet, a 1/2" I. R. set,
4. S 11° 22' 50" W, a distance of 433.59 feet, a 1/2" I. R. set,
5. S 01° 30' 40" E, a distance of 208.10 feet, a 1/2" I. R. set,
6. S 03° 34' 39" E, a distance of 163.82 feet, a 1/2" I. R. set, and
7. S 12° 53' 44" E, a distance of 44.69 feet, to a P. K. nail set in

concrete for the southeast corner of this tract;

(4) THENCE N 62° 12' 25" W, departing from said Shoal Creek, passing the northeast corner of Lot 24 of Ridgelea, a subdivision in the City of Austin, Texas, as recorded in Book 4, Page 258, of the Plat Records of Travis County, Texas, at 59.90 feet, a total distance of 414.19 feet to a found 1/2" iron rod under concrete for the most northerly corner of Lot 21 of said Ridgelea subdivision, said point also being a re-entrant corner of this tract;

(5) THENCE S 31° 29' 35" W, along the most southerly east line of said State of Texas tract of land, same being the west line of said Ridgelea subdivision, a distance of 715.50 feet to a 1/2" iron rod set for a southwest corner of this tract, from this point the northwest corner of Lot 11, same being the southwest corner of Lot 12, of said Ridgelea subdivision bears N 31° 29' 35" E, a distance of 10.64 feet;

(6) THENCE through said State of Texas tract of land the following four (4) courses and distances:

1. N 23° 52' 33" W, passing a brass cap in concrete set at 5.00 feet, a total distance of 654.65 feet to a brass cap in concrete set for a corner,
2. N 06° 26' 42" E, a distance of 308.11 feet, a brass cap in concrete set for a corner,
3. N 14° 01' 31" W, a distance of 894.05 feet, a brass cap in concrete set for a corner, and
4. N 63° 17' 00" W, a distance of 478.50 feet to a brass cap set in concrete at the point of intersection with the east right-of-way line of Bull Creek Road, same being the west line of said State of Texas tract of land, and being the most northerly southwest corner of this tract;

(7) THENCE N 26° 43' 00" E, along said right-of-way line, a distance of 496.30 feet to the Point of Beginning, and containing 44.07 acres of land, more or less; and

BEING A 2.120 ACRE (92,350 SQUARE FEET) TRACT OF LAND OUT OF THE GEORGE W. SPEAR LEAGUE IN TRAVIS COUNTY, TEXAS. SAID 2.120 ACRE TRACT OF LAND ALSO BEING OUT OF A 31.12 ACRE TRACT HAVING BEEN CONVEYED TO THE STATE OF TEXAS BY INSTRUMENT OF RECORD IN VOLUME 776, PAGE 225, DEED RECORDS OF TRAVIS COUNTY, TEXAS. SAID 2.120 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a brass disk in concrete found on the southeasterly right of way line of Bull Creek Road. Said disk also being at the northernmost corner of said 31.12 acre tract and the westernmost corner of a 44.07 acre tract also out of the tract described in volume 776, page 225 for the northernmost corner of the herein described tract;

Thence, S63° 17' 00"E, 350.00 feet with the northeasterly line of said 31.12 acre tract and a southwesterly line of said 44.07 acre tract to a 1/2" iron rod set for the easternmost corner of the herein described tract;

Thence, S26° 42' 58"W, 205.49 feet with the southeast line of this 2.120 acre tract to a 1/2" iron rod set for the herein described tract, nearby a concrete driveway;

Thence, N82° 57' 38"W, 276.95 feet following a concrete driveway to a 1/2" iron rod set for an angle point of the herein described tract;

Thence, N62° 30' 47"W, 89.24 feet continuing along a concrete driveway to a 1/2" iron rod set on the southeasterly right of way line of Bull Creek Road and the westernmost corner of the herein described tract;

THENCE, N26° 43' 00"E, 297.55 feet with the southeasterly line of Bull Creek Road and the northwesterly line of this 2.120 acre tract to the POINT OF BEGINNING and containing 2.120 acre (92,350 square feet) of land.

(2) Parking Lot 19, 0.7887 acres, GLO ID #1905, located at 203 Martin Luther King Boulevard, Austin, Travis County, Texas, more particularly described as follows:

METES AND BOUNDS DESCRIPTION OF A SURVEY OF 34,354 SQUARE FEET OF LAND OR 0.7887 OF ONE ACRE OF LAND, BEING THE NORTHEAST ONE-QUARTER (1/4), THE NORTH ONE-HALF (1/2) OF THE SOUTHEAST ONE-QUARTER (1/4), THE EAST FIVE (5) FEET OF THE NORTHWEST ONE-QUARTER (1/4) AND THE EAST FIVE (5) FEET OF THE NORTH ONE-HALF (1/2) OF THE SOUTHWEST ONE-QUARTER (1/4) OF OUTLOT 42, DIVISION "E" OF THE GOVERNMENT TRACT ADJOINING THE ORIGINAL CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, ACCORDING TO THE PLAT ON FILE IN THE GENERAL LAND OFFICE OF THE STATE OF TEXAS, SAID TRACT OF LAND BEING DESCRIBED IN A DEED FROM TEXAS KAPPA SIGMA EDUCATIONAL FOUNDATION, INC. TO THE STATE OF TEXAS IN VOLUME 4794, PAGE 2010, DEED RECORDS OF TRAVIS COUNTY, TEXAS, AS SURVEYED FOR THE GENERAL LAND OFFICE OF THE STATE OF TEXAS BY METCALFE & SANDERS, INC., LAND SURVEYORS, 4800 SOUTH CONGRESS AVENUE, AUSTIN, TEXAS, SAID 34,354 SQUARE FEET OF LAND OR 0.7887 OF ONE ACRE OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

Commencing for reference at City of Austin 1/4" brass pin in concrete found at the intersection of the monumented base line of West 18th Street with the monumented base line of Colorado Street, and from which 1/4" brass pin in concrete found a City of Austin 1/4" brass pin in concrete found at the intersection of the monumented base line of West 18th Street with the monumented base line of Congress Avenue bears, S 70°44'00" E 440.19 feet;

Thence with the monumented base line of West 18th Street, N 70°43'55" W 40.00 feet to a calculated point;

Thence with a line forty (40) feet west of and parallel with the reconstructed base line of Colorado Street and with the east line of Outlot 42, Division "E" of the Government Tract Adjoining the Original City of Austin, Travis County,

Texas, according to the plat on file in the General Land Office of the State of Texas, being also with the west line of Colorado Street and with the most southerly east line of that 1.242 acre tract of land, described as being a portion of the west one-half (1/2) and the south one-half (1/2) of the southeast one-quarter (1/4) of said Outlot 42, Division "E", in a Correction Deed from James H. Coker to Cambridge Tower Corporation in Volume 6769, Page 11, Deed Records of Travis County, Texas, N 18°58'55" E at 29.99 feet passing a 3/4" iron pipe found 0.02 of one foot west of line, at 30.00 feet passing a calculated point at the southeast corner of said Outlot 42, Division "E" and the intersection of the west line of Colorado Street with the north line of West 18th Street, said calculated point being also the southeast corner of the said Cambridge Tower Corporation 1.242 acre tract, in all 110.03 feet to a 1/2" iron pipe found at the most southerly northeast corner of the said Cambridge Tower Corporation 1.242 acre tract and the southeast corner of that tract of land, described as being the northeast one-quarter (1/4), the north one-half (1/2) of the southeast one-quarter (1/4), the east five (5) feet of the northwest one-quarter (1/4) and the east five (5) feet of the north one-half (1/2) of the southwest one-quarter (1/4) of said Outlot 42, Division "E" in a deed from Kappa Sigma Educational Foundation, Inc. to The State of Texas in Volume 4794, Page 2010, Deed Records of Travis County, Texas, for the POINT OF BEGINNING and southeast corner of the herein described tract;

(1) THENCE with the north line of the south one-half (1/2) of the southeast one-quarter (1/4) of said Outlot 42, Division "E", the south line of the north one-half (1/2) of the southeast one-quarter (1/4) of said Outlot 42, Division "E" and the south line of the east five (5) feet of the north one-half (1/2) of the southwest one-quarter (1/4) of said Outlot 42, Division "E", and being also with the south line of the said The State of Texas tract and the most southerly north line of the said Cambridge Tower Corporation 1.242 acre tract, N 70°43'50" W at 138.10 feet passing a 1/2" steel pin previously set and found this date at the intersection of the west line of the east one-half (1/2) of said Outlot 42, Division "E" and the east line of the west one-half (1/2) of said Outlot 42, Division "E" with the north line of the south one-half (1/2) of the south one-half (1/2) of said Outlot 42, Division "E" and the south line of the north one-half (1/2) of the south one-half (1/2) of said Outlot 42, Division "E", in all 143.10 feet to a calculated point for the southwest corner of the said The State of Texas tract and an interior corner of the said Cambridge Tower Corporation 1.242 acre tract, for the southwest corner of the herein described tract;

(2) THENCE with the west line of the said The State of Texas tract and the most northerly east line of the said Cambridge Tower Corporation 1.242 acre tract, being also with the west line of the east five (5) feet of the north one-half (1/2) of the southwest one-quarter (1/4) of said Outlot 42, Division "E" and with the west line of the east five (5) feet of the northwest one-quarter (1/4) of said Outlot 42, Division "E", N 18°59'15" E 240.10 feet to a 1/2" steel pin found in the north line of said Outlot 42, Division "E" and the south line of West Martin Luther King, Jr. Boulevard (West 19th Street) at the northwest corner of the said The State of Texas tract and the most northerly northeast corner of the said Cambridge Tower Corporation 1.242 acre tract, said 1/2" steel pin found being

also the northwest corner of the east five (5) feet of the northwest one-quarter (1/4) of said Outlot 42, Division "E", for the northwest corner of the herein described tract;

(3) THENCE with the south line of West Martin Luther King, Jr. Boulevard and the north line of said Outlot 42, Division "E", being also with the north line of the said The State of Texas tract, S 70°43'35" E a 5.00 feet passing a 1/2" steel pin previously set and found this date for the northeast corner of the northwest one-quarter (1/4) of said Outlot 42, Division "E" and the northwest corner of the northeast one-quarter (1/4) of said Outlot 42, Division "E", in all 143.07 feet to a PK nail previously set and found this date in the north face of a brick step at the intersection of the south line of West Martin Luther King, Jr. Boulevard with the west line of Colorado Street for the northeast corner of said Outlot 42, Division "E" and the northeast corner of the said The State of Texas tract, for the northeast corner of the herein described tract;

(4) THENCE with the west line of Colorado Street and the east line of said Outlot 42, Division "E", being also with the east line of the said The State of Texas tract, S 18°58'55" W 240.09 feet to the POINT OF BEGINNING of the herein described tract, containing 34,354 square feet of land or 0.7887 of one acre of land.

(3) Service Station, GLO ID #1913, located at 1500 San Jacinto Street, Austin, Travis County, Texas, more particularly described as follows:
LOTS 6 & 7 BLK. 54, DIV E ORIGINAL CITY OF AUSTIN, TRAVIS COUNTY, TX.

(4) Parking Garage B/G/Lot 22, more particularly described as follows:
76,032 square feet of land, being Outlot 55, Division "E", of the Government Outlots adjoining the Original City of Austin, Texas, according to the map or plat of record in the General Land Office.

BEGINNING at an iron pin set at the most Southerly corner of the tract herein described, said iron pin set bears N 71° 08' W, 40.00' and N 19° 01' E, 50.00' from a monument found at the intersection of the centerlines of East 15th Street and Trinity Street;

THENCE; N 71° 08' W, 275.82' along the Northerly R.O.W. line of East 15th Street, 50' North of and parallel to the monumented centerline of East 15th Street to a concrete nail at the intersection of the Northerly R.O.W. line of East 15th Street and the Easterly R.O.W. line of San Jacinto Street;

THENCE; N 19° 01' E, 275.54' along the Easterly R.O.W. line of San Jacinto Street to an "X" in concrete at the intersection of the Easterly R.O.W. line of San Jacinto Street and the Southerly R.O.W. line of East 16th Street;

THENCE; S 71° 11' E, 275.80' along the Southerly R.O.W. line of East 16th Street to an iron pin set at the intersection of the Southerly R.O.W. line of East 16th Street and the Westerly R.O.W. line of Trinity Street;

THENCE; S 19° 01' W, 275.82' along the Westerly R.O.W. line of Trinity Street to the PLACE OF BEGINNING, containing 76,032 square feet of land as surveyed November, 1973, by Otis B. Autry, Registered Public Surveyor.

; and

(5) Austin Bolm Road Warehouse, more particularly described as follows:

Lot 25-A, Capitol Business Park, 1-A, a Subdivision of Travis County according to the plat recorded Volume 81 page 110 Plat records. The property was purchased by the State of Texas on June 19, 1989 from STRAFICO INC recorded Volume 10963 page 1000, Travis County Deed Records

(d) Property held by the Health and Human Services Commission is described as follows:

(1) Abilene State Supported Living Center (part), Parcel A, 33.039 acres, GLO ID #752, located at 2501 Maple Street, Abilene, Taylor County, Texas, more particularly described as follows:

BEING 33.039 ACRES OF LAND SITUATED IN THE EAST HALF OF SECTION 51, CITY OF ABILENE, TAYLOR COUNTY, TEXAS AND THAT CERTAIN 637.337 ACRE TRACT DESCRIBED IN INSTRUMENT TO THE TEXAS DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION AS RECORDED IN VOLUME 14, PAGE 127 OF THE COUNTY RECORDS OF TAYLOR COUNTY, TEXAS AND FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT A STANDARD TYPE II TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) MARKER FOUND ON THE APPARENT NORTHERLY RIGHT-OF-WAY LINE OF SOUTH 27TH STREET (A CALLED 100-FOOT WIDE RIGHT-OF-WAY) AND ON THE WESTERLY RIGHT-OF-WAY LINE OF OLDHAM ROAD [~~FARM TO MARKET ROAD No. 1750~~] (A CALLED 100-FOOT WIDE RIGHT-OF-WAY) AND BEING 5,096.4 FEET EAST AND 2,631.0 FEET SOUTH OF A CONCRETE MONUMENT WITH BRASS CAP STAMPED ABILENE STATE HOSPITAL No. 1 FOUND BEING A CALLED 70-FOOT OFFSET FROM THE NORTHWEST CORNER OF THE SOUTH HALF OF SECTION 51;

THENCE SOUTH 89°56'02" WEST ALONG SAID NORTHERLY LINE OF SOUTH 27TH STREET, 326.03 FEET TO A CONCRETE MARKER WITH BRASS DISK FOUND FOR THE BEGINNING OF A CURVE TO THE LEFT; THENCE WESTERLY CONTINUING ALONG SAID NORTHERLY LINE AND THE ARC OF SAID CURVE TO THE LEFT PASSING A 1-1/2-INCH IRON PIPE FOUND AT 379.04 FEET AND CONTINUING FOR A TOTAL DISTANCE OF 390.10 FEET, HAVING A CENTRAL ANGLE OF 16°16'29", A RADIUS OF 1,373.35 AND WHOSE LONG CHORD BEARS SOUTH 81°47'47" WEST, 388.79 FEET TO A 5/8-INCH IRON ROD WITH PLASTIC CAP STAMPED "SURVCON INC" SET;

THENCE NORTH 00°00'00" EAST PARALLEL TO SAID WESTERLY LINE OF OLDHAM ROAD, 2,063.60 FEET TO A 5/8-INCH IRON ROD WITH PLASTIC CAP STAMPED "SURVCON INC" SET;

THENCE NORTH 88°56'07" EAST, 710.96 FEET TO A 5/8-INCH IRON ROD WITH PLASTIC CAP STAMPED "SURVCON INC" SET ON SAID WESTERLY LINE OF OLDHAM ROAD;

THENCE SOUTH 00°00'00" WEST ALONG SAID WESTERLY LINE OF OLDHAM ROAD, PASSING A STANDARD TYPE II TXDOT MARKER AT 867.79 FEET AND CONTINUING FOR A TOTAL DISTANCE OF 2,020.96 FEET TO THE POINT OF BEGINNING AND CONTAINING A COMPUTED AREA OF 33.039 ACRES OF LAND.

(2) Rio Grande State Center (part), Parcel B, 14.18 acres, GLO ID #736, located at 1401 South Rangerville Road, Harlingen, Cameron County, Texas, more particularly described as follows:

Lying and situated in the City of Harlingen, Cameron County, Texas, said land being described by metes and bounds as follows:

Beginning at the Southwest corner of Block 93 of the Harlingen Land and Water Company Subdivision, Cameron County, Texas, as the map of said subdivision is recorded in Vol. 1, Page 12, of the Map Records of Cameron County, Texas;

Thence, North 00 deg. 12 min. West a distance of 10 feet to a point of beginning for the tract herewith described, and being the Southwest corner of the tract herewith described; said point being on the West boundary line of said Block 93, such boundary line being also the East boundary line of the right-of-way of Canal No. 3 of the Cameron County Water Control and Improvement District No. 1, Cameron County, Texas, said point also being on the North right-of-way line of Rio Hondo Road, a public road of Cameron County, Texas;

Thence, North 89 deg. 48 min. East a distance of 859.0 feet to a point, this boundary line being parallel to and 10 feet North of the South boundary line of said Block 93, and also being the North right-of-way line of said Rio Hondo Road;

Thence, North 00 deg. 12 min. West a distance of 719 feet to a point;

Thence, South 89 deg. 48 min. West a distance of 859 feet to a point, said point being on the line being the West boundary line of said Block 93 and the East boundary line of said right-of-way for said Canal No. 3;

Thence, South 00 deg. 12 min. East along said West boundary line of said Block 93 (being also the East boundary line of said right-of-way for Canal No. 3) a distance of 719 feet to the point of beginning of the tract herewith described and herein being conveyed, and containing 14.18 acres of land, more or less.

(3) San Angelo State Supported Living Center (part), Parcel B, 0.3214 acres GLO ID #767, located on US HWY 87 North, Carlsbad, Tom Green County, Texas, generally described as follows:

The 0.3214 acre tract consists of 2 (50' X 140') town lots legally described as Lots 10 and 11, Block 137, unincorporated Town of Carlsbad, Tom Green County, Texas.

(4) Marlin Robert E. Lee Group Home, 0.247 acres, GLO ID #2139, located at 1606 Robert E. Lee Drive, Marlin, Falls County, Texas, more particularly described as follows:

All that certain lot or parcel of land, situated in the Northeast portion of the City of Marlin, Falls County, Texas, out of the T J Chambers and A De La Serda conflicting grants, and being part of that certain Cullen Rogers 9.553 acre tract, more particularly described as Lot 11, Block 2, Plantation Acres Subdivision as shown per final plat of record in Vol. 2, Page 47, Fall County Plat Records;

Beginning at an iron rod for the Northeast corner of Rogers 9.553 acres and Northeast corner of Lot 11, Block 2 mentioned above;

Thence S 29°46'29" E 95.91 ft. with center line 15 ft. utility easement to an iron rod for the Southeast corner of Lot 11;

Thence S 61°52'30" W 115.5 ft. to an iron rod for the Southwest corner of said Lot 11, in the East line of Robert E. Lee Drive;

Thence N 28°07'30" W 92.63 ft. along the East line of Robert E. Lee Drive to an iron rod for the Northwest corner of Lot 11, a point in the North line of Rogers 9.553 acres;

Thence N 60°13'33" E 112.79 ft. to the place of beginning containing 0.247 acres of land.

; and

(5) Wortham Twin Circle Group Home, 0.344 acres, GLO ID #2144, located at 115 Twin Circle Drive, Wortham, Freestone County, Texas, more particularly described as follows:

Being a 15,000 square foot or 0.344 acre tract of land identified as Lot 8, Block 2, Twin Circle Estates Addition, City of Wortham, Freestone County, Texas.

(e) Property held by the Parks and Wildlife Department is described as follows:

McKinney Falls Park/State Headquarters (part), Parcel B, 13 acres GLO ID #72, located at 4200 Smith School Road, Austin, Travis County, Texas, generally described as follows:

A 13 acre tract, more or less, out of the Santiago Del Valle Grant, Austin, Travis County, Texas, being that part of the McKinney Falls State Park/Headquarters lying west of East Stassney Lane.

SECTION ____ .04. DISPOSITION OF PROCEEDS. The proceeds from the sales authorized by Section 1 of this Act shall be deposited in the state treasury to the credit of the general revenue fund.

SECTION ____ .05. STATE CEMETERY. Section 2165.256(b), Government Code, is amended to read as follows:

(b) ~~[In addition to the property described as]~~ Lot No. 5, Division B, City of Austin, Travis County, Texas, ~~[the following property]~~ is dedicated for cemetery purposes as part of the State Cemetery. ~~[- BEING 44.07 ACRES OF LAND OUT OF THE GEORGE W. SPEAR LEAGUE IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AND BEING OUT OF AND A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED BY DEED TO THE STATE OF TEXAS AS RECORDED IN VOLUME 776, PAGE 225, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS. SAID 44.07 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:~~

~~[BEGINNING at a set brass cap in concrete for the northwest corner of said State of Texas tract, same being the west corner of Lot 34 of Shoal Village, Section Two, a subdivision in the City of Austin, Texas, as recorded in Book 5, Page 150, of the Plat Records of Travis County, Texas, and being on the east right of way line of Bull Creek Road (an existing 60' R/W) and being the northwest corner of this tract;~~

~~[(1) THENCE S 62° 05' 02" E, along the north line of said State of Texas tract of land, same being the south line of said subdivision, a distance of 919.08 feet to a set brass cap in concrete for an angle point in the north line of said State of Texas, tract of land same being an angle point in the south line of Lot 45 of Shoal Village, Section Three, a subdivision of record in the City of Austin, Texas, as recorded in Book 6, Page 71, of the Plat Records of Travis County, Texas;~~

~~[(2) THENCE along the north line of said State of Texas, tract of land, same being the south line of the following subdivisions in the City of Austin, Texas, said Shoal Village, Section Three, Shoal Village, Sec. 5, as recorded in Plat Book 6, Page 72, of the Plat Records of Travis County, Texas, Shoal Village, Sec. 6, as recorded in Plat Book 7, Page 7, of the Plat Records of Travis County, Texas, Shoal Village, Section Seven, as recorded in Plat Book 14, Page 80, of the Plat Records of Travis County, Texas, Oak Haven, Section Three, as recorded in Book 11, Page 40, of the Plat Records of Travis County, Texas, the following two (2) courses and distances:~~

~~[1. S 63° 02' 45" E, a distance of 306.61 feet, a 1/2" iron rod found,~~

~~and~~

~~[2. S 63° 11' 57" E, a distance of 327.57 feet to the point of intersection with the centerline of Shoal Creek for the northeast corner of this tract;~~

~~[(3) THENCE along the centerline of Shoal Creek with it's meanders, same being the east line of this tract, the following seven (7) courses and distances:~~

~~[1. S 03° 49' 32" E, a distance of 146.37 feet, a 1/2" I. R. set,~~

~~[2. S 11° 51' 40" W, a distance of 68.56 feet, a 1/2" I. R. set,~~

~~[3. S 17° 44' 58" E, a distance of 255.55 feet, a 1/2" I. R. set,~~

~~[4. S 11° 22' 50" W, a distance of 433.59 feet, a 1/2" I. R. set,~~

~~[5. S 01° 30' 40" E, a distance of 208.10 feet, a 1/2" I. R. set,~~

~~[6. S 03° 34' 39" E, a distance of 163.82 feet, a 1/2" I. R. set, and~~

~~[7. S 12° 53' 44" E, a distance of 44.69 feet, to a P. K. nail set in~~

~~concrete for the southeast corner of this tract;~~

~~[(4) THENCE N 62° 12' 25" W, departing from said Shoal Creek, passing the northeast corner of Lot 24 of Ridgelea, a subdivision in the City of Austin, Texas, as recorded in Book 4, Page 258, of the Plat Records of Travis County, Texas, at 59.90 feet, a total distance of 414.19 feet to a found 1/2" iron rod under concrete for the most northerly corner of Lot 21 of said Ridgelea subdivision, said point also being a re-entrant corner of this tract;~~

~~[(5) THENCE S 31° 29' 35" W, along the most southerly east line of said State of Texas tract of land, same being the west line of said Ridgelea subdivision, a distance of 715.50 feet to a 1/2" iron rod set for a southwest corner of this tract, from this point the northwest corner of Lot 11, same being the southwest corner of Lot 12, of said Ridgelea subdivision bears N 31° 29' 35" E, a distance of 10.64 feet;~~

~~[(6) THENCE through said State of Texas tract of land the following four (4) courses and distances:~~

~~[1. N 23° 52' 33" W, passing a brass cap in concrete set at 5.00 feet, a total distance of 654.65 feet to a brass cap in concrete set for a corner,~~

~~[2. N 06° 26' 42" E, a distance of 308.11 feet, a brass cap in concrete set for a corner,~~

~~[3. N 14° 01' 31" W, a distance of 894.05 feet, a brass cap in concrete set for a corner, and~~

~~[4. N 63° 17' 00" W, a distance of 478.50 feet to a brass cap set in concrete at the point of intersection with the east right-of-way line of Bull Creek Road, same being the west line of said State of Texas tract of land, and being the most northerly southwest corner of this tract;~~

~~[(7) THENCE N 26° 43' 00" E, along said right of way line, a distance of 496.30 feet to the Point of Beginning, and containing 44.07 acres of land, more or less; and~~

~~[BEING A 2.120 ACRE (92,350 SQUARE FEET) TRACT OF LAND OUT OF THE GEORGE W. SPEAR LEAGUE IN TRAVIS COUNTY, TEXAS. SAID 2.120 ACRE TRACT OF LAND ALSO BEING OUT OF A 31.12 ACRE TRACT HAVING BEEN CONVEYED TO THE STATE OF TEXAS BY INSTRUMENT OF RECORD IN VOLUME 776, PAGE 225, DEED RECORDS OF TRAVIS COUNTY, TEXAS. SAID 2.120 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:~~

~~[BEGINNING, at a brass disk in concrete found on the southeasterly right-of-way line of Bull Creek Road. Said disk also being at the northernmost corner of said 31.12 acre tract and the westernmost corner of a 44.07 acre tract also out of the tract described in volume 776, page 225 for the northernmost corner of the herein described tract;~~

~~[Thence, S63° 17' 00"E, 350.00 feet with the northeasterly line of said 31.12 acre tract and a southwesterly line of said 44.07 acre tract to a 1/2" iron rod set for the easternmost corner of the herein described tract;~~

~~[Thence, S26° 42' 58"W, 205.49 feet with the southeast line of this 2.120 acre tract to a 1/2" iron rod set for the herein described tract, nearby a concrete driveway;~~

~~[Thence, N82° 57' 38"W, 276.95 feet following a concrete driveway to a 1/2" iron rod set for an angle point of the herein described tract;~~

~~[Thence, N62° 30' 47"W, 89.24 feet continuing along a concrete driveway to a 1/2" iron rod set on the southeasterly right of way line of Bull Creek Road and the westernmost corner of the herein described tract;~~

~~[THENCE, N26° 43' 00"E, 297.55 feet with the southeasterly line of Bull Creek Road and the northwesterly line of this 2.120 acre tract to the POINT OF BEGINNING and containing 2.120 acre (92,350 square feet) of land.]~~

SECTION ____ .06. EFFECTIVE DATE. This Act takes effect September 1, 2011.

Amendment No. 2 was adopted.

Amendment No. 1, as amended, was adopted. (V. Taylor recorded voting no.)

Amendment No. 3

Representative Pitts offered the following amendment to **CSSB 1811**:

Floor Packet Page No. 6

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLES to the bill and renumbering the remaining ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . FISCAL MATTERS CONCERNING EARLY HIGH SCHOOL GRADUATION

SECTION ____ .01. Subchapter K, Chapter 56, Education Code, is amended by adding Section 56.2012 to read as follows:

Sec. 56.2012. EXPIRATION OF SUBCHAPTER; ELIGIBILITY CLOSED. (a) This subchapter expires September 1, 2017.

(b) Notwithstanding Section 56.203, a person may not receive an award under this subchapter if the person graduates from high school on or after September 1, 2011.

SECTION ____ .02. Subsection (b), Section 54.213, Education Code, is amended to read as follows:

(b) [~~Savings to the foundation school fund that occur as a result of the Early High School Graduation Scholarship program created in Subchapter K, Chapter 56, and that are not required for the funding of state credits for tuition and mandatory fees under Section 56.204 or school district credits under Section 56.2075 shall be used first to provide tuition exemptions under Section 54.212. Any of those savings remaining after providing tuition exemptions under Section 54.212 shall be used to provide tuition exemptions under Section 54.214.~~] The Texas Education Agency shall [also] accept and make available to provide tuition exemptions under Section 54.214 gifts, grants, and donations made to the agency for that purpose. The commissioner of education shall transfer those funds to the Texas Higher Education Coordinating Board to distribute to institutions of higher education that provide exemptions under that section [~~Payment of funds under this subsection shall be made in the manner provided by Section 56.207 for state credits under Subchapter K, Chapter 56.~~].

SECTION ____ .03. Section 56.210, Education Code, is repealed.

ARTICLE ____ . FISCAL MATTERS CONCERNING RETIRED TEACHERS

SECTION ____ .01. Notwithstanding Subsection (a), Section 825.404, Government Code, for the state fiscal biennium ending August 31, 2013, only, the amount of the state contribution to the Teacher Retirement System of Texas under that section may be less than the amount contributed by members during that biennium.

SECTION ____ .02. Notwithstanding Subsection (a), Section 1575.202, Insurance Code, for the state fiscal biennium ending August 31, 2013, only, the state may contribute an amount to the retired school employees group insurance fund that is less than one percent of the salary of each active employee.

Amendment No. 3 was adopted. (Anchia, Bohac, V. Gonzales, Harper-Brown, Phillips, Rodriguez, Scott, Strama, and White recorded voting no.)

Amendment No. 4

Representative Pitts offered the following amendment to **CSSB 1811**:

Floor Packet Page No. 8

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . TEXAS EMERGING TECHNOLOGY FUND

SECTION ____ .01. Section 490.005(b), Government Code, is amended to read as follows:

(b) The annual report must also contain:

(1) the total number of jobs actually created by each project receiving funding under this chapter;

(2) an analysis of the number of jobs actually created by each project receiving funding under this chapter; and

(3) a brief description regarding:

(A) the methodology used to determine the information provided under Subdivisions (1) and (2);

(B) [~~4~~] the intended outcomes of projects funded under Subchapter D during the preceding two state fiscal years; and

(C) [~~2~~] the actual outcomes of all projects funded under Subchapter D during the fund's existence, including any financial impact on the state resulting from a liquidity event involving a company whose project was funded under that subchapter.

SECTION ____ .02. The heading to Section 490.052, Government Code, is amended to read as follows:

Sec. 490.052. APPOINTMENT TO COMMITTEE [~~BY GOVERNOR~~]; NOMINATIONS.

SECTION ____ .03. Section 490.052, Government Code, is amended by amending Subsection (a) and adding Subsections (a-1) and (a-2) to read as follows:

(a) The governor shall appoint to the committee 13 individuals nominated as provided by Subsection (b).

(a-1) The lieutenant governor shall appoint two senators to the committee.

(a-2) The speaker of the house of representatives shall appoint two members of the house of representatives to the committee.

SECTION ____ .04. Subchapter B, Chapter 490, Government Code, is amended by adding Section 490.0521 to read as follows:

Sec. 490.0521. FINANCIAL STATEMENT REQUIRED. Each member of the committee shall file with the office of the governor and the Texas Ethics Commission a verified financial statement complying with Sections 572.022 through 572.0252 as is required of a state officer by Section 572.021.

SECTION ____ .05. Section 490.054, Government Code, is amended to read as follows:

Sec. 490.054. TERMS. (a) Members of the committee appointed by the governor serve staggered two-year terms, subject to the pleasure of the governor.

(b) Members of the committee appointed by the lieutenant governor or the speaker of the house of representatives serve two-year terms.

SECTION ____ .06. Subchapter B, Chapter 490, Government Code, is amended by adding Section 490.0551 to read as follows:

Sec. 490.0551. MEETINGS. (a) The committee shall hold meetings periodically to conduct the business of the committee.

(b) The committee and any subcommittee of the committee shall give notice of each meeting to be held by the committee or subcommittee, as applicable, to the secretary of state. The secretary of state shall post the notice on the secretary of state's Internet website at least 72 hours before the scheduled time of the meeting. The notice must contain:

- (1) the date, time, and place of the meeting; and
- (2) the agenda of items to be considered at the meeting.

(c) The committee and any subcommittee of the committee shall keep minutes of each meeting. The minutes must include:

- (1) an indication of each committee member's vote, including any recusal by a member, on each matter under consideration by the committee; and
- (2) a description of the specific nature of any conflict of interest disclosed by a committee member, including the manner in which the conflict of interest was resolved.

SECTION ____ .07. Section 490.056, Government Code, is amended by adding Subsections (c), (d), and (e) to read as follows:

(c) Each entity recommended by the committee for an award of money from the fund as provided by this chapter shall obtain and provide the following information to the office of the governor:

- (1) a federal criminal history background check for each principal of the entity;
- (2) a state criminal history background check for each principal of the entity;
- (3) a credit check for each principal of the entity;
- (4) a copy of a government-issued form of photo identification for each principal of the entity; and
- (5) information regarding whether the entity or a principal of the entity has ever been subject to a sanction imposed by the Securities and Exchange Commission for a violation of applicable federal law.

(d) For purposes of Subsection (c):

- (1) "Controlling interest" has the meaning assigned by Section 171.0001, Tax Code.
- (2) "Principal" means:
 - (A) an officer of an entity; or
 - (B) a person who directly or indirectly owns or controls a controlling interest in an entity.

(e) With each proposal to award funding submitted by the governor to the lieutenant governor and speaker of the house of representatives for purposes of obtaining prior approval, the governor shall provide each officer with a copy of the information provided by the appropriate entity under Subsection (c).

SECTION ____ .08. Section 490.101, Government Code, is amended by adding Subsection (f-1) to read as follows:

(f-1) An award to a particular recipient from the fund may not exceed \$3,000,000.

SECTION ____ .09. Subchapter D, Chapter 490, Government Code, is amended by adding Section 490.1521 to read as follows:

Sec. 490.1521. MINUTES OF CERTAIN MEETINGS. (a) Each regional center of innovation and commercialization established under Section 490.152, including the Texas Life Science Center for Innovation and Commercialization, shall keep minutes of each meeting at which applications for funding under this subchapter are evaluated. The minutes must:

(1) include the name of each applicant recommended by the regional center of innovation and commercialization to the committee for funding; and

(2) indicate the vote of each member of the governing body of the regional center of innovation and commercialization, including any recusal by a member and the member's reason for recusal, with regard to each application reviewed.

(b) Not later than the 30th day after the date a meeting to which this section applies is held, the appropriate regional center of innovation and commercialization shall post a copy of the minutes of the meeting on the center's Internet website. The copy of the minutes must remain posted on the website for at least four years.

SECTION ____ .10. (a) The terms of the members of the Texas Emerging Technology Advisory Committee serving on the effective date of this article expire September 1, 2011.

(b) As soon as practicable after this article takes effect, the governor, lieutenant governor, and speaker of the house of representatives shall appoint members to the Texas Emerging Technology Advisory Committee established under Subchapter B, Chapter 490, Government Code, in a manner that complies with that subchapter, as amended by this article.

(c) At the first meeting of members of the Texas Emerging Technology Advisory Committee established under Subchapter B, Chapter 490, Government Code, as amended by this article, occurring on or after September 1, 2011, the members appointed by the governor shall draw lots to determine which six members will serve a term expiring September 1, 2012, and which seven members will serve a term expiring September 1, 2013.

SECTION ____ .11. Section 490.101(f-1), Government Code, as added by this article, applies only to an award from the Texas emerging technology fund that is made on or after the effective date of this article. An award from the Texas emerging technology fund made before the effective date of this article is governed by the law in effect on the date the award was made, and the former law is continued in effect for that purpose.

Amendment No. 4 was adopted.

Amendment No. 5

Representative Darby offered the following amendment to **CSSB 1811**:

Floor Packet Page No. 27

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLES to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE _____. FISCAL MATTERS CONCERNING ANIMAL HEALTH
REGULATION

SECTION _____.01. Section 161.060, Agriculture Code, is amended to read as follows:

Sec. 161.060. AUTHORITY TO SET AND COLLECT [INSPECTION] FEES. The commission by rule may set and collect a fee for any service provided ~~[charge a fee, as provided by commission rule, for an inspection made]~~ by the commission, including:

- (1) the inspection of animals or facilities;
- (2) the testing of animals for disease;
- (3) obtaining samples from animals for disease testing;
- (4) disease eradication and treatment efforts;
- (5) services related to the transport of livestock;
- (6) control and eradication of ticks and other pests; and
- (7) any other service for which the commission incurs a cost.

ARTICLE _____. FISCAL MATTERS REGARDING PETROLEUM INDUSTRY
REGULATION

SECTION _____.01. Section 26.3574, Water Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) A fee is imposed on the delivery of a petroleum product on withdrawal from bulk of that product as provided by this subsection. Each operator of a bulk facility on withdrawal from bulk of a petroleum product shall collect from the person who orders the withdrawal a fee in an amount determined as follows:

(1) not more than \$3.125 ~~[\$3.75]~~ for each delivery into a cargo tank having a capacity of less than 2,500 gallons ~~[for the state fiscal year beginning September 1, 2007, through the state fiscal year ending August 31, 2011];~~

(2) not more than \$6.25 ~~[\$7.50]~~ for each delivery into a cargo tank having a capacity of 2,500 gallons or more but less than 5,000 gallons ~~[for the state fiscal year beginning September 1, 2007, through the state fiscal year ending August 31, 2011];~~

(3) not more than \$9.37 ~~[\$11.75]~~ for each delivery into a cargo tank having a capacity of 5,000 gallons or more but less than 8,000 gallons ~~[for the state fiscal year beginning September 1, 2007, through the state fiscal year ending August 31, 2011];~~

(4) not more than \$12.50 ~~[\$15.00]~~ for each delivery into a cargo tank having a capacity of 8,000 gallons or more but less than 10,000 gallons ~~[for the state fiscal year beginning September 1, 2007, through the state fiscal year ending August 31, 2011]; and~~

(5) not more than \$6.25 ~~[\$7.50]~~ for each increment of 5,000 gallons or any part thereof delivered into a cargo tank having a capacity of 10,000 gallons or more ~~[for the state fiscal year beginning September 1, 2007, through the state fiscal year ending August 31, 2011].~~

(b-1) The commission by rule shall set the amount of the fee in Subsection (b) in an amount not to exceed the amount necessary to cover the agency's costs of administering this subchapter, as indicated by the amount appropriated by the legislature from the petroleum storage tank remediation account for that purpose.

ARTICLE ____ COASTAL EROSION

SECTION ____ .01. Section 33.608, Natural Resources Code, is amended to read as follows:

Sec. 33.608. REPORT TO LEGISLATURE. (a) Each biennium, the commissioner shall submit to the legislature a report listing:

- (1) each critical erosion area;
- (2) each proposed erosion response study or project;
- (3) an estimate of the cost of each proposed study or project described by Subdivision (2);

(4) each coastal erosion response study or project funded under this subchapter during the preceding biennium;

(5) the economic and natural resource benefits from each coastal erosion response study or project described by Subdivision (4);

(6) the financial status of the account; and

(7) an estimate of the cost of implementing this subchapter during the succeeding biennium.

(b) The report must include a plan for coastal erosion response studies and projects that may be funded, wholly or partly, from money in the account and may be undertaken during the next 10 or more years.

ARTICLE ____ TEXAS FARM AND RANCH LANDS CONSERVATION PROGRAM

SECTION ____ .01. Subsection (b), Section 183.059, Natural Resources Code, is amended to read as follows:

(b) To receive a grant from the fund under this subchapter, an applicant who is qualified to be an easement holder under this subchapter must submit an application to the council. The application must:

(1) set out the parties' clear conservation goals consistent with the program;

(2) include a site-specific estimate-of-value appraisal by a licensed appraiser qualified to determine the market value of the easement; and

(3) ~~[demonstrate that the applicant is able to match 50 percent of the amount of the grant being sought, considering that the council may choose to allow a donation of part of the appraised value of the easement to be considered as in-kind matching funds; and~~

[(4)] include a memorandum of understanding signed by the landowner and the applicant indicating intent to sell an agricultural conservation easement and containing the terms of the contract for the sale of the easement.

ARTICLE ____ FISCAL MATTERS CONCERNING PARKS AND WILDLIFE CONTRIBUTIONS

SECTION ____ .01. Subchapter D, Chapter 502, Transportation Code, is amended by adding Sections 502.1747 and 502.1748 to read as follows:

Sec. 502.1747. VOLUNTARY CONTRIBUTION TO PARKS AND WILDLIFE DEPARTMENT. (a) When a person registers or renews the registration of a motor vehicle under this chapter, the person may contribute \$5 or more to the Parks and Wildlife Department.

(b) The department shall:

(1) include space on each motor vehicle registration renewal notice, on the page that states the total fee for registration renewal, that allows a person renewing a registration to indicate the amount that the person is voluntarily contributing to the state parks account;

(2) provide an opportunity to contribute to the state parks account similar to the opportunity described by Subsection (a) and in the manner described by Subdivision (1) in any registration renewal system that succeeds the system in place on September 1, 2011; and

(3) provide an opportunity for a person to contribute to the state parks account during the registration renewal process on the department's Internet website.

(c) If a person makes a contribution under this section and does not pay the full amount of a registration fee, the county assessor-collector may credit all or a portion of the contribution to the person's registration fee.

(d) The county assessor-collector shall send any contribution made under this section to the comptroller for deposit to the credit of the state parks account under Section 11.035, Parks and Wildlife Code. Money received by the Parks and Wildlife Department under this section may be used only for the operation and maintenance of state parks, historic sites, or natural areas under the jurisdiction of the Parks and Wildlife Department.

(e) The department shall consult with the Parks and Wildlife Department in performing the department's duties under this section.

Sec. 502.1748. DISPOSITION OF CERTAIN VOLUNTARY CONTRIBUTIONS. If a person makes a voluntary contribution under Section 502.1746 or 502.1747 at the time the person registers or renews the registration of a motor vehicle under this chapter but the person does not clearly specify the entity to which the person intends to contribute, the county assessor-collector shall divide the contribution between the entities authorized to receive contributions under those sections.

SECTION ____.02. Sections 502.1747 and 502.1748, Transportation Code, as added by this article, apply only to a motor vehicle registration renewal notice issued for a registration that expires on or after January 1, 2012.

ARTICLE ____. FISCAL MATTERS CONCERNING OIL AND GAS
REGULATION

SECTION ____.01. Subsection (c), Section 81.0521, Natural Resources Code, is amended to read as follows:

(c) Two-thirds of the proceeds from this fee, excluding ~~including~~ any penalties collected in connection with the fee, shall be deposited to the oil and gas regulation and ~~oil field~~ cleanup fund as provided by Section 81.067 ~~[91.111]~~.

SECTION ____.02. Subchapter C, Chapter 81, Natural Resources Code, is amended by adding Sections 81.067 through 81.070 to read as follows:

Sec. 81.067. OIL AND GAS REGULATION AND CLEANUP FUND.

(a) The oil and gas regulation and cleanup fund is created as an account in the general revenue fund of the state treasury.

(b) The commission shall certify to the comptroller the date on which the balance in the fund equals or exceeds \$20 million. The oil-field cleanup regulatory fees on oil and gas shall not be collected or required to be paid on or after the first day of the second month following the certification, except that the comptroller shall resume collecting the fees on receipt of a commission certification that the fund has fallen below \$10 million. The comptroller shall continue collecting the fees until collections are again suspended in the manner provided by this subsection.

(c) The fund consists of:

(1) proceeds from bonds and other financial security required by this chapter and benefits under well-specific plugging insurance policies described by Section 91.104(c) that are paid to the state as contingent beneficiary of the policies, subject to the refund provisions of Section 91.1091, if applicable;

(2) private contributions, including contributions made under Section 89.084;

(3) expenses collected under Section 89.083;

(4) fees imposed under Section 85.2021;

(5) costs recovered under Section 91.457 or 91.459;

(6) proceeds collected under Sections 89.085 and 91.115;

(7) interest earned on the funds deposited in the fund;

(8) oil and gas waste hauler permit application fees collected under Section 29.015, Water Code;

(9) costs recovered under Section 91.113(f);

(10) hazardous oil and gas waste generation fees collected under Section 91.605;

(11) oil-field cleanup regulatory fees on oil collected under Section 81.116;

(12) oil-field cleanup regulatory fees on gas collected under Section 81.117;

(13) fees for a reissued certificate collected under Section 91.707;

(14) fees collected under Section 91.1013;

(15) fees collected under Section 89.088;

(16) fees collected under Section 91.142;

(17) fees collected under Section 91.654;

(18) costs recovered under Sections 91.656 and 91.657;

(19) two-thirds of the fees collected under Section 81.0521;

(20) fees collected under Sections 89.024 and 89.026;

(21) legislative appropriations; and

(22) any surcharges collected under Section 81.070.

Sec. 81.068. PURPOSE OF OIL AND GAS REGULATION AND CLEANUP FUND. Money in the oil and gas regulation and cleanup fund may be used by the commission or its employees or agents for any purpose related to the regulation of oil and gas development, including oil and gas monitoring and

inspections, oil and gas remediation, oil and gas well plugging, public information and services related to those activities, and administrative costs and state benefits for personnel involved in those activities.

Sec. 81.069. REPORTING ON PROGRESS IN MEETING PERFORMANCE GOALS FOR THE OIL AND GAS REGULATION AND CLEANUP FUND. (a) The commission, through the legislative appropriations request process, shall establish specific performance goals for the oil and gas regulation and cleanup fund for the next biennium, including goals for each quarter of each state fiscal year of the biennium for the number of:

(1) orphaned wells to be plugged with state-managed funds;

(2) abandoned sites to be investigated, assessed, or cleaned up with state funds; and

(3) surface locations to be remediated.

(b) The commission shall provide quarterly reports to the Legislative Budget Board that include:

(1) the following information with respect to the period since the last report was provided as well as cumulatively:

(A) the amount of money deposited in the oil and gas regulation and cleanup fund;

(B) the amount of money spent from the fund for the purposes described by Subsection (a);

(C) the balance of the fund; and

(D) the commission's progress in meeting the quarterly performance goals established under Subsection (a) and, if the number of orphaned wells plugged with state-managed funds, abandoned sites investigated, assessed, or cleaned up with state funds, or surface locations remediated is at least five percent less than the number projected in the applicable goal established under Subsection (a), an explanation of the reason for the variance; and

(2) any additional information or data requested in writing by the Legislative Budget Board.

(c) The commission shall submit to the legislature and make available to the public, annually, a report that reviews the extent to which money provided under Section 81.067 has enabled the commission to better protect the environment through oil-field cleanup activities. The report must include:

(1) the performance goals established under Subsection (a) for that state fiscal year, the commission's progress in meeting those performance goals, and, if the number of orphaned wells plugged with state-managed funds, abandoned sites investigated, assessed, or cleaned up with state funds, or surface locations remediated is at least five percent less than the number projected in the applicable goal established under Subsection (a), an explanation of the reason for the variance;

(2) the number of orphaned wells plugged with state-managed funds, by region;

(3) the number of wells orphaned, by region;

(4) the number of inactive wells not currently in compliance with commission rules, by region;

(5) the status of enforcement proceedings for all wells in violation of commission rules and the period during which the wells have been in violation, by region in which the wells are located;

(6) the number of surface locations remediated, by region;

(7) a detailed accounting of expenditures of money in the fund for oil-field cleanup activities, including expenditures for plugging of orphaned wells, investigation, assessment, and cleaning up of abandoned sites, and remediation of surface locations;

(8) the method by which the commission sets priorities by which it determines the order in which orphaned wells are plugged;

(9) a projection of the amount of money needed for the next biennium for plugging orphaned wells, investigating, assessing, and cleaning up abandoned sites, and remediating surface locations; and

(10) the number of sites successfully remediated under the voluntary cleanup program under Subchapter O, Chapter 91, by region.

Sec. 81.070. ESTABLISHMENT OF SURCHARGES ON FEES.

(a) Except as provided by Subsection (b), the commission by rule shall provide for the imposition of reasonable surcharges as necessary on fees imposed by the commission that are required to be deposited to the credit of the oil and gas regulation and cleanup fund as provided by Section 81.067 in amounts sufficient to enable the commission to recover the costs of performing the functions specified by Section 81.068 from those fees and surcharges.

(b) The commission may not impose a surcharge on an oil-field cleanup regulatory fee on oil collected under Section 81.116 or an oil-field cleanup regulatory fee on gas collected under Section 81.117.

(c) The commission by rule shall establish a methodology for determining the amount of a surcharge that takes into account:

(1) the time required for regulatory work associated with the activity in connection with which the surcharge is imposed;

(2) the number of individuals or entities from which the commission's costs may be recovered;

(3) the effect of the surcharge on operators of all sizes, as measured by the number of oil or gas wells operated;

(4) the balance in the oil and gas regulation and cleanup fund; and

(5) any other factors the commission determines to be important to the fair and equitable imposition of the surcharge.

(d) The commission shall collect a surcharge on a fee at the time the fee is collected.

(e) A surcharge collected under this section shall be deposited to the credit of the oil and gas regulation and cleanup fund as provided by Section 81.067.

(f) Notwithstanding any other provision of this section, the commission may not set a surcharge in an amount that would generate an amount of revenue that exceeds the amount appropriated to the commission for performing the functions specified by Section 81.068.

SECTION _____.03. Section 81.115, Natural Resources Code, is amended to read as follows:

Sec. 81.115. APPROPRIATIONS [~~PAYMENTS~~] TO COMMISSION FOR OIL AND GAS REGULATION AND CLEANUP PURPOSES [~~DIVISION~~]. Money appropriated to the [~~oil and gas division of the~~] commission under the General Appropriations Act for the purposes described by Section 81.068 shall be paid from the oil and gas regulation and cleanup fund [~~General Revenue Fund~~].

SECTION _____.04. Subsections (d) and (e), Section 81.116, Natural Resources Code, are amended to read as follows:

(d) The comptroller shall suspend collection of the fee in the manner provided by Section 81.067 [~~91.111~~]. The exemptions and reductions set out in Sections 202.052, 202.054, 202.056, 202.057, 202.059, and 202.060, Tax Code, do not affect the fee imposed by this section.

(e) Proceeds from the fee, excluding [~~including~~] any penalties collected in connection with the fee, shall be deposited to the oil and gas regulation and [~~oil field~~] cleanup fund as provided by Section 81.067 [~~91.111 of this code~~].

SECTION _____.05. Subsections (d) and (e), Section 81.117, Natural Resources Code, are amended to read as follows:

(d) The comptroller shall suspend collection of the fee in the manner provided by Section 81.067 [~~91.111~~]. The exemptions and reductions set out in Sections 201.053, 201.057, 201.058, and 202.060, Tax Code, do not affect the fee imposed by this section.

(e) Proceeds from the fee, excluding [~~including~~] any penalties collected in connection with the fee, shall be deposited to the oil and gas regulation and [~~oil field~~] cleanup fund as provided by Section 81.067 [~~91.111 of this code~~].

SECTION _____.06. Subsection (d), Section 85.2021, Natural Resources Code, is amended to read as follows:

(d) All fees collected under this section shall be deposited in the oil and gas regulation and [~~state oil field~~] cleanup fund.

SECTION _____.07. Subsection (d), Section 89.024, Natural Resources Code, is amended to read as follows:

(d) An operator who files an abeyance of plugging report must pay an annual fee of \$100 for each well covered by the report. A fee collected under this section shall be deposited in the oil and gas regulation and [~~oil field~~] cleanup fund.

SECTION _____.08. Subsection (d), Section 89.026, Natural Resources Code, is amended to read as follows:

(d) An operator who files documentation described by Subsection (a) must pay an annual fee of \$50 for each well covered by the documentation. A fee collected under this section shall be deposited in the oil and gas regulation and [~~oil field~~] cleanup fund.

SECTION _____.09. Subsection (d), Section 89.048, Natural Resources Code, is amended to read as follows:

(d) On successful plugging of the well by the well plugger, the surface estate owner may submit documentation to the commission of the cost of the well-plugging operation. The commission shall reimburse the surface estate owner from money in the oil and gas regulation and [~~oil field~~] cleanup fund in an amount not to exceed 50 percent of the lesser of:

- (1) the documented well-plugging costs; or
- (2) the average cost incurred by the commission in the preceding 24 months in plugging similar wells located in the same general area.

SECTION ____ .10. Subsection (j), Section 89.083, Natural Resources Code, is amended to read as follows:

(j) Money collected in a suit under this section shall be deposited in the oil and gas regulation and [state oil field] cleanup fund.

SECTION ____ .11. Subsection (d), Section 89.085, Natural Resources Code, is amended to read as follows:

(d) The commission shall deposit money received from the sale of well-site equipment or hydrocarbons under this section to the credit of the oil and gas regulation and [oil field] cleanup fund. The commission shall separately account for money and credit received for each well.

SECTION ____ .12. The heading to Section 89.086, Natural Resources Code, is amended to read as follows:

Sec. 89.086. CLAIMS AGAINST OIL AND GAS REGULATION AND [THE OIL FIELD] CLEANUP FUND.

SECTION ____ .13. Subsections (a) and (h) through (k), Section 89.086, Natural Resources Code, are amended to read as follows:

(a) A person with a legal or equitable ownership or security interest in well-site equipment or hydrocarbons disposed of under Section 89.085 [~~of this code~~] may make a claim against the oil and gas regulation and [oil field] cleanup fund unless an element of the transaction giving rise to the interest occurs after the commission forecloses its statutory lien under Section 89.083.

(h) The commission shall suspend an amount of money in the oil and gas regulation and [oil field] cleanup fund equal to the amount of the claim until the claim is finally resolved. If the provisions of Subsection (k) [~~of this section~~] prevent suspension of the full amount of the claim, the commission shall treat the claim as two consecutively filed claims, one in the amount of funds available for suspension and the other in the remaining amount of the claim.

(i) A claim made by or on behalf of the operator or a nonoperator of a well or a successor to the rights of the operator or nonoperator is subject to a ratable deduction from the proceeds or credit received for the well-site equipment to cover the costs incurred by the commission in removing the equipment or hydrocarbons from the well or in transporting, storing, or disposing of the equipment or hydrocarbons. A claim made by a person who is not an operator or nonoperator is subject to a ratable deduction for the costs incurred by the commission in removing the equipment from the well. If a claimant is a person who is responsible under law or commission rules for plugging the well or cleaning up pollution originating on the lease or if the claimant owes a penalty assessed by the commission or a court for a violation of a commission rule or order, the commission may recoup from or offset against a valid claim an expense incurred by the oil and gas regulation and [oil field] cleanup fund that is not otherwise reimbursed or any penalties owed. An amount recouped from, deducted from, or offset against a claim under this subsection shall be treated as

an invalid portion of the claim and shall remain suspended in the oil and gas regulation and [oil-field] cleanup fund in the manner provided by Subsection (j) ~~[of this section]~~.

(j) If the commission finds that a claim is valid in whole or in part, the commission shall pay the valid portion of the claim from the suspended amount in the oil and gas regulation and [oil-field] cleanup fund not later than the 30th day after the date of the commission's decision. If the commission finds that a claim is invalid in whole or in part, the commission shall continue to suspend in the oil and gas regulation and [oil-field] cleanup fund an amount equal to the invalid portion of the claim until the period during which the commission's decision may be appealed has expired or, if appealed, during the period the case is under judicial review. If on appeal the district court finds the claim valid in whole or in part, the commission shall pay the valid portion of the claim from the suspended amount in the oil and gas regulation and [oil-field] cleanup fund not later than 30 days after the date the court's judgment becomes unappealable. On the date the commission's decision is not subject to judicial review, the commission shall release from the suspended amount in the oil and gas regulation and [oil-field] cleanup fund the amount of the claim held to be invalid.

(k) If the aggregate of claims paid and money suspended that relates to well-site equipment or hydrocarbons from a particular well equals the total of the actual proceeds and credit realized from the disposition of that equipment or those hydrocarbons, the oil and gas regulation and [oil-field] cleanup fund is not liable for any subsequently filed claims that relate to the same equipment or hydrocarbons unless and until the commission releases from the suspended amount money derived from the disposition of that equipment or those hydrocarbons. If the commission releases money, then the commission shall suspend money in the amount of subsequently filed claims in the order of filing.

SECTION ____ .14. Subsection (b), Section 89.121, Natural Resources Code, is amended to read as follows:

(b) Civil penalties collected for violations of this chapter or of rules relating to plugging that are adopted under this code shall be deposited in the general revenue [state oil field cleanup] fund.

SECTION ____ .15. Subsection (c), Section 91.1013, Natural Resources Code, is amended to read as follows:

(c) Fees collected under this section shall be deposited in the oil and gas regulation and [state oil field] cleanup fund.

SECTION ____ .16. Section 91.108, Natural Resources Code, is amended to read as follows:

Sec. 91.108. DEPOSIT AND USE OF FUNDS. Subject to the refund provisions of Section 91.1091, if applicable, proceeds from bonds and other financial security required pursuant to this chapter and benefits under well-specific plugging insurance policies described by Section 91.104(c) that are paid to the state as contingent beneficiary of the policies shall be deposited in the oil and gas regulation and [oil-field] cleanup fund and, notwithstanding Sections 81.068 [91.112] and 91.113, may be used only for actual well plugging and surface remediation.

SECTION ____ .17. Subsection (a), Section 91.109, Natural Resources Code, is amended to read as follows:

(a) A person applying for or acting under a commission permit to store, handle, treat, reclaim, or dispose of oil and gas waste may be required by the commission to maintain a performance bond or other form of financial security conditioned that the permittee will operate and close the storage, handling, treatment, reclamation, or disposal site in accordance with state law, commission rules, and the permit to operate the site. However, this section does not authorize the commission to require a bond or other form of financial security for saltwater disposal pits, emergency saltwater storage pits (including blow-down pits), collecting pits, or skimming pits provided that such pits are used in conjunction with the operation of an individual oil or gas lease. Subject to the refund provisions of Section 91.1091 [~~of this code~~], proceeds from any bond or other form of financial security required by this section shall be placed in the oil and gas regulation and [oil-field] cleanup fund. Each bond or other form of financial security shall be renewed and continued in effect until the conditions have been met or release is authorized by the commission.

SECTION ____ .18. Subsections (a) and (f), Section 91.113, Natural Resources Code, are amended to read as follows:

(a) If oil and gas wastes or other substances or materials regulated by the commission under Section 91.101 are causing or are likely to cause the pollution of surface or subsurface water, the commission, through its employees or agents, may use money in the oil and gas regulation and [oil-field] cleanup fund to conduct a site investigation or environmental assessment or control or clean up the oil and gas wastes or other substances or materials if:

(1) the responsible person has failed or refused to control or clean up the oil and gas wastes or other substances or materials after notice and opportunity for hearing;

(2) the responsible person is unknown, cannot be found, or has no assets with which to control or clean up the oil and gas wastes or other substances or materials; or

(3) the oil and gas wastes or other substances or materials are causing the pollution of surface or subsurface water.

(f) If the commission conducts a site investigation or environmental assessment or controls or cleans up oil and gas wastes or other substances or materials under this section, the commission may recover all costs incurred by the commission from any person who was required by law, rules adopted by the commission, or a valid order of the commission to control or clean up the oil and gas wastes or other substances or materials. The commission by order may require the person to reimburse the commission for those costs or may request the attorney general to file suit against the person to recover those costs. At the request of the commission, the attorney general may file suit to enforce an order issued by the commission under this subsection. A suit under this subsection may be filed in any court of competent jurisdiction in Travis County. Costs recovered under this subsection shall be deposited to the oil and gas regulation and [oil-field] cleanup fund.

SECTION ____ .19. Subsection (c), Section 91.264, Natural Resources Code, is amended to read as follows:

(c) A penalty collected under this section shall be deposited to the credit of the general revenue ~~[oil field cleanup]~~ fund ~~[account]~~.

SECTION ____ .20. Subsection (b), Section 91.457, Natural Resources Code, is amended to read as follows:

(b) If a person ordered to close a saltwater disposal pit under Subsection (a) ~~[of this section]~~ fails or refuses to close the pit in compliance with the commission's order and rules, the commission may close the pit using money from the oil and gas regulation and ~~[oil field]~~ cleanup fund and may direct the attorney general to file suits in any courts of competent jurisdiction in Travis County to recover applicable penalties and the costs incurred by the commission in closing the saltwater disposal pit.

SECTION ____ .21. Subsection (c), Section 91.459, Natural Resources Code, is amended to read as follows:

(c) Any ~~[penalties or]~~ costs recovered by the attorney general under this subchapter shall be deposited in the oil and gas regulation and ~~[oil field]~~ cleanup fund.

SECTION ____ .22. Subsection (e), Section 91.605, Natural Resources Code, is amended to read as follows:

(e) The fees collected under this section shall be deposited in the oil and gas regulation and ~~[oil field]~~ cleanup fund.

SECTION ____ .23. Subsection (e), Section 91.654, Natural Resources Code, is amended to read as follows:

(e) Fees collected under this section shall be deposited to the credit of the oil and gas regulation and ~~[oil field]~~ cleanup fund under Section 81.067 ~~[91.111]~~.

SECTION ____ .24. Subsection (b), Section 91.707, Natural Resources Code, is amended to read as follows:

(b) Fees collected under this section shall be deposited to the oil and gas regulation and ~~[oil field]~~ cleanup fund.

SECTION ____ .25. The heading to Section 121.211, Utilities Code, is amended to read as follows:

Sec. 121.211. PIPELINE SAFETY AND REGULATORY FEES.

SECTION ____ .26. Subsections (a) through (e) and (h), Section 121.211, 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.

SECTION ____ .27. Section 29.015, Water Code, is amended to read as follows:

Sec. 29.015. APPLICATION FEE. With each application for issuance, renewal, or material amendment of a permit, the applicant shall submit to the railroad commission a nonrefundable fee of \$100. Fees collected under this section shall be deposited in the oil and gas regulation and [oil-field] cleanup fund.

SECTION ____ .28. The following provisions of the Natural Resources Code are repealed:

- (1) Section 91.111; and
- (2) Section 91.112.

SECTION ____ .29. On the effective date of this article:

- (1) the oil-field cleanup fund is abolished;
- (2) any money remaining in the oil-field cleanup fund is transferred to the oil and gas regulation and cleanup fund;
- (3) any claim against the oil-field cleanup fund is transferred to the oil and gas regulation and cleanup fund; and
- (4) any amount required to be deposited to the credit of the oil-field cleanup fund shall be deposited to the credit of the oil and gas regulation and cleanup fund.

Amendment No. 6

Representatives S. Miller and Darby offered the following amendment to Amendment No. 5:

Amend Amendment No. 5 by Darby to **CSSB 1811** (page 27 of the prefiled amendment packet) by striking Section 161.060, Agriculture Code (page 1, lines 8-21) and substituting the following:

Sec. 161.060. AUTHORITY TO SET AND COLLECT [INSPECTION] FEES. (a) The commission by rule may set and collect a fee for any service provided [charge a fee, as provided by commission rule, for an inspection made] by the commission, including:

- (1) the inspection of animals or facilities;
- (2) the testing of animals for disease;
- (3) obtaining samples from animals for disease testing;
- (4) disease eradication and treatment efforts;
- (5) services related to the transport of livestock;
- (6) control and eradication of ticks and other pests; and
- (7) any other service for which the commission incurs a cost.

(b) The total amount of fees collected under this section during the biennium ending August 31, 2013 may not exceed \$6 million.

(c) This section expires September 1, 2013.

Amendment No. 6 was adopted. (Carter, V. Taylor, and White recorded voting no.)

Amendment No. 7

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

Amend Amendment No. 5 to **CSSB 1811** by Darby (page 27 of the amendment packet) as follows:

On page 20, line 8 of the amendment, after "sources.", insert "No more than five cents of the annual one dollar service line fee may be used to fund the agency's regulatory program."

Amendment No. 7 was adopted. (V. Taylor recorded voting no.)

Amendment No. 5, as amended, was adopted. (Cain, Harper-Brown, Phillips, and V. Taylor recorded voting no.)

Amendment No. 8

Representative Madden offered the following amendment to **CSSB 1811**:
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Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . CORRECTIONAL MANAGED HEALTH CARE

SECTION ____ . Section 501.133(a), Government Code, is amended to read as follows:

(a) The committee consists of the following six [nine] members [appointed as follows]:

(1) two members employed full-time by the department, at least one of whom is a physician, appointed by the executive director;

(2) ~~two members employed full time by the University of Texas Medical Branch at Galveston, at least one of whom is a physician, appointed by the president of the medical branch;~~

~~[(3) two members employed full time by the Texas Tech University Health Sciences Center, at least one of whom is a physician, appointed by the president of the university; and~~

~~[(4)] three public members appointed by the governor who are not affiliated with the department or with any entity with which the committee has contracted to provide health care services under this chapter, at least two of whom are physicians; and~~

~~(3) the state Medicaid director, to serve as an ex officio, nonvoting member [licensed to practice medicine in this state].~~

SECTION _____. Section 501.135(b), Government Code, is amended to read as follows:

(b) A person may not be an appointed [a] member of the committee and may not be a committee employee employed in a "bona fide executive, administrative, or professional capacity," as that phrase is used for purposes of establishing an exemption to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.) and its subsequent amendments if:

(1) the person is an officer, employee, or paid consultant of a Texas trade association in the field of health care or health care services; or

(2) the person's spouse is an officer, manager, or paid consultant of a Texas trade association in the field of health care or health care services.

SECTION _____. Section 501.136, Government Code, is amended to read as follows:

Sec. 501.136. TERMS OF OFFICE. Committee members appointed by the governor serve staggered six-year terms, with the term of one of those members expiring on February 1 of each odd-numbered year. ~~Committee [Other committee]~~ members appointed by the executive director serve at the will of the executive director ~~[appointing official]~~ or until termination of the member's employment with the department ~~[entity the member represents]~~.

SECTION _____. Section 501.137, Government Code, is amended to read as follows:

Sec. 501.137. PRESIDING OFFICER. The governor shall designate a public member of the committee who is a physician ~~[licensed to practice medicine in this state]~~ as presiding officer. The presiding officer serves in that capacity at the will of the governor.

SECTION _____. Section 501.142, Government Code, is amended to read as follows:

Sec. 501.142. ADMINISTRATION; PERSONNEL. The committee may hire a managed health care administrator, who may be familiar with health care rate structures and may employ personnel necessary for the administration of the committee's duties. The committee shall pay necessary costs for its operation, including costs of hiring the managed health care administrator and other personnel, from funds appropriated by the legislature to the department for correctional health care.

SECTION _____. Section 501.147, Government Code, is amended by amending Subsection (a) and adding Subsections (e) and (f) to read as follows:

(a) The committee may enter into a contract on behalf of the department to fully implement the managed health care plan under this subchapter. A contract entered into under this subsection must:

(1) include provisions necessary to ensure that The University of Texas Medical Branch at Galveston is eligible for and makes reasonable efforts to participate in the purchase of prescription drugs under Section 340B, Public Health Service Act (42 U.S.C. Section 256b); and

(2) require the health care provider to receive payment for services on a capitated, fee-for-service, or contracted basis.

(e) The committee shall take action as necessary to ensure that the committee contracts only with an entity that can provide services within the amount appropriated for those purposes by the General Appropriations Act.

(f) A contract entered into under this section must allow the committee access to all of the contracting entity's financial records and written policy standards that relate to any inmate health care issue or concern.

SECTION ____ . Section 501.148, Government Code, is amended by amending Subsection (a) and adding Subsections (a-1) and (e) to read as follows:

(a) The committee shall:

(1) develop statewide policies for the delivery of correctional health care;

(2) maintain contracts for health care services in consultation with the department and the health care providers;

(3) communicate with the department and the legislature regarding the financial needs of the correctional health care system;

(4) allocate funding made available through legislative appropriations for correctional health care;

(5) monitor the expenditures of The University of Texas Medical Branch at Galveston and the Texas Tech University Health Sciences Center to ensure that those expenditures comply with applicable statutory and contractual requirements;

(6) serve as a dispute resolution forum, and final authority regarding standards of care, in the event of a disagreement relating to inmate health care services between:

(A) the department and the health care providers; or

(B) The University of Texas Medical Branch at Galveston and the Texas Tech University Health Sciences Center;

(7) address problems found through monitoring activities by the department and health care providers, including requiring corrective action if care does not meet expectations as determined by those monitoring activities;

(8) identify and address long-term needs of the correctional health care system; and

(9) report to the Texas Board of Criminal Justice at the board's regularly scheduled meeting each quarter on the committee's policy decisions, the financial status of the correctional health care system, and corrective actions taken by or required of the department or the health care providers.

(a-1) The committee annually shall develop and submit to the department, the governor, and the Legislative Budget Board a proposed budget for the performance of the committee's duties and responsibilities under this subchapter. Except to the extent the budget is modified by the budget execution process under Chapter 317, the department shall provide funding to the committee in accordance with the budget.

(e) In addition to contracting under Subsection (c) or (d), the committee may contract with an independent certified public accountant or other independent qualified individual with specific health care auditing and billing expertise to perform a complete audit of or actuarial analysis concerning all or any part of the managed health care system and shall contract with an independent qualified individual to conduct an annual audit of all medical billing performed by the health care providers.

SECTION ____ . Subchapter E, Chapter 501, Government Code, is amended by adding Section 501.1481 to read as follows:

Sec. 501.1481. STUDY; ANNUAL REPORT. (a) The committee shall conduct an ongoing study that includes:

(1) a review of the viability and cost-effectiveness of:

(A) contracting with nongovernmental entities that are health care providers in rural or other designated areas or for specialized services only;

(B) contracting for certain services with nursing homes, convalescent homes, or similar facilities, including facilities owned and operated by the state;

(C) arranging for the use under the managed health care plan of any excess bed capacity in hospitals owned or operated by the state; and

(D) purchasing reinsurance, stop-loss insurance, or similar insurance for high-risk cases;

(2) a review of medical care case management policies and the manner in which those policies are implemented;

(3) an identification and itemization of primary and secondary costs of correctional managed health care, including costs related to transportation, use of community hospitals, pharmaceutical care, dental care, and end-of-life policies; and

(4) an identification of sources of financial support available from the federal government, including federal grants.

(b) In conducting a study under Subsection (a), the committee shall consider the relationship between constitutional standards of care applicable to the correctional setting and the actual level of care provided and shall apply a cost-benefit analysis to that consideration.

(c) Not later than December 31 of each year, the committee shall prepare and submit to the department, the governor, and the Legislative Budget Board a report that contains findings and recommendations based on the results of the study during the preceding calendar year, including short-term and long-term policy and management recommendations for reducing costs. The committee shall also provide a copy of the report on request to any health care provider participating in the correctional managed health care provider network.

SECTION _____. Not later than December 31, 2012, the Correctional Managed Health Care Committee shall submit to the Texas Department of Criminal Justice, the governor, and the Legislative Budget Board the first report required by Section 501.1481, Government Code, as added by this Act.

Amendment No. 8 was adopted.

Amendment No. 9

Representative Otto offered the following amendment to **CSSB 1811**:

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Amend **CSSB 1811** (house committee report) by adding the following appropriately numbered ARTICLES to the bill and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE _____. FISCAL MATTERS REGARDING LEASING CERTAIN STATE FACILITIES

SECTION _____.01. The heading to Section 2165.2035, Government Code, is amended to read as follows:

Sec. 2165.2035. LEASE OF SPACE IN STATE-OWNED PARKING LOTS AND GARAGES; USE AFTER HOURS.

SECTION _____.02. Subchapter E, Chapter 2165, Government Code, is amended by adding Sections 2165.204, 2165.2045, and 2165.2046 to read as follows:

Sec. 2165.204. LEASE OF SPACE IN STATE-OWNED PARKING LOTS AND GARAGES; EXCESS INDIVIDUAL PARKING SPACES. (a) The commission may lease to a private individual an individual parking space in a state-owned parking lot or garage located in the city of Austin that the commission determines is not needed to accommodate the regular parking requirements of state employees who work near the lot or garage and visitors to nearby state government offices.

(b) Money received from a lease under this section shall be deposited to the credit of the general revenue fund.

Sec. 2165.2045. LEASE OF SPACE IN STATE-OWNED PARKING LOTS AND GARAGES; EXCESS BLOCKS OF PARKING SPACE. (a) The commission may lease to an institution of higher education or a local government all or a significant block of a state-owned parking lot or garage located in the city of Austin that the commission determines is not needed to accommodate the regular parking requirements of state employees who work near the lot or garage and visitors to nearby state government offices.

(b) Money received from a lease under this section shall be deposited to the credit of the general revenue fund.

Sec. 2165.2046. REPORTS ON PARKING PROGRAMS. On or before October 1 of each even-numbered year, the commission shall submit a report to the Legislative Budget Board describing the effectiveness of parking programs developed by the commission under this subchapter. The report must, at a minimum, include:

(1) the yearly revenue generated by the programs;

- (2) the yearly administrative and enforcement costs of each program;
- (3) yearly usage statistics for each program; and
- (4) initiatives and suggestions by the commission to:
 - (A) modify administration of the programs; and
 - (B) increase revenue generated by the programs.

SECTION ____ .03. 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.

ARTICLE ____ . FISCAL MATTERS RELATING TO SECRETARY OF STATE

SECTION ____ .01. Section 405.014, Government Code, is amended to read as follows:

Sec. 405.014. ACTS OF THE LEGISLATURE. (a) At each session of the legislature the secretary of state shall obtain the bills that have become law. Immediately after the closing of each session of the legislature, the secretary of state shall bind all enrolled bills and resolutions in volumes on which the date of the session is placed.

(b) As soon as practicable after the closing of each session of the legislature, the secretary of state shall publish and maintain electronically the bills enacted at that session. The electronic publication must be:

(1) indexed by bill number and assigned chapter number for each bill;
and

(2) made available by an electronic link on the secretary of state's generally accessible Internet website.

SECTION ____ .02. Subchapter B, Chapter 2158, Government Code, is repealed.

SECTION ____ .03. The change in law made by this article does not apply to a contract for the publication of the laws of this state entered into before the effective date of this article.

SECTION ____ .04. 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.

ARTICLE ____ . FISCAL MATTERS REGARDING ATTORNEY GENERAL

SECTION ____ .01. Section 402.006, Government Code, is amended by adding Subsection (e) to read as follows:

(e) The attorney general may charge a reasonable fee for the electronic filing of a document.

SECTION ____ .02. The heading to Section 402.0212, Government Code, is amended to read as follows:

Sec. 402.0212. PROVISION OF LEGAL SERVICES—OUTSIDE COUNSEL; FEES.

SECTION ____ .03. Section 402.0212, Government Code, is amended by amending Subsections (b) and (c) and adding Subsections (d), (e), and (f) to read as follows:

(b) An invoice submitted to a state agency under a contract for legal services as described by Subsection (a) must be reviewed by the attorney general to determine whether the invoice is eligible for payment.

(c) An attorney or law firm must pay an administrative fee to the attorney general for the review described in Subsection (b) when entering into a contract to provide legal services to a state agency.

(d) For purposes of this section, the functions of a hearing examiner, administrative law judge, or other quasi-judicial officer are not considered legal services.

(e) [(e)] This section shall not apply to the Texas Turnpike Authority division of the Texas Department of Transportation.

(f) The attorney general may adopt rules as necessary to implement and administer this section.

SECTION ____ .04. Section 371.051, Transportation Code, is amended to read as follows:

Sec. 371.051. ATTORNEY GENERAL REVIEW AND EXAMINATION FEE. (a) A toll project entity may not enter into a comprehensive development agreement unless the attorney general reviews the proposed agreement and determines that it is legally sufficient.

(b) A toll project entity shall pay a nonrefundable examination fee to the attorney general on submitting a proposed comprehensive development agreement for review. At the time the examination fee is paid, the toll project entity shall also submit for review a complete transcript of proceedings related to the comprehensive development agreement.

(c) If the toll project entity submits multiple proposed comprehensive development agreements relating to the same toll project for review, the entity shall pay the examination fee under Subsection (b) for each proposed comprehensive development agreement.

(d) The attorney general shall provide a legal sufficiency determination not later than the 60th business day after the date the examination fee and transcript of the proceedings required under Subsection (b) are received. If the attorney general cannot provide a legal sufficiency determination within the 60-business-day period, the attorney general shall notify the toll project entity in writing of the reason for the delay and may extend the review period for not more than 30 business days.

(e) After the attorney general issues a legal sufficiency determination, a toll project entity may supplement the transcript of proceedings or amend the comprehensive development agreement to facilitate a redetermination by the attorney general of the prior legal sufficiency determination issued under this section.

(f) The toll project entity may collect or seek reimbursement of the examination fee under Subsection (b) from the private participant.

(g) The attorney general by rule shall set the examination fee required under Subsection (b) in a reasonable amount and may adopt other rules as necessary to implement this section. The fee may not be set in an amount that is determined by a percentage of the cost of the toll project. The amount of the fee may not exceed reasonable attorney's fees charged for similar legal services in the private sector.

SECTION ____ .05. (a) Section 81.054, Government Code, is amended by adding Subsection (m) to read as follows:

(m) A member is not required to pay a membership fee for a year in which the member is in good standing and employed as a full-time attorney by the office of the attorney general. The state bar shall adopt rules governing the proration of a membership fee paid by an attorney who is employed by the office of the attorney general for part, but not all, of a year. This subsection expires January 1, 2016.

(b) Subsection (m), Section 81.054, Government Code, as added by this section, applies to a membership fee for membership or renewal of membership in the State Bar of Texas that becomes due on or after the effective date of this section. A membership fee for membership or renewal of membership that becomes due before the effective date of this section is governed by the law in effect on the date the membership fee becomes due, and the former law is continued in effect for that purpose.

(c) This section takes effect January 1, 2012.

SECTION ____ .06. The fee prescribed by Section 402.006, Government Code, as amended by this article, applies only to a document electronically submitted to the office of the attorney general on or after the effective date of this article.

SECTION ____ .07. The fee prescribed by Section 402.0212, Government Code, as amended by this article, applies only to invoices for legal services submitted to the office of the attorney general for review on or after the effective date of this article.

SECTION ____ .08. The fee prescribed by Section 371.051, Transportation Code, as amended by this article, applies only to a comprehensive development agreement submitted to the office of the attorney general on or after the effective date of this article.

SECTION ____ .09. The changes in law made by this article apply only to a contract for legal services between a state agency and a private attorney or law firm entered into on or after the effective date of this article. A contract for legal services between a state agency and a private attorney or law firm entered into before the effective date of this article is governed by the law in effect at the time the contract was entered into, and the former law is continued in effect for that purpose.

SECTION ____ .10. Except as otherwise provided by this article, 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.

ARTICLE ____ . TEXAS PRESERVATION TRUST FUND ACCOUNT

SECTION ____ .01. Subsections (a), (b), and (f), Section 442.015, Government Code, are amended to read as follows:

(a) Notwithstanding Section [~~Sections 403.094 and~~] 403.095, the Texas preservation trust fund account is a separate account in the general revenue fund. The account consists of transfers made to the account, loan repayments, grants and donations made for the purposes of this program, proceeds of sales, income earned [earnings] on money in the account, and any other money received under this section. Money in [Distributions from] the account may be used only for the purposes of this section and [~~may not be used~~] to pay operating expenses of the commission. Money allocated to the commission's historic preservation grant program shall be deposited to the credit of the account. Income earned [Earnings] on money in the account shall be deposited to the credit of the account.

(b) The commission may use money in [distributions from] the Texas preservation trust fund account to provide financial assistance to public or private entities for the acquisition, survey, restoration, or preservation, or for planning and educational activities leading to the preservation, of historic property in the state that is listed in the National Register of Historic Places or designated as a State Archeological Landmark or Recorded Texas Historic Landmark, or that the commission determines is eligible for such listing or designation. The financial assistance may be in the amount and form and according to the terms that the commission by rule determines. The commission shall give priority to property the commission determines to be endangered by demolition, neglect, underuse, looting, vandalism, or other threat to the property. Gifts and grants deposited to the credit of the account specifically for any eligible projects may be used only for the type of projects specified. If such a specification is not made, the gift or grant shall be unencumbered and accrue to the benefit of the Texas preservation trust fund account. If such a specification is made, the entire amount of the gift or grant may be used during any period for the project or type of project specified.

(f) The advisory board shall recommend to the commission rules for administering this section [~~Subsections (a) - (e)~~].

SECTION ____ .02. Subsections (h), (i), (j), (k), and (l), Section 442.015, Government Code, are repealed.

SECTION ____ .03. The comptroller of public accounts and the Texas Historical Commission shall enter into a memorandum of understanding to facilitate the conversion of assets of the Texas preservation trust fund account into cash for deposit into the state treasury using a method that provides for the lowest amount of revenue loss to the state.

SECTION ____ .04. This article takes effect November 1, 2011.

ARTICLE ____ . FISCAL MATTERS CONCERNING INFORMATION
TECHNOLOGY

SECTION ____ .01. Section 2054.380, Government Code, is amended to read as follows:

Sec. 2054.380. FEES. (a) The department shall set and charge a fee to each state agency that receives a service from a statewide technology center in an amount sufficient to cover the direct and indirect cost of providing the service.

(b) Revenue derived from the collection of fees imposed under Subsection (a) may be appropriated to the department for:

(1) developing statewide information resources technology policies and planning under this chapter and Chapter 2059; and

(2) providing shared information resources technology services under this chapter.

SECTION _____.02. Subsection (d), Section 2157.068, Government Code, is amended to read as follows:

(d) The department may charge a reasonable administrative fee to a state agency, political subdivision of this state, or governmental entity of another state that purchases commodity items through the department in an amount that is sufficient to recover costs associated with the administration of this section. Revenue derived from the collection of fees imposed under this subsection may be appropriated to the department for:

(1) developing statewide information resources technology policies and planning under Chapters 2054 and 2059; and

(2) providing shared information resources technology services under Chapter 2054.

SECTION _____.03. Subsections (a) and (d), Section 2170.057, Government Code, are amended to read as follows:

(a) The department shall develop a system of billings and charges for services provided in operating and administering the consolidated telecommunications system that allocates the total state cost to each entity served by the system based on proportionate usage. The department shall set and charge a fee to each entity that receives services provided under this chapter in an amount sufficient to cover the direct and indirect costs of providing the service. Revenue derived from the collection of fees imposed under this subsection may be appropriated to the department for:

(1) developing statewide information resources technology policies and planning under Chapters 2054 and 2059; and

(2) providing:

(A) shared information resources technology services under Chapter 2054; and

(B) network security services under Chapter 2059.

(d) The department shall maintain in the revolving fund account sufficient amounts to pay the bills of the consolidated telecommunications system and the centralized capitol complex telephone system. ~~[The department shall certify amounts that exceed this amount to the comptroller, and the comptroller shall transfer the excess amounts to the credit of the statewide network applications account established by Section 2054.011.]~~

SECTION ____ .04. 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.

ARTICLE ____ . STATE DEBT

SECTION ____ .01. Chapter 1231, Government Code, is amended by adding Subchapter G to read as follows:

SUBCHAPTER G. LIMIT ON STATE DEBT PAYABLE FROM GENERAL REVENUE FUND

Sec. 1231.151. DEFINITIONS. In this subchapter:

(1) "Maximum annual debt service" means the limitation on annual debt service imposed by Section 49-j(a), Article III, Texas Constitution.

(2) "State debt payable from the general revenue fund" has the meaning assigned by Section 49-j(b), Article III, Texas Constitution.

(3) "Unissued debt" means state debt payable from the general revenue fund that has been authorized but not issued.

Sec. 1231.152. COMPUTATION OF DEBT LIMIT. In computing the annual debt service in a state fiscal year on state debt payable from the general revenue fund for purposes of determining whether additional state debt may be authorized without exceeding the maximum annual debt service, the board may employ any assumptions related to unissued debt that the board determines are necessary to reflect common or standard debt issuance practices authorized by law, including assumptions regarding:

(1) interest rates;

(2) debt maturity; and

(3) debt service payment structures.

Sec. 1231.153. REPORT ON COMPUTATION. (a) The board shall publish during each state fiscal year a report providing a detailed description of the method used to compute the annual debt service in that fiscal year on state debt payable from the general revenue fund for purposes of determining whether additional state debt may be authorized. The report must describe:

(1) the debt service included in the computation, including debt service on issued and unissued debt;

(2) the assumptions on which the debt service on unissued debt was based; and

(3) any other factors required by law that affect the computation.

(b) The board may publish the report required by this section as a component of any other report required by law, including the annual report required by Section 1231.102, or as an independent report. The board shall make the report available to the public.

SECTION ____ .02. The Bond Review Board shall publish the initial report required by Section 1231.153, Government Code, as added by this article, during the state fiscal year beginning September 1, 2011.

SECTION _____.03. 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.

ARTICLE _____. CONTINUING LEGAL EDUCATION REQUIREMENTS
FOR ATTORNEY EMPLOYED BY ATTORNEY GENERAL

SECTION _____.01. Section 81.113, Government Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) The state bar shall credit an attorney licensed in this state with meeting the minimum continuing legal education requirements of the state bar for a reporting year if during the reporting year the attorney is employed full-time as an attorney by the office of the attorney general. An attorney credited for continuing legal education under this subsection must meet the continuing legal education requirements of the state bar in legal ethics or professional responsibility. This subsection expires January 1, 2014.

SECTION _____.02. Subchapter A, Chapter 402, Government Code, is amended by adding Section 402.010 to read as follows:

Sec. 402.010. CONTINUING LEGAL EDUCATION PROGRAMS. The office of the attorney general shall recognize, prepare, or administer continuing legal education programs that meet continuing legal education requirements imposed under Section 81.113(c) for the attorneys employed by the office. This section expires January 1, 2014.

SECTION _____.03. Section 81.113, Government Code, as amended by this article, applies only to the requirements for a continuing legal education compliance year that ends on or after September 1, 2011. The requirements for continuing legal education for a compliance year that ends before September 1, 2011, are covered by the law and rules in effect when the compliance year ended, and that law and those rules are continued in effect for that purpose.

ARTICLE _____. REGISTRATION FEE AND REGISTRATION RENEWAL
FEE FOR LOBBYISTS

SECTION _____.01. Subsection (c), Section 305.005, Government Code, is amended to read as follows:

(c) The registration fee and registration renewal fee are:

(1) \$150 [~~\$100~~] for a registrant employed by an organization exempt from federal income tax under Section 501(c)(3) or 501(c)(4), Internal Revenue Code of 1986;

(2) \$75 [~~\$50~~] for any person required to register solely because the person is required to register under Section 305.0041 [~~of this chapter~~]; or

(3) \$750 [~~\$500~~] for any other registrant.

ARTICLE _____. ASSESSMENT OF PREMIUM DIFFERENTIAL ON
CERTAIN PUBLIC EMPLOYEES WHO USE TOBACCO

SECTION _____.01. Subchapter G, Chapter 1551, Insurance Code, is amended by adding Section 1551.3075 to read as follows:

Sec. 1551.3075. TOBACCO USER PREMIUM DIFFERENTIAL. (a) The board of trustees shall assess each participant in a health benefit plan provided under the group benefits program who uses one or more tobacco products a tobacco user premium differential, to be paid in monthly installments. Except as provided by Subsection (b), the board of trustees shall determine the amount of the monthly installments of the premium differential.

(b) If the General Appropriations Act for a state fiscal biennium sets the amount of the monthly installments of the tobacco user premium differential for that biennium, the board of trustees shall assess the premium differential during that biennium in the amount prescribed by the General Appropriations Act.

SECTION _____.02. Section 1551.314, Insurance Code, is amended to read as follows:

Sec. 1551.314. CERTAIN STATE CONTRIBUTIONS PROHIBITED. A state contribution may not be:

(1) made for coverages under this chapter selected by an individual who receives a state contribution, other than as a spouse, dependent, or beneficiary, for coverages under a group benefits program provided by an institution of higher education, as defined by Section 61.003, Education Code; or

(2) made for or used to pay a tobacco user premium differential assessed under Section 1551.3075.

SECTION _____.03. The board of trustees of the Employees Retirement System of Texas shall implement the tobacco user premium differential required under Section 1551.3075, Insurance Code, as added by this article, not later than January 1, 2012.

ARTICLE _____. REGIONAL POISON CONTROL CENTER MANAGEMENT CONTROLS AND EFFICIENCY

SECTION _____.01. Section 777.001, Health and Safety Code, is amended by amending Subsections (a) and (c) and adding Subsection (d) to read as follows:

(a) ~~The following medical facilities may be [Six regional centers for poison control are] designated by the Commission on State Emergency Communications as the regional poison control centers for the state [as follows]:~~

- (1) The University of Texas Medical Branch at Galveston;
- (2) the Dallas County Hospital District/North Texas Poison Center;
- (3) The University of Texas Health Science Center at San Antonio;
- (4) the University Medical Center of El Paso, El Paso County Hospital

District;

- (5) the Texas Tech University Health Sciences Center at Amarillo; and
- (6) Scott and White Memorial Hospital, Temple, Texas.

(c) ~~The Commission on State Emergency Communications may standardize the operations of and implement management controls to improve the efficiency of regional poison control centers [vote to designate a seventh regional or satellite poison control center in Harris County. That poison control center is subject to all provisions of this chapter and other law relating to regional poison control centers].~~

(d) If the Commission on State Emergency Communications implements management controls under Subsection (c), the commission shall submit to the governor and the Legislative Budget Board a plan for implementing the controls not later than October 31, 2011. This subsection expires January 1, 2013.

SECTION ____ .02. Subsection (b), Section 777.008, Health and Safety Code, is amended to read as follows:

(b) The committee is composed of:

(1) one public member appointed by the Commission on State Emergency Communications;

(2) one member ~~[six members who represent the six regional poison control centers, one]~~ appointed by the chief executive officer of each designated regional poison control center to represent that center;

(3) one member appointed by the commissioner of the Department of State Health Services; and

(4) one member who is a health care professional designated as the poison control program coordinator appointed by the Commission on State Emergency Communications.

ARTICLE ____ . AUTHORIZED USES FOR CERTAIN DEDICATED
PERMANENT FUNDS IN STATE TREASURY

SECTION ____ .01. Section 403.105, Government Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) Except as provided by Subsections (b-1), (c), (e), (f), and (h), money in the fund may not be appropriated for any purpose.

(b-1) Notwithstanding the limitations and requirements of Section 403.1068, the legislature may appropriate money in the fund, including the corpus and available earnings of the fund determined under Section 403.1068, to pay the principal of or interest on a bond issued for the purposes of Section 67, Article III, Texas Constitution. This subsection does not authorize the appropriation under this subsection of money subject to a limitation or requirement as described by Subsection (e) that is not consistent with the use of the money in accordance with this subsection.

SECTION ____ .02. Section 403.1055, Government Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) Except as provided by Subsections (b-1), (c), (e), (f), and (h), money in the fund may not be appropriated for any purpose.

(b-1) Notwithstanding the limitations and requirements of Section 403.1068, the legislature may appropriate money in the fund, including the corpus and available earnings of the fund determined under Section 403.1068, to pay the principal of or interest on a bond issued for the purposes of Section 67, Article III, Texas Constitution. This subsection does not authorize the appropriation under this subsection of money subject to a limitation or requirement as described by Subsection (e) that is not consistent with the use of the money in accordance with this subsection.

SECTION ____ .03. Section 403.106, Government Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) Except as provided by Subsections (b-1), (c), (e), (f), and (h), money in the fund may not be appropriated for any purpose.

(b-1) Notwithstanding the limitations and requirements of Section 403.1068, the legislature may appropriate money in the fund, including the corpus and available earnings of the fund determined under Section 403.1068, to pay the principal of or interest on a bond issued for the purposes of Section 67, Article III, Texas Constitution. This subsection does not authorize the appropriation under this subsection of money subject to a limitation or requirement as described by Subsection (e) that is not consistent with the use of the money in accordance with this subsection.

SECTION ____ .04. 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.

ARTICLE ____ . GENERAL HOUSING MATTERS

SECTION ____ .01. Section 481.078, Government Code, is amended by amending Subsection (c) and adding Subsections (d-1) and (d-2) to read as follows:

(c) Except as provided by Subsections ~~[Subsection]~~ (d) and (d-1), the fund may be used only for economic development, infrastructure development, community development, job training programs, and business incentives.

(d-1) The fund may be used for the Texas homeless housing and services program administered by the Texas Department of Housing and Community Affairs. Subsections (e-1), (f), (g), (h), (i), and (j) and Section 481.080 do not apply to a grant awarded for a purpose specified by this subsection.

(d-2) The fund may be used for the Jobs and Education for Texans Fund established under Chapter 403. Subsections (e-1), (f), (g), (h), (i), and (j) and Section 481.080 do not apply to a grant awarded for a purpose specified by this subsection.

SECTION ____ .02. Section 481.079, Government Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) For grants awarded for a purpose specified by Section 481.078(d-1), the report must include only the amount and purpose of each grant.

SECTION ____ .03. Subchapter K, Chapter 2306, Government Code, is amended by adding Section 2306.2585 to read as follows:

Sec. 2306.2585. HOMELESS HOUSING AND SERVICES PROGRAM.

(a) The department may administer a homeless housing and services program in each municipality in this state with a population of 285,500 or more to:

(1) provide for the construction, development, or procurement of housing for homeless persons; and

(2) provide local programs to prevent and eliminate homelessness.

(b) The department may adopt rules to govern the administration of the program, including rules that:

(1) provide for the allocation of any available funding; and

(2) provide detailed guidelines as to the scope of the local programs in the municipalities described by Subsection (a).

(c) The department may use any available revenue, including legislative appropriations, and shall solicit and accept gifts and grants for the purposes of this section. The department shall use gifts and grants received for the purposes of this section before using any other revenue.

SECTION _____.04. 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.

ARTICLE _____. DEBT ISSUANCE AUTHORITY OF AND FUNDING FOR
CANCER PREVENTION AND RESEARCH INSTITUTE OF TEXAS

SECTION _____.01. Subchapter C, Chapter 1232, Government Code, is amended by adding Section 1232.1221 to read as follows:

Sec. 1232.1221. COMMENCEMENT OF CERTAIN MULTIYEAR CANCER-RELATED PROJECTS. (a) Funds may be distributed to a grant recipient for a multiyear project for which an award is granted by the Cancer Prevention and Research Institute of Texas Oversight Committee as authorized by Section 102.257, Health and Safety Code, after the authority has certified that obligations in an amount sufficient to pay the money needed to fund the project have been authorized for issuance by the authority and approved by the Bond Review Board.

(b) After issuing the obligations, the board shall:

(1) pay the costs of the issuance and any related bond administrative costs of the authority;

(2) certify to the Cancer Prevention and Research Institute of Texas and to the comptroller that the proceeds from the issuance are available; and

(3) deposit the proceeds into the state treasury to be credited to the account of the Cancer Prevention and Research Institute of Texas.

SECTION _____.02. Subsections (b) and (c), Section 102.201, Health and Safety Code, are amended to read as follows:

(b) The cancer prevention and research fund consists of:

(1) patent, royalty, and license fees and other income received under a contract entered into as provided by Section 102.255;

(2) appropriations of money to the fund by the legislature, except that the appropriated money may not include the proceeds from the issuance of bonds authorized by Section 67, Article III, Texas Constitution;

(3) gifts, grants, including grants from the federal government, and other donations received for the fund; and

(4) interest earned on the investment of money in the fund.

(c) The fund may be used only to pay for:

(1) grants for cancer research and for cancer research facilities in this state to realize therapies, protocols, and medical procedures for the cure or substantial mitigation of all types of cancer in humans;

(2) the purchase, subject to approval by the institute, of laboratory facilities by or on behalf of a state agency or grant recipient;

(3) grants to public or private persons to implement the Texas Cancer Plan;

(4) the operation of the institute; ~~and~~

(5) grants for cancer prevention and control programs in this state to mitigate the incidence of all types of cancer in humans; and

(6) debt service on bonds issued as authorized by Section 67, Article III, Texas Constitution.

SECTION _____.03. Section 102.257, Health and Safety Code, is amended to read as follows:

Sec. 102.257. MULTIYEAR PROJECTS. The oversight committee may grant funds for a multiyear project. The oversight committee must specify the total amount of [All the] money approved [needed] to fund the [a] multiyear project. The total amount specified is considered for purposes of Section 102.253 to have been [must be] awarded in the state fiscal year that the project is approved by the research and prevention programs committee. The institute shall distribute only the money that will be expended during that fiscal year. The institute may maintain the remaining money needed in each subsequent fiscal year [shall be maintained] in an escrow account to be distributed by the institute as the money is needed [in subsequent years of the project].

SECTION _____.04. The changes in law made by this article apply only to a grant of funds for a multiyear project by the Cancer Prevention and Research Institute of Texas Oversight Committee as authorized by Section 102.257, Health and Safety Code, as amended by this article, made on or after June 1, 2011. A grant of funds for a multiyear project made before that date is governed by the law in effect on the date the grant was made, and the former law is continued in effect for that purpose.

SECTION _____.05. 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.

ARTICLE _____. PUBLIC ASSISTANCE REPORTING INFORMATION SYSTEM

SECTION _____.01. Subsection (c), Section 434.017, Government Code, is amended to read as follows:

(c) Money in the fund may be appropriated to the Texas Veterans Commission to:

(1) enhance or improve veterans' assistance programs, including veterans' representation and counseling;

(2) make grants to address veterans' needs; ~~and~~

(3) administer the fund; and

(4) analyze and investigate data received from the federal Public Assistance Reporting Information System (PARIS) that is administered by the Administration for Children and Families of the United States Department of Health and Human Services.

SECTION _____.02. The comptroller shall credit to the fund for veterans' assistance established under Section 434.017, Government Code, as amended by this article, the savings generated from the use of the federal Public Assistance Reporting Information System (PARIS) under that section.

ARTICLE _____. UNIFORM GRANT AND CONTRACT MANAGEMENT

SECTION _____.01. Section 783.004, Government Code, is amended to read as follows:

Sec. 783.004. OFFICE OF THE COMPTROLLER [~~GOVERNOR'S OFFICE~~]. The office of the comptroller [~~governor's office~~] is the state agency for uniform grant and contract management.

SECTION _____.02. Subsections (a) and (b), Section 783.005, Government Code, are amended to read as follows:

(a) The comptroller [~~governor's office~~] shall develop uniform and concise language for any assurances that a local government is required to make to a state agency.

(b) The comptroller [~~governor's office~~] may:

- (1) categorize assurances according to the type of grant or contract;
- (2) designate programs to which the assurances are applicable; and
- (3) revise the assurances.

SECTION _____.03. Section 783.006, Government Code, is amended to read as follows:

Sec. 783.006. STANDARD FINANCIAL MANAGEMENT CONDITIONS. (a) The comptroller [~~governor's office~~] shall compile and distribute to each state agency an official compilation of standard financial management conditions.

(b) The comptroller [~~governor's office~~] shall develop the compilation from Federal Management Circular A-102 or from a revision of that circular and from other applicable statutes and regulations.

(c) The comptroller [~~governor's office~~] shall include in the compilation official commentary regarding administrative or judicial interpretations that affect the application of financial management standards.

(d) The comptroller [~~governor's office~~] may:

- (1) categorize the financial management conditions according to the type of grant or contract;
- (2) designate programs to which the conditions are applicable; and
- (3) revise the conditions.

SECTION _____.04. Subsection (d), Section 783.007, Government Code, is amended to read as follows:

(d) The agency shall file a notice of each proposed rule that establishes a variation from uniform assurances or standard conditions with the comptroller [~~governor's office~~].

SECTION ____ .05. Subsection (b), Section 783.008, Government Code, is amended to read as follows:

(b) On receipt of a request for a single audit or audit coordination, the comptroller [~~governor's office~~] in consultation with the state auditor shall not later than the 30th day after the date of the request designate a single state agency to coordinate state audits of the local government.

Amendment No. 10

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

Amend Amendment No. 9 to **CSSB 1811** by Otto (prefiled amendment packet, beginning on page 396) by adding the following on page 23 of the amendment, immediately after line 26:

ARTICLE ____ . STATE ENERGY FACILITIES

SECTION ____ .01. Section 2166.001(4), Government Code, is amended to read as follows:

(4) "Project" means a building construction project that is financed wholly or partly by a specific appropriation, a bond issue, ~~[or]~~ federal money, or funds from another governmental or private entity. The term includes the construction of:

(A) a building, structure, or appurtenant facility or utility, including the acquisition and installation of original equipment and original furnishings; ~~[and]~~

(B) an addition to, or alteration, rehabilitation, or repair of, an existing building, structure, or appurtenant facility or utility; and

(C) an energy facility.

ARTICLE ____ . FISCAL MATTERS CONCERNING SURPLUS AND SALVAGE PROPERTY

SECTION ____ .01. Subchapter C, Chapter 2175, Government Code, is repealed.

SECTION ____ .02. Section 32.102(a), Education Code, is amended to read as follows:

(a) As provided by this subchapter, a school district or open-enrollment charter school may transfer to a student enrolled in the district or school:

(1) any data processing equipment donated to the district or school, including equipment donated by:

(A) a private donor; or

(B) a state eleemosynary institution or a state agency under Section 2175.905 [~~2175.128~~], Government Code;

(2) any equipment purchased by the district or school, to the extent consistent with Section 32.105; and

(3) any surplus or salvage equipment owned by the district or school.

SECTION ____ .03. Section 2175.002, Government Code, is amended to read as follows:

Sec. 2175.002. ADMINISTRATION OF CHAPTER. The commission is responsible for the disposal of surplus and salvage property of the state. The commission's surplus and salvage property division shall administer this chapter.

SECTION ____ .04. Section 2175.065, Government Code, is amended by amending Subsection (a) and adding Subsections (c) and (d) to read as follows:

(a) The commission may authorize a state agency to dispose of surplus or salvage property if the agency demonstrates to the commission its ability to dispose of the property under this chapter [~~Subchapters C and E~~] in a manner that results in cost savings to the state, under commission rules adopted under this chapter.

(c) If property is disposed of under this section, the disposing state agency shall report the transaction to the commission. The report must include a description of the property disposed of, the reasons for disposal, the price paid for the property disposed of, and the recipient of the property disposed of.

(d) If the commission determines that a violation of a state law or rule has occurred based on the report under Subsection (c), the commission shall report the violation to the Legislative Budget Board.

SECTION ____ .05. The heading to Subchapter D, Chapter 2175, Government Code, is amended to read as follows:

SUBCHAPTER D. DISPOSITION OF SURPLUS OR SALVAGE PROPERTY
[BY COMMISSION]

SECTION ____ .06. Section 2175.181, Government Code, is amended to read as follows:

Sec. 2175.181. APPLICABILITY. [~~(a) This subchapter applies only to surplus and salvage property located in:~~

[~~(1) Travis County;~~

[~~(2) a county in which federal surplus property is warehoused by the commission under Subchapter G; or~~

[~~(3) a county for which the commission determines that it is cost effective to follow the procedures created under this subchapter and informs affected state agencies of that determination.~~

[~~(b) This subchapter applies [does not apply] to a state agency delegated the authority to dispose of surplus or salvage property under Section 2175.065.~~

SECTION ____ .07. Section 2175.182, Government Code, is amended to read as follows:

Sec. 2175.182. STATE AGENCY TRANSFER OF PROPERTY [~~TO COMMISSION~~]. (a) A state agency that determines it has surplus or salvage property shall inform the commission of that fact for the purpose of determining the method of disposal of the property. [The commission is responsible for the disposal of surplus or salvage property under this subchapter.] The commission may take physical possession of the property.

(b) Based on the condition of the property, the commission, in conjunction with the state agency, shall determine whether the property is:

(1) surplus property that should be offered for transfer under Section 2175.184 or sold to the public; or

(2) salvage property.

(c) Following the determination in Subsection (b), the [The] commission shall direct the state agency to inform the comptroller's office of the property's kind, number, location, condition, original cost or value, and date of acquisition.

SECTION ____ .08. Section 2175.1825, Government Code, is amended to read as follows:

Sec. 2175.1825. ADVERTISING ON COMPTROLLER WEBSITE. (a) Not later than the second day after the date the comptroller receives notice from a state agency ~~[the commission]~~ under Section 2175.182(c), the comptroller shall advertise the property's kind, number, location, and condition on the comptroller's website.

(b) The comptroller shall provide the commission access to all records in the state property accounting system related to surplus and salvage property.

SECTION ____ .09. Section 2175.183, Government Code, is amended to read as follows:

Sec. 2175.183. COMMISSION NOTICE TO OTHER ENTITIES. ~~The [On taking responsibility for surplus property under this subchapter, the]~~ commission shall inform other state agencies, political subdivisions, and assistance organizations of the comptroller's website that lists surplus property that is available for sale.

SECTION ____ .10. Section 2175.184, Government Code, is amended to read as follows:

Sec. 2175.184. DIRECT TRANSFER. During the 10 business days after the date the property is posted on the comptroller's website, a state agency, political subdivision, or assistance organization shall ~~[may]~~ coordinate with the commission for a transfer of the property at a price established by the commission ~~[in cooperation with the transferring agency]~~. A transfer to a state agency has priority over any other transfer during this period.

SECTION ____ .11. Section 2175.186(a), Government Code, is amended to read as follows:

(a) If a disposition of a state agency's surplus property is not made under Section 2175.184, the commission shall sell the property by competitive bid, auction, or direct sale to the public, including a sale using an Internet auction site. The commission may contract with a private vendor to assist with the sale of the property.

SECTION ____ .12. Section 2175.189, Government Code, is amended to read as follows:

Sec. 2175.189. ADVERTISEMENT OF SALE. If the value of an item or a lot of property to be sold is estimated to be more than \$25,000 ~~[\$5,000]~~, the commission shall advertise the sale at least once in at least one newspaper of general circulation in the vicinity in which the property is located.

SECTION ____ .13. Section 2175.191(a), Government Code, is amended to read as follows:

(a) Proceeds from the sale of surplus or salvage property, less the cost of advertising the sale, the cost of selling the surplus or salvage property, including the cost of auctioneer services or assistance from a private vendor, and the amount of the fee collected under Section 2175.188, shall be deposited to the credit of the general revenue fund of the state treasury.

SECTION ____ .14. Section 2175.302, Government Code, is amended to read as follows:

Sec. 2175.302. EXCEPTION FOR ELEEMOSYNARY INSTITUTIONS. Except as provided by Section 2175.905(b) [2175.128(b)], this chapter does not apply to the disposition of surplus or salvage property by a state eleemosynary institution.

SECTION ____ .15. Section 2175.904, Government Code, is amended by amending Subsections (a) and (c) and adding Subsection (d) to read as follows:

(a) The commission shall establish a program for the sale of gambling equipment received from a municipality, from a commissioners court under Section 263.152(a)(5), Local Government Code, or from a state agency under this chapter.

(c) Proceeds from the sale of gambling equipment from a municipality or commissioners court, less the costs of the sale, including costs of advertising, storage, shipping, and auctioneer or broker services, and the amount of the fee collected under Section 2175.188 [2175.131], shall be divided according to an agreement between the commission and the municipality or commissioners court that provided the equipment for sale. The agreement must provide that:

(1) not less than 50 percent of the net proceeds be remitted to the commissioners court; and

(2) the remainder of the net proceeds retained by the commission be deposited to the credit of the general revenue fund.

(d) Proceeds from the sale of gambling equipment from a state agency, less the costs of the sale, including costs of advertising, storage, shipping, and auctioneer or broker services, and the amount of the fee collected under Section 2175.188, shall be deposited to the credit of the general revenue fund of the state treasury.

SECTION ____ .16. Subchapter Z, Chapter 2175, Government Code, is amended by adding Sections 2175.905 and 2175.906 to read as follows:

Sec. 2175.905. DISPOSITION OF DATA PROCESSING EQUIPMENT.

(a) If a disposition of a state agency's surplus or salvage data processing equipment is not made under Section 2175.184, the state agency shall transfer the equipment to:

(1) a school district or open-enrollment charter school in this state under Subchapter C, Chapter 32, Education Code;

(2) an assistance organization specified by the school district; or

(3) the Texas Department of Criminal Justice.

(b) If a disposition of the surplus or salvage data processing equipment of a state eleemosynary institution or an institution or agency of higher education is not made under other law, the institution or agency shall transfer the equipment to:

(1) a school district or open-enrollment charter school in this state under Subchapter C, Chapter 32, Education Code;

(2) an assistance organization specified by the school district; or

(3) the Texas Department of Criminal Justice.

(c) The state eleemosynary institution or institution or agency of higher education or other state agency may not collect a fee or other reimbursement from the district, the school, the assistance organization, or the Texas Department of Criminal Justice for the surplus or salvage data processing equipment transferred under this section.

Sec. 2175.906. ABOLISHED AGENCIES. On abolition of a state agency, in accordance with Chapter 325, the commission shall take custody of all of the agency's property or other assets as surplus property unless other law or the legislature designates another appropriate governmental entity to take custody of the property or assets.

(Pickett now present)

Amendment No. 10 was adopted by (Record 1204): 138 Yeas, 8 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; 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, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Lewis; Lozano; Lucio; Lyne; Madden; Margo; Marquez; Martinez; 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.; Thompson; Truitt; Turner; Villarreal; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Castro; Gutierrez; Legler; Mallory Caraway; Martinez Fischer; Taylor, V.; Veasey; Vo.

Present, not voting — Mr. Speaker(C).

Absent — Eissler; King, S.; Torres.

STATEMENT OF VOTE

I was shown voting yes on Record No. 1204. I intended to vote no.

Carter

Amendment No. 11

On behalf of Representative Geren, Representative Otto offered the following amendment to Amendment No. 9:

Amend Amendment No. 9 by Otto to **CSSB 1811** (page 396 of the prefiled amendment packet) as follows:

(1) In SECTION ____ .02 of the bill (page 1, between lines 21 and 22), inserting the following:

(c) In leasing a parking space under Subsection (a), the commission must ensure that the lease does not restrict uses for parking lots and garages developed under Section 2165.2035, including special event parking related to institutions of higher education.

(d) In leasing or renewing a lease for a parking space under Subsection (a), the commission shall give preference to an individual who is currently leasing or previously leased the parking space.

(2) In SECTION ____ .02 of the bill (page 2, between lines 2 and 3), inserting the following:

(c) In leasing all or a block of a state-owned parking lot or garage under Subsection (a), the commission must ensure that the lease does not restrict uses for parking lots and garages developed under Section 2165.2035, including special event parking related to institutions of higher education.

(d) In leasing or renewing a lease for all or a block of a state-owned parking lot or garage under Subsection (a), the commission shall give preference to an entity that is currently leasing or previously leased the lot or garage or a block of the lot or garage.

Amendment No. 11 was adopted.

Amendment No. 12

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

Amend Amendment No. 9 by Otto to **CSSB 1811** (page 396, prefiled amendment packet), in amended Section 305.005(c), Government Code (page 13, lines 7-8), by striking "Section 501(c)(3) or 501(c)(4)," and substituting "Section 501(c)(3), ~~or~~ 501(c)(4), or 501(c)(6)."

Amendment No. 12 was adopted.

Amendment No. 13

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

Amend Floor Amendment No. 9 by Otto by **CSSB 1811** (page 396, prefiled amendments packet) by adding the following immediately following page 23, line 26, of the amendment (page 418 of the prefiled amendments packet):

ARTICLE ____ . TEXAS COMMISSION ON FIRE PROTECTION FEES

SECTION ____ .01. Section 419.026(d), Government Code, is amended to read as follows:

(d) The commission shall send the fees authorized by Subsection (a) and Section 419.033(b) to the comptroller. The comptroller ~~[, who]~~ shall deposit a portion ~~[50 percent]~~ of the fees collected ~~[annually]~~ into ~~[the general revenue fund and 50 percent of the fees collected annually into]~~ a special account in the general revenue fund dedicated for use by the commission. In any state fiscal biennium, the comptroller may not deposit into the account fees in an amount that

exceeds the amount appropriated to the commission for that biennium, less any other amount appropriated to the commission from a source other than the fees. The account is exempt from the application of Section 403.095. The comptroller shall deposit the remainder of the fees in the general revenue fund. [Except as otherwise provided by this chapter, 50 percent of the special fund created under this subsection may be used only to defray the commission's costs in performing inspections under Section 419.027 and the other 50 percent may be used only to provide training assistance under Section 419.031.]

SECTION _____.02. The dedication of certain fees to a special account in the general revenue fund dedicated for use by the Texas Commission on Fire Protection under Section 419.026(d), Government Code, was abolished effective August 31, 1995, under former Section 403.094(h), Government Code, as enacted by Section 11.04, Chapter 4 (SB 3), Acts of the 72nd Legislature, 1st Called Session, 1991. Those fees are rededicated to that fund by this article.

SECTION _____.03. 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. 13 was adopted.

Amendment No. 9, as amended, was adopted. (V. Taylor recorded voting no.)

Amendment No. 14

Representative Otto offered the following amendment to **CSSB 1811**:

Floor Packet Page No. 48

Amend **CSSB 1811** (house committee report) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE _____. FISCAL MATTERS REGARDING ALCOHOLIC
BEVERAGE REGULATION

SECTION _____.01. Section 5.56, Alcoholic Beverage Code, is repealed.

Amendment No. 14 was adopted.

Amendment No. 15

Representative Truitt offered the following amendment to **CSSB 1811**:

Floor Packet Page No. 230

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered article and renumbering subsequent articles and sections accordingly:

ARTICLE _____. LAW ENFORCEMENT AND CUSTODIAL OFFICER
SUPPLEMENTAL RETIREMENT FUND

SECTION _____.01. Section 815.317, Government Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) The comptroller shall deposit fees collected under Section 133.102(e)(7), Local Government Code, to the credit of the law enforcement and custodial officer supplemental retirement fund.

SECTION _____.02. Section 133.102(e), Local Government Code, is amended to read as follows:

(e) The comptroller shall allocate the court costs received under this section to the following accounts and funds so that each receives to the extent practicable, utilizing historical data as applicable, the same amount of money the account or fund would have received if the court costs for the accounts and funds had been collected and reported separately, except that the account or fund may not receive less than the following percentages:

- | | |
|--|---------------------|
| (1) abused children's counseling | 0.0088 percent; |
| (2) crime stoppers assistance | 0.2581 percent; |
| (3) breath alcohol testing | 0.5507 percent; |
| (4) Bill Blackwood Law Enforcement Management Institute | 2.1683 percent; |
| (5) law enforcement officers standards and education | 5.0034 percent; |
| (6) comprehensive rehabilitation | 5.3218 percent; |
| (7) <u>law enforcement and custodial officer supplemental retirement fund</u> | |
| operator's and chauffeur's license | 11.1426 percent; |
| (8) criminal justice planning | 12.5537 percent; |
| (9) an account in the state treasury to be used only for the establishment and operation of the Center for the Study and Prevention of Juvenile Crime and Delinquency at Prairie View A&M University | 1.2090 percent; |
| (10) compensation to victims of crime fund | 37.6338 percent; |
| (11) fugitive apprehension account | 12.0904 percent; |
| (12) judicial and court personnel training fund | 4.8362 percent; |
| (13) an account in the state treasury to be used for the establishment and operation of the Correctional Management Institute of Texas and Criminal Justice Center Account | 1.2090 percent; and |
| (14) fair defense account | 6.0143 percent. |

SECTION _____.03. This article takes effect September 1, 2013.

Amendment No. 15 was adopted.

Amendment No. 16

Representative Cook offered the following amendment to **CSSB 1811**:

Floor Packet Page No. 241

Amend **CSSB 1811** by inserting the following SECTION and renumbering subsequent SECTIONS accordingly:

SECTION _____. Section 2155.082, Government Code, is amended to read as follows:

Sec. 2155.082. **PROVIDING CERTAIN PURCHASING SERVICES ON FEE-FOR-SERVICE BASIS OR THROUGH BENEFIT FUNDING.** (a) The comptroller [commission] may provide open market purchasing services on a fee-for-service basis for state agency purchases that are delegated to an agency

under Section 2155.131, 2155.132, [~~2155.133;~~] or 2157.121 or that are exempted from the purchasing authority of the comptroller [~~commission~~]. The comptroller [~~commission~~] shall set the fees in an amount that recovers the comptroller's [~~commission's~~] costs in providing the services.

(b) The comptroller [~~commission~~] shall publish a schedule of [~~its~~] fees for services that are subject to this section. The schedule must include the comptroller's [~~commission's~~] fees for:

(1) reviewing bid and contract documents for clarity, completeness, and compliance with laws and rules;

(2) developing and transmitting invitations to bid;

(3) receiving and tabulating bids;

(4) evaluating and determining which bidder offers the best value to the state;

(5) creating and transmitting purchase orders; and

(6) participating in agencies' request for proposal processes.

(c) The comptroller may engage a consultant to assist with a particular procurement on behalf of a state agency and pay the consultant from the cost savings realized by the state agency.

Amendment No. 17

Representatives Cook and Raymond offered the following amendment to Amendment No. 16:

Amend Amendment No. 16 by Cook (bar code no. 824129, page 241) by adding the following SECTION to the amendment:

SECTION _____. Subchapter B, Chapter 2155, Government Code, is amended by adding Section 2155.0721 to read as follows:

Sec. 2155.0721. REDUCING STATE AGENCY DOCUMENTATION AND REPORT COSTS. (a) The comptroller may identify opportunities to provide cost savings and efficiency through the use of transcription services to reduce the costs associated with the creation of state agency documentation and reports.

(b) To the extent that cost savings are identified, the comptroller shall contract with an experienced and proven provider of cost-effective transcription services for the offsite preparation of state agency documentation and reports.

(c) In evaluating prospective contractors to provide the transcription service and in determining the most effective method for providing the transcription services, the comptroller shall consider the total costs of the transcription services, the accuracy of the services provided, and state agency employee satisfaction with the services provided.

Amendment No. 17 was adopted.

Amendment No. 16, as amended, was adopted.

Amendment No. 18

Representative Hilderbran offered the following amendment to **CSSB 1811**:

Floor Packet Page No. 720

Amend **CSSB 1811** (house committee printing) by adding the following new appropriately numbered SECTIONS and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 321.002, Tax Code, is amended to read as follows:

Sec. 321.002. DEFINITIONS.

(a) In this chapter:

(1) "Additional municipal sales and use tax" means only the additional tax authorized by Section 321.101(b).

(2) "Municipality" includes any incorporated city, town, or village.

(3) "Place of business of the retailer" means an established outlet, office, or location operated by the retailer or the retailer's agent or employee for the purpose of receiving orders for taxable items and includes any location at which three or more orders are received by the retailer during a calendar year. A warehouse, storage yard, or manufacturing plant is not a "place of business of the retailer" unless at least three orders are received by the retailer during the calendar year at the warehouse, storage yard, or manufacturing plant. An outlet, office, facility, or any location that contracts with a retail or commercial business ~~[engaged in activities to which this chapter applies]~~ to process for that business invoices, purchase orders, ~~[or]~~ bills of lading, or other equivalent records onto which sales tax is added, including an office operated for the purpose of buying and selling taxable goods to be used or consumed by the retail or commercial business, is not a "place of business of the retailer" if the comptroller determines that the outlet, office, facility, or location functions or exists to avoid the tax imposed by this chapter or to rebate a portion of the tax imposed by this chapter to the contracting business. Notwithstanding any other provision of this subdivision, a kiosk is not a "place of business of the retailer." In this subdivision, "kiosk" means a small stand-alone area or structure that:

(A) is used solely to display merchandise or to submit orders for taxable items from a data entry device, or both;

(B) is located entirely within a location that is a place of business of another retailer, such as a department store or shopping mall; and

(C) at which taxable items are not available for immediate delivery to a customer.

(b) Words used in this chapter and defined by Chapter 151 have the meanings assigned by Chapter 151.

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

Amendment No. 18 was withdrawn.

Amendment No. 19

Representative Otto offered the following amendment to **CSSB 1811**:

Floor Packet Page No. 728

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLES to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE _____. SALES AND USE TAX COLLECTION AND ALLOCATION

SECTION _____.01. Section 151.008(b), Tax Code, is amended to read as follows:

(b) "Seller" and "retailer" include:

(1) a person in the business of making sales at auction of tangible personal property owned by the person or by another;

(2) a person who makes more than two sales of taxable items during a 12-month period, including sales made in the capacity of an assignee for the benefit of creditors or receiver or trustee in bankruptcy;

(3) a person regarded by the comptroller as a seller or retailer under Section 151.024 [~~of this code~~];

(4) a hotel, motel, or owner or lessor of an office or residential building or development that contracts and pays for telecommunications services for resale to guests or tenants; ~~and~~

(5) a person who engages in regular or systematic solicitation of sales of taxable items in this state by the distribution of catalogs, periodicals, advertising flyers, or other advertising, by means of print, radio, or television media, or by mail, telegraphy, telephone, computer data base, cable, optic, microwave, or other communication system for the purpose of effecting sales of taxable items; and

(6) a person who, under an agreement with another person, is:

(A) entrusted with possession of tangible personal property with respect to which the other person has title or another ownership interest; and

(B) authorized to sell, lease, or rent the property without additional action by the person having title to or another ownership interest in the property.

SECTION _____.02. Section 151.107, Tax Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) For the purpose of this subchapter and in relation to the use tax, a retailer is engaged in business in this state if the retailer:

(1) maintains, occupies, or uses in this state permanently, temporarily, directly, or indirectly or through a subsidiary or agent by whatever name, an office, [~~place of~~] distribution center, sales or sample room or place, warehouse, storage place, or any other physical location where [~~place of~~] business is conducted;

(2) has a representative, agent, salesman, canvasser, or solicitor operating in this state under the authority of the retailer or its subsidiary for the purpose of selling or delivering or the taking of orders for a taxable item;

(3) derives receipts [~~rentals~~] from the sale, [a] lease, or rental of tangible personal property situated in this state;

(4) engages in regular or systematic solicitation of sales of taxable items in this state by the distribution of catalogs, periodicals, advertising flyers, or other advertising, by means of print, radio, or television media, or by mail, telegraphy, telephone, computer data base, cable, optic, microwave, or other communication system for the purpose of effecting sales of taxable items;

(5) solicits orders for taxable items by mail or through other media and under federal law is subject to or permitted to be made subject to the jurisdiction of this state for purposes of collecting the taxes imposed by this chapter;

(6) has a franchisee or licensee operating under its trade name if the franchisee or licensee is required to collect the tax under this section; ~~or~~

(7) holds a substantial ownership interest in, or is owned in whole or substantial part by, a person who maintains a location in this state from which business is conducted and if:

(A) the retailer sells the same or a substantially similar line of products as the person with the location in this state and sells those products under a business name that is the same as or substantially similar to the business name of the person with the location in this state; or

(B) the facilities or employees of the person with the location in this state are used to:

(i) advertise, promote, or facilitate sales by the retailer to consumers; or

(ii) perform any other activity on behalf of the retailer that is intended to establish or maintain a marketplace for the retailer in this state, including receiving or exchanging returned merchandise;

(8) holds a substantial ownership interest in, or is owned in whole or substantial part by, a person that:

(A) maintains a distribution center, warehouse, or similar location in this state; and

(B) delivers property sold by the retailer to consumers; or

(9) otherwise does business in this state.

(d) In this section:

(1) "Ownership" includes:

(A) direct ownership;

(B) common ownership; and

(C) indirect ownership through a parent entity, subsidiary, or affiliate.

(2) "Substantial" means, with respect to an ownership interest, an interest in an entity that is:

(A) if the entity is a corporation, at least 50 percent, directly or indirectly, of:

(i) the total combined voting power of all classes of stock of the corporation; or

(ii) the beneficial ownership interest in the voting stock of the corporation;

(B) if the entity is a trust, at least 50 percent, directly or indirectly, of the current beneficial interest in the trust corpus or income;

(C) if the entity is a limited liability company, at least 50 percent, directly or indirectly, of:

(i) the total membership interest of the limited liability company; or

(ii) the beneficial ownership interest in the membership interest of the limited liability company; or

(D) for any entity, including a partnership or association, at least 50 percent, directly or indirectly, of the capital or profits interest in the entity.

SECTION _____.03. Subchapter M, Chapter 151, Tax Code, is amended by adding Section 151.802 to read as follows:

Sec. 151.802. ALLOCATION OF CERTAIN REVENUE TO PROPERTY TAX RELIEF FUND. (a) This section applies only:

(1) during the state fiscal years beginning September 1 of 2012, 2013, 2014, 2015, and 2016; and

(2) with respect to unused franchise tax credits described by Sections 18(e) and (f), Chapter 1 (HB 3), Acts of the 79th Legislature, 3rd Called Session, 2006.

(b) Notwithstanding Section 151.801, the comptroller shall deposit to the credit of the property tax relief fund under Section 403.109, Government Code, an amount of the proceeds from the collection of the taxes imposed by this chapter equal to the amount of revenue the state does not receive from the tax imposed under Chapter 171 because taxable entities, as defined by that chapter, that are corporations are entitled to claim unused franchise tax credits after December 31, 2012, and during that state fiscal year.

(c) This section expires September 1, 2017.

SECTION _____.04. The change in law made by this article does not affect tax liability accruing before the effective date of this article. That liability continues in effect as if this article had not been enacted, and the former law is continued in effect for the collection of taxes due and for civil and criminal enforcement of the liability for those taxes.

SECTION _____.05. This article takes effect January 1, 2012.

ARTICLE _____. CARRYFORWARD OF CERTAIN FRANCHISE TAX CREDITS

SECTION _____.01. Sections 18(e) and (f), Chapter 1 (HB 3), Acts of the 79th Legislature, 3rd Called Session, 2006, are amended to read as follows:

(e) A corporation that has any unused credits established before the effective date of this Act under Subchapter P, Chapter 171, Tax Code, may claim those unused credits on or with the tax report for the period in which the credit was established. However, if the corporation was allowed to carry forward unused credits under that subchapter, the corporation may continue to apply those credits on or with each consecutive report until the earlier of the date the credit would have expired under the terms of Subchapter P, Chapter 171, Tax Code, had it continued in existence, or December 31, 2016 ~~2012~~, and the former law under which the corporation established the credits is continued in effect for purposes of determining the amount of the credits the corporation may claim and the manner in which the corporation may claim the credits.

(f) A corporation that has any unused credits established before the effective date of this Act under Subchapter Q, Chapter 171, Tax Code, may claim those unused credits on or with the tax report for the period in which the credit was established. However, if the corporation was allowed to carry forward unused credits under that subchapter, the corporation may continue to apply those credits on or with each consecutive report until the earlier of the date the credit would have expired under the terms of Subchapter Q, Chapter 171, Tax Code, had it continued in existence, or December 31, 2016 [2012], and the former law under which the corporation established the credits is continued in effect for purposes of determining the amount of the credits the corporation may claim and the manner in which the corporation may claim the credits.

Amendment No. 19 was adopted. (Bohac, Carter, and V. Taylor recorded voting no.)

Amendment No. 20

Representative Landtroop offered the following amendment to **CSSB 1811**:
Floor Packet Page No. 726

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS accordingly:

SECTION _____. Section 171.1012, Tax Code, is amended by adding Subsection (e-1) to read as follows:

(e-1) In addition to other amounts that are not includable as cost of goods sold under Subsection (e) or other law, the cost of goods sold does not include the amount paid by a taxable entity in relation to the taxable entity's goods for labor costs for coverage for elective abortions under a health benefits plan or other health care plan. To the extent otherwise authorized by this chapter, the taxable entity may include as cost of goods sold the amount paid by the taxable entity for labor costs for coverage for other benefits and services under the health benefits plan or other health care plan. For purposes of this subsection, "elective abortion" does not include an abortion that:

(1) is determined to be medically necessary because of a life-threatening physical condition aggravated by, caused by, or arising from a pregnancy that, as certified by a physician, places the woman in danger of death or a serious risk of substantial impairment of a major bodily function unless an abortion is performed.

SECTION _____. Section 171.1013, Tax Code, is amended by adding Subsection (c-2) to read as follows:

(c-2) Notwithstanding Subsections (b)(2) and (b-1), a taxable entity that elects to subtract compensation for the purpose of computing its taxable margin under Section 171.101 may not subtract any amount the taxable entity paid for coverage for elective abortions under a health benefits plan or other health care plan. The taxable entity may subtract the amount the taxable entity paid for

coverage for other benefits and services under the health benefits plan or other health care plan if otherwise authorized by Subsection (b)(2) or (b-1). For purposes of this subsection, "elective abortion" does not include an abortion that:

(1) is determined to be medically necessary because of a life-threatening physical condition aggravated by, caused by, or arising from a pregnancy that, as certified by a physician, places the woman in danger of death or a serious risk of substantial impairment of a major bodily function unless an abortion is performed.

SECTION _____. Sections 171.1012 and 171.1013, as amended by this Act, apply only to a report originally due on or after the effective date of this Act.

Amendment No. 20 was withdrawn.

Amendment No. 21

Representative Otto offered the following amendment to **CSSB 1811**:

Floor Packet Page No. 771

Amend **CSSB 1811** (house committee report) by adding the following appropriately numbered ARTICLES to the bill and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE _____. REDUCTION IN GENERAL APPROPRIATIONS ACT

SECTION _____.01. An active, former, or retired visiting judge or justice is not entitled to an amount from the state for expenses, per diem, travel, or salary that exceeds the amount authorized for those purposes by the General Appropriations Act.

SECTION _____.02. A local administrative district judge is not entitled to a salary from the state under Section 659.012(d), Government Code, that exceeds the amount authorized for that salary by the General Appropriations Act.

SECTION _____.03. An active district judge is not entitled to travel expenses under Section 24.019, Government Code, in an amount that exceeds the amount authorized for those expenses by the General Appropriations Act.

SECTION _____.04. A judge, justice, or prosecuting attorney is not entitled to an amount from the state for a salary, a salary supplement, office expenses or reimbursement of office expenses, or travel that exceeds the amount authorized for those purposes by the General Appropriations Act.

SECTION _____.05. (a) A county is not entitled to receive from the state supplemental salary compensation for county prosecutors under Section 46.0031, Government Code, or longevity pay supplements reimbursement under Section 41.255, Government Code, or any other supplements for prosecutors, in an amount that exceeds the amount appropriated for those purposes by the General Appropriations Act.

(b) A county is not entitled to state contributions for salaries or supplements under Chapter 25 or 26, Government Code, in an amount that exceeds the amounts appropriated for those purposes in the General Appropriations Act.

(c) A county is not entitled to reimbursement under Article 11.071, Code of Criminal Procedure, for reimbursement for compensation of counsel under that article in an amount that exceeds the amount appropriated for that purpose in the General Appropriations Act.

SECTION __.06. A person reimbursed by the state for travel and expenses for attendance as a witness as provided by Article 35.27, Code of Criminal Procedure, is not entitled to an amount that exceeds the amount appropriated for that purpose by the General Appropriations Act.

ARTICLE __. FISCAL MATTERS REGARDING ASSISTANT
PROSECUTORS

SECTION __.01. Section 41.255(f), Government Code, is amended to read as follows:

(f) A county is not required to pay longevity supplements if the county does not receive funds from the comptroller as provided by Subsection (d). If sufficient funds are not available to meet the requests made by counties for funds for payment of assistant prosecutors qualified for longevity supplements:

(1) [5] the comptroller shall apportion the available funds to the eligible counties by reducing the amount payable to each county on an equal percentage basis;

(2) a county is not entitled to receive the balance of the funds at a later date; and

(3) the longevity pay program under this chapter is suspended to the extent of the insufficiency. [~~A county that receives from the comptroller an amount less than the amount certified by the county to the comptroller under Subsection (d) shall apportion the funds received by reducing the amount payable to eligible assistant prosecutors on an equal percentage basis, but is not required to use county funds to make up any difference between the amount certified and the amount received.~~]

SECTION __.02. Section 41.255(g), Government Code, is repealed.

ARTICLE __. FISCAL MATTERS REGARDING PROCESS SERVERS

SECTION __.01. Subchapter A, Chapter 51, Government Code, is amended by adding Section 51.008 to read as follows:

Sec. 51.008. FEES FOR PROCESS SERVER CERTIFICATION. (a) The process server review board established by supreme court order may recommend to the supreme court the fees to be charged for process server certification and renewal of certification. The supreme court must approve the fees recommended by the process server review board before the fees may be collected.

(b) If a certification is issued or renewed for a term that is less than the certification period provided by supreme court rule, the fee for the certification shall be prorated so that the process server pays only that portion of the fee that is allocable to the period during which the certification is valid. On renewal of the certification on the new expiration date, the process server must pay the entire certification renewal fee.

(c) The Office of Court Administration of the Texas Judicial System may collect the fees recommended by the process server review board and approved by the supreme court. Fees collected under this section shall be sent to the comptroller for deposit to the credit of the general revenue fund.

(d) Fees collected under this section may be appropriated to the Office of Court Administration of the Texas Judicial System for the support of regulatory programs for process servers and guardians.

SECTION __.02. Subchapter B, Chapter 72, Government Code, is amended by adding Sections 72.013 and 72.014 to read as follows:

Sec. 72.013. PROCESS SERVER REVIEW BOARD. A person appointed to the process server review board established by supreme court order serves without compensation but is entitled to reimbursement for actual and necessary expenses incurred in traveling and performing official board duties.

Sec. 72.014. CERTIFICATION DIVISION. The office shall establish a certification division to oversee the regulatory programs assigned to the office by law or by the supreme court.

SECTION __.03. (a) The fees recommended and approved under Section 51.008, Government Code, as added by this article, apply to:

(1) each person who holds a process server certification on the effective date of this Act; and

(2) each person who applies for process server certification on or after the effective date of this Act.

(b) The Office of Court Administration of the Texas Judicial System shall prorate the process server certification fee so that a person who holds a process server certification on the effective date of this Act pays only that portion of the fee that is allocable to the period during which the certification is valid. On renewal of the certification on the new expiration date, the entire certification renewal fee is payable.

ARTICLE __. FISCAL MATTERS REGARDING JUDICIAL AND COURT PERSONNEL TRAINING FUND

SECTION __.01. Section 56.001, Government Code, is amended to read as follows:

Sec. 56.001. JUDICIAL AND COURT PERSONNEL TRAINING FUND.

(a) The judicial and court personnel training fund is an account in the general revenue fund. Money in the judicial and court personnel training fund may be appropriated only to [created in the state treasury and shall be administered by] the court of criminal appeals for the uses authorized in Section 56.003.

(b) [(+)] On requisition of the court of criminal appeals, the comptroller shall draw a warrant on the fund for the amount specified in the requisition for a use authorized in Section 56.003. A warrant may not exceed the amount appropriated for any one fiscal year. [At the end of each state fiscal year, any unexpended balance in the fund in excess of \$500,000 shall be transferred to the general revenue fund.]

ARTICLE __. FISCAL MATTERS REGARDING PAYMENT OF JURORS

SECTION __.01. Section 61.001(a), Government Code, is amended to read as follows:

(a) Except as provided by Subsection (c), a person who reports for jury service in response to the process of a court is entitled to receive as reimbursement for travel and other expenses an amount:

(1) not less than \$6 for the first day or fraction of the first day the person is in attendance in court in response to the process and discharges the person's duty for that day; and

(2) not less than the amount provided in the General Appropriations Act [~~\$40~~] for each day or fraction of each day the person is in attendance in court in response to the process after the first day and discharges the person's duty for that day.

SECTION __.02. Sections 61.0015(a) and (e), Government Code, are amended to read as follows:

(a) The state shall reimburse a county the appropriate amount as provided in the General Appropriations Act [~~\$34 a day~~] for the reimbursement paid under Section 61.001 to a person who reports for jury service in response to the process of a court for each day or fraction of each day after the first day in attendance in court in response to the process.

(e) If a payment on a county's claim for reimbursement is reduced under Subsection (d), or if a county fails to file the claim for reimbursement in a timely manner, the comptroller may, as provided by rule, apportion the payment of the balance owed the county. The comptroller's rules may permit a different rate of reimbursement for each quarterly payment under Subsection (c) [~~shall:~~

~~[(1) pay the balance owed to the county when sufficient money described by Subsection (e) is available; or~~

~~[(2) carry forward the balance owed to the county and pay the balance to the county when the next payment is required].~~

Amendment No. 21 was adopted. (Carter, Phillips, and V. Taylor recorded voting no.) (The vote was reconsidered later today, and Amendment No. 21 was amended by Amendment No. 24 and was withdrawn.)

Amendment No. 22

Representative Hilderbran offered the following amendment to **CSSB 1811**:
Floor Packet Page No. 720

Amend **CSSB 1811** (house committee printing) by adding the following new appropriately numbered SECTIONS and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____. Section 321.002, Tax Code, is amended to read as follows:

Sec. 321.002. DEFINITIONS.

(a) In this chapter:

(1) "Additional municipal sales and use tax" means only the additional tax authorized by Section 321.101(b).

(2) "Municipality" includes any incorporated city, town, or village.

(3) "Place of business of the retailer" means an established outlet, office, or location operated by the retailer or the retailer's agent or employee for the purpose of receiving orders for taxable items and includes any location at which three or more orders are received by the retailer during a calendar year. A warehouse, storage yard, or manufacturing plant is not a "place of business of the retailer" unless at least three orders are received by the retailer during the calendar year at the warehouse, storage yard, or manufacturing plant. An outlet, office, facility, or any location that contracts with a retail or commercial business [engaged in activities to which this chapter applies] to process for that business invoices, purchase orders, [or] bills of lading, or other equivalent records onto which sales tax is added, including an office operated for the purpose of buying and selling taxable goods to be used or consumed by the retail or commercial business, is not a "place of business of the retailer" if the comptroller determines that the outlet, office, facility, or location functions or exists to avoid the tax imposed by this chapter or to rebate a portion of the tax imposed by this chapter to the contracting business. Notwithstanding any other provision of this subdivision, a kiosk is not a "place of business of the retailer." In this subdivision, "kiosk" means a small stand-alone area or structure that:

(A) is used solely to display merchandise or to submit orders for taxable items from a data entry device, or both;

(B) is located entirely within a location that is a place of business of another retailer, such as a department store or shopping mall; and

(C) at which taxable items are not available for immediate delivery to a customer.

(b) Words used in this chapter and defined by Chapter 151 have the meanings assigned by Chapter 151.

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

AMENDMENT NO. 22 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE OTTO: Chairman Hilderbran, are you familiar with the traditional purchasing companies—companies that typically are part of an affiliated group of companies and exist to generate economic benefits through economies of scale, negotiated purchasing contracts, group discounts, or other similar legitimate business functions?

REPRESENTATIVE HILDERBRAN: Yes, I am.

OTTO: And are you aware that at the time we passed the 2003 bill, our intent was to stop those billing office type of arrangements without affecting the traditional purchasing companies and legitimate rebates where a city might agree to return a portion of the economic development sales tax to reimburse the developer for infrastructure or a true investment in the community that inserted value into the tax base?

HILDERBRAN: Yes, I am. And it's not my intent with this amendment to change the way traditional purchasing companies are treated for municipal sales tax purposes.

OTTO: To summarize then, your amendment is intended to tighten up and further the original intent of **HB 3534** while continuing to treat a traditional purchasing company as a place of business of the retailer for municipal sales tax purposes. Is that correct?

HILDERBRAN: That is correct.

REMARKS ORDERED PRINTED

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

The motion prevailed.

Amendment No. 23

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

Amend the Hilderbran amendment (packet page 720) to **CSSB 1811** (house committee report version) as follows:

1. On page 2, strike lines 18 through 23 and substitute the following:

"SECTION ____ . SECTION ____ as added by this amendment takes effect September 1, 2011."

Amendment No. 23 was adopted.

Amendment No. 22, as amended, was adopted. (Carter recorded voting no.)

Amendment No. 21 - Vote Reconsidered

Representative Otto moved to reconsider the vote by which Amendment No. 21 was adopted.

The motion to reconsider prevailed.

Amendment No. 24

Representative T. Smith offered the following amendment to Amendment No. 21:

Amend Amendment No. 21 to **CSSB 1811** by Otto (prefiled amendments packet, pages 771 through 776) as follows:

(1) In amended Section 56.001(a), Government Code (page 5, lines 6 through 7 of the amendment), between "Section 56.003" and the period, insert "2 in accordance with the applicable provisions of Chapters 74 and 660".

(2) In amended Section 56.001(b), Government Code (page 5, lines 10 through 11 of the amendment), between "Section 56.003" and the period, insert "2 in accordance with the applicable provisions of Chapters 74 and 660".

Amendment No. 24 was adopted. (Carter recorded voting no.)

Amendment No. 21, as amended, was withdrawn.

Amendment No. 25

Representative Hilderbran offered the following amendment to **CSSB 1811**:
Floor Packet Page No. 20

Amend **CSSB 1811** (house committee printing) as follows:

(1) In ARTICLE 8, SECTION 8.01, on page 18, line 12, strike "June 1" and insert "March 1"

(2) In ARTICLE 8, SECTION 8.02, on page 18, line 21, strike "June 1" and insert "March 1"

(3) In ARTICLE 8, SECTION 8.02, on page 18, line 23, strike "preceding" and insert "following"

(4) In ARTICLE 8, SECTION 8.03, on page 19, line 6, strike "June 1" and insert "March 1"

(5) In ARTICLE 8, SECTION 8.04, on page 19, line 16, strike "June 1" and insert "March 1"

Amendment No. 25 was withdrawn.

Amendment No. 26

Representative Hartnett offered the following amendment to **CSSB 1811**:
Floor Packet Page No. 21

Amend **CSSB 1811** (house committee report) as follows:

(1) In the heading to Article 10 of the bill (page 22, line 14), after "ACCOUNTS", add "AND THE DEPARTMENT OF INFORMATION RESOURCES".

(2) Add the following appropriately numbered SECTION to Article 10 of the bill and renumber subsequent SECTIONS of Article 10 as appropriate:

SECTION 10.____. Section 2059.060, Government Code, is repealed.

Amendment No. 26 was withdrawn.

Amendment No. 27

Representative Workman offered the following amendment to **CSSB 1811**:
Floor Packet Page No. 52

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE _____. ADJUDICATION OF CLAIMS ARISING UNDER WRITTEN
CONTRACTS WITH STATE AGENCIES

SECTION _____.01. Title 5, Civil Practice and Remedies Code, is amended by adding Chapter 114 to read as follows:

CHAPTER 114. ADJUDICATION OF CLAIMS ARISING UNDER WRITTEN
CONTRACTS WITH STATE AGENCIES

Sec. 114.001. DEFINITIONS. In this chapter:

(1) "Adjudication" of a claim means the bringing of a civil suit and prosecution to final judgment in county or state court and includes the bringing of an arbitration proceeding and prosecution to final resolution in accordance with any mandatory procedures established in the contract subject to this chapter for the arbitration proceedings.

(2) "Contract subject to this chapter" means a written contract stating the essential terms of the agreement for providing goods or services to the state agency that is properly executed on behalf of the state agency.

(3) "State agency" means an agency, department, commission, bureau, board, office, council, court, or other entity that is in any branch of state government and that is created by the constitution or a statute of this state, including a university system or a system of higher education. The term does not include a county, municipality, court of a county or municipality, special purpose district, or other political subdivision of this state.

Sec. 114.002. APPLICABILITY. This chapter applies only to a claim for breach of contract in which the matter in controversy exceeds \$250,000, exclusive of interest.

Sec. 114.003. WAIVER OF IMMUNITY TO SUIT FOR CERTAIN CLAIMS. A state agency that is authorized by statute or the constitution to enter into a contract and that enters into a contract subject to this chapter waives sovereign immunity to suit for the purpose of adjudicating a claim for breach of an express or implied provision of the contract, subject to the terms and conditions of this chapter.

Sec. 114.004. LIMITATIONS ON ADJUDICATION AWARDS. (a) The total amount of money awarded in an adjudication brought against a state agency for breach of an express or implied provision of a contract subject to this chapter is limited to the following:

(1) the balance due and owed by the state agency under the contract as it may have been amended, including any amount owed as compensation for the increased cost to perform the work as a direct result of owner-caused delays or acceleration;

(2) the amount owed for change orders or additional work required to carry out the contract; and

(3) interest as allowed by law.

(b) Damages awarded in an adjudication brought against a state agency arising under a contract subject to this chapter may not include:

(1) consequential damages, except as allowed under Subsection (a)(1);

(2) exemplary damages; or

(3) damages for unabsorbed home office overhead.

Sec. 114.005. CONTRACTUAL ADJUDICATION PROCEDURES ENFORCEABLE. Adjudication procedures, including requirements for serving notices or engaging in alternative dispute resolution proceedings before bringing a suit or an arbitration proceeding, that are stated in the contract subject to this chapter or that are established by the state agency and expressly incorporated into the contract are enforceable except to the extent those procedures conflict with the terms of this chapter.

Sec. 114.006. NO WAIVER OF OTHER DEFENSES. This chapter does not waive a defense or a limitation on damages available to a party to a contract, other than a bar against suit based on sovereign immunity.

Sec. 114.007. NO WAIVER OF IMMUNITY TO SUIT IN FEDERAL COURT. This chapter does not waive sovereign immunity to suit in federal court.

Sec. 114.008. NO WAIVER OF IMMUNITY TO SUIT FOR TORT LIABILITY. This chapter does not waive sovereign immunity to a claim arising from a cause of action for negligence.

Sec. 114.009. EMPLOYMENT CONTRACTS EXEMPT. This chapter does not apply to an employment contract between a state agency and an employee of that agency.

Sec. 114.010. NO RECOVERY OF ATTORNEY'S FEES. Attorney's fees incurred by a state agency or any other party in the adjudication of a claim by or against a state agency shall not be awarded to any party in the adjudication unless the state agency has entered into a written agreement that expressly authorizes the prevailing party in the adjudication to recover its reasonable and necessary attorney's fees.

Sec. 114.011. VENUE. A suit under this chapter may be brought in a district court in:

(1) a county in which the events or omissions giving rise to the claim occurred; or

(2) Travis County.

SECTION ____ .02. Section 2260.002, Government Code, is amended to read as follows:

Sec. 2260.002. APPLICABILITY. This chapter does not apply to:

(1) a claim for personal injury or wrongful death arising from the breach of a contract; ~~or~~

(2) a contract executed or awarded on or before August 30, 1999; or

(3) a claim for breach of contract to which Chapter 114, Civil Practice and Remedies Code, applies.

SECTION ____ .03. (a) Chapter 114, Civil Practice and Remedies Code, as added by this article, applies only to a claim arising under a contract executed on or after September 1, 2011. A claim that arises under a contract executed before September 1, 2011, is governed by the law applicable to the claim immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(b) Nothing in this article is intended to create, rescind, expand, or limit any waiver of sovereign immunity to suit applicable to any contract executed before September 1, 2011.

Amendment No. 27 was withdrawn.

Amendment No. 28

Representative Darby offered the following amendment to **CSSB 1811**:

Floor Packet Page No. 59

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . FEES FOR CERTAIN PRETRIAL INTERVENTION PROGRAMS

SECTION ____ .01. Article 102.0121, Code of Criminal Procedure, is amended by amending Subsections (a) and (c) and adding Subsection (d) to read as follows:

(a) A district attorney, criminal district attorney, or county attorney may collect a fee in an amount not to exceed \$500 to be used for the purposes provided by Subsection (d) [to reimburse a county for expenses, including expenses of the district attorney's, criminal district attorney's, or county attorney's office, related to a defendant's participation in a pretrial intervention program offered in that county].

(c) Fees collected under this article shall be deposited in the county treasury in a special fund to be administered by the district attorney, criminal district attorney, or county attorney. Approval of expenditures from the fund is at the sole discretion of the attorney [used solely to administer the pretrial intervention program. An expenditure from the fund may be made only in accordance with a budget approved by the commissioners court].

(d) A district attorney, criminal district attorney, or county attorney shall use money in the fund to reimburse a county for expenses, including expenses of the district attorney's, criminal district attorney's, or county attorney's office, related to a defendant's participation in a pretrial intervention program offered in that county. The district attorney, criminal district attorney, or county attorney may use any remaining amount to defray the salaries and expenses of the prosecutor's office, but the attorney may not use money in the fund to supplement the attorney's own salary.

Amendment No. 28 was withdrawn.

Amendment No. 29

Representative Fletcher offered the following amendment to **CSSB 1811**:

Floor Packet Page No. 61

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . FEE FOR PEACE OFFICER'S SERVICES IN EXECUTING OR PROCESSING ARREST WARRANT, CAPIAS, OR CAPIAS PRO FINE

SECTION ____ .01. Article 102.011(a), Code of Criminal Procedure, is amended to read as follows:

(a) A defendant convicted of a felony or a misdemeanor shall pay the following fees for services performed in the case by a peace officer:

(1) \$5 for issuing a written notice to appear in court following the defendant's violation of a traffic law, municipal ordinance, or penal law of this state, or for making an arrest without a warrant;

(2) \$75 [~~\$50~~] for executing or processing an issued arrest warrant, *capias*, or *capias pro fine* with the fee imposed for the services of:

(A) the law enforcement agency that executed the arrest warrant or *capias*, if the agency requests of the court, not later than the 15th day after the date of the execution of the arrest warrant or *capias*, the imposition of the fee on conviction; or

(B) the law enforcement agency that processed the arrest warrant or *capias*, if:

(i) the arrest warrant or *capias* was not executed; or

(ii) the executing law enforcement agency failed to request the fee within the period required by Paragraph (A) of this subdivision;

(3) \$5 for summoning a witness;

(4) \$35 for serving a writ not otherwise listed in this article;

(5) \$10 for taking and approving a bond and, if necessary, returning the bond to the courthouse;

(6) \$5 for commitment or release;

(7) \$5 for summoning a jury, if a jury is summoned; and

(8) \$8 for each day's attendance of a prisoner in a habeas corpus case if the prisoner has been remanded to custody or held to bail.

SECTION ____ .02. Section 102.021, Government Code, as amended by Chapters 902 (**HB 666**) and 1209 (**SB 727**), Acts of the 81st Legislature, Regular Session, 2009, is reenacted and amended to read as follows:

Sec. 102.021. COURT COSTS ON CONVICTION: CODE OF CRIMINAL PROCEDURE. A person convicted of an offense shall pay the following under the Code of Criminal Procedure, in addition to all other costs:

(1) court cost on conviction of any offense, other than a conviction of an offense relating to a pedestrian or the parking of a motor vehicle (Art. 102.0045, Code of Criminal Procedure) . . . \$4;

(2) a fee for services of prosecutor (Art. 102.008, Code of Criminal Procedure) . . . \$25;

(3) fees for services of peace officer:

(A) issuing a written notice to appear in court for certain violations (Art. 102.011, Code of Criminal Procedure) . . . \$5;

(B) executing or processing an issued arrest warrant, *capias*, or *capias pro fine* (Art. 102.011, Code of Criminal Procedure) . . . \$75 [~~\$50~~];

(C) summoning a witness (Art. 102.011, Code of Criminal Procedure) . . . \$5;

(D) serving a writ not otherwise listed (Art. 102.011, Code of Criminal Procedure) . . . \$35;

(E) taking and approving a bond and, if necessary, returning the bond to courthouse (Art. 102.011, Code of Criminal Procedure) . . . \$10;

(F) commitment or release (Art. 102.011, Code of Criminal Procedure) . . . \$5;

(G) summoning a jury (Art. 102.011, Code of Criminal Procedure) . . . \$5;

(H) attendance of a prisoner in habeas corpus case if prisoner has been remanded to custody or held to bail (Art. 102.011, Code of Criminal Procedure) . . . \$8 each day;

(I) mileage for certain services performed (Art. 102.011, Code of Criminal Procedure) . . . \$0.29 per mile; and

(J) services of a sheriff or constable who serves process and attends examining trial in certain cases (Art. 102.011, Code of Criminal Procedure) . . . not to exceed \$5;

(4) services of a peace officer in conveying a witness outside the county (Art. 102.011, Code of Criminal Procedure) . . . \$10 per day or part of a day, plus actual necessary travel expenses;

(5) overtime of peace officer for time spent testifying in the trial or traveling to or from testifying in the trial (Art. 102.011, Code of Criminal Procedure) . . . actual cost;

(6) court costs on an offense relating to rules of the road, when offense occurs within a school crossing zone (Art. 102.014, Code of Criminal Procedure) . . . \$25;

(7) court costs on an offense of passing a school bus (Art. 102.014, Code of Criminal Procedure) . . . \$25;

(8) court costs on an offense of truancy or contributing to truancy (Art. 102.014, Code of Criminal Procedure) . . . \$20;

(9) cost for visual recording of intoxication arrest before conviction (Art. 102.018, Code of Criminal Procedure) . . . \$15;

(10) cost of certain evaluations (Art. 102.018, Code of Criminal Procedure) . . . actual cost;

(11) additional costs attendant to certain intoxication convictions under Chapter 49, Penal Code, for emergency medical services, trauma facilities, and trauma care systems (Art. 102.0185, Code of Criminal Procedure) . . . \$100;

(12) additional costs attendant to certain child sexual assault and related convictions, for child abuse prevention programs (Art. 102.0186, Code of Criminal Procedure) . . . \$100;

(13) court cost for DNA testing for certain felonies (Art. 102.020(a)(1), Code of Criminal Procedure) . . . \$250;

(14) court cost for DNA testing for the offense of public lewdness or indecent exposure (Art. 102.020(a)(2), Code of Criminal Procedure) . . . \$50;

(15) court cost for DNA testing for certain felonies (Art. 102.020(a)(3), Code of Criminal Procedure) . . . \$34;

(16) if required by the court, a restitution fee for costs incurred in collecting restitution installments and for the compensation to victims of crime fund (Art. 42.037, Code of Criminal Procedure) . . . \$12;

(17) if directed by the justice of the peace or municipal court judge hearing the case, court costs on conviction in a criminal action (Art. 45.041, Code of Criminal Procedure) . . . part or all of the costs as directed by the judge; and

(18) costs attendant to convictions under Chapter 49, Penal Code, and under Chapter 481, Health and Safety Code, to help fund drug court programs established under Chapter 469, Health and Safety Code (Art. 102.0178, Code of Criminal Procedure) . . . \$60.

SECTION ____ .03. The change in law made by this article applies only to a fee imposed for the execution or processing of a warrant, capias, or capias pro fine issued for an offense committed on or after the effective date of this Act. A fee imposed for the execution or processing of a warrant, capias, or capias pro fine issued for an offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION ____ .04. To the extent of any conflict, this article prevails over another Act of the 82nd Legislature, Regular Session, 2011, relating to nonsubstantive additions to and corrections in enacted codes.

Amendment No. 29 was withdrawn.

Amendment No. 30

Representative Madden offered the following amendment to **CSSB 1811**:

Floor Packet Page No. 67

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . PROVISIONS RELATING TO THE CORRECTIONAL SYSTEM

SECTION ____ .01. Article 42.12, Code of Criminal Procedure, is amended by adding Section 23A to read as follows:

Sec. 23A. ALTERNATIVE REVOCATION PROCEDURE. (a) This section applies only to a defendant who:

(1) is convicted of a felony other than:

(A) a state jail felony; or

(B) a felony listed in Section 22(a)(4); and

(2) at a hearing under Section 21 is determined by the judge to:

(A) have violated a condition of community supervision other than the commission of an offense punishable by confinement; and

(B) not be a proper candidate for continuation or modification of community supervision under Section 22.

(b) If the community supervision of a defendant to whom this section applies is revoked after a hearing under Section 21, the judge shall, as an alternative to the procedure provided by Section 23, dispose of the case as if there had been no community supervision and sentence the defendant to the custody of the Texas Department of Criminal Justice for the term of imprisonment originally assessed, except that the jurisdiction of the court continues for 365 days after the date the execution of the sentence actually begins.

(c) Not later than the 300th day after the date on which the defendant is received into the custody of the Texas Department of Criminal Justice, the department shall send the convicting court the record of the defendant's conduct and conformity to department rules, including a specific statement as to whether or not the defendant has committed a major disciplinary violation or an offense while imprisoned.

(d) On receipt of the report from the Texas Department of Criminal Justice, but not earlier than the 330th day or later than the 365th day after the date on which the defendant is received into the custody of the Texas Department of Criminal Justice, if in the opinion of the judge the defendant would not benefit from further imprisonment, the judge of the convicting court shall suspend further execution of the sentence imposed and place the defendant on community supervision under the terms and conditions of this article unless the record provided under Subsection (c) indicates that the defendant has committed a major disciplinary violation or an offense.

SECTION _____.02. Section 23A, Article 42.12, Code of Criminal Procedure, as added by this article, applies only to a person who is initially placed on community supervision on or after the effective date of this Act.

Amendment No. 30 was withdrawn.

Amendment No. 31

Representative Callegari offered the following amendment to **CSSB 1811**:
Floor Packet Page No. 76

Amend **CSSB 1811** (house committee report) by adding the following appropriately numbered SECTIONS and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION _____. Sections 12.133(b), (b-1), (c), and (d-1), Education Code, are amended to read as follows:

(b) Each school year, using state funds received by the charter holder for that purpose under Subsection (d), a charter holder that participated in the program under Chapter 1579, Insurance Code, for the 2005-2006 school year shall provide employees of the charter holder, other than administrators, compensation in the form of annual salaries, incentives, or other compensation determined appropriate by the charter holder that results in an average compensation increase for classroom teachers, full-time librarians, full-time counselors, and full-time school nurses who are employed by the charter holder [~~and who would be entitled to a minimum salary under Section 21.402 if employed by a school district,~~] in an amount at least equal to \$2,500.

(b-1) Using state funds received by the charter holder for that purpose under Subsection (d-1), a charter holder that participated in the program under Chapter 1579, Insurance Code, for the 2005-2006 school year shall provide employees of the charter holder, other than administrators, compensation in the form of annual salaries, incentives, or other compensation determined appropriate by the charter holder that results in average compensation increases as follows:

(1) for full-time employees other than full-time classroom teachers, full-time librarians, full-time counselors, and full-time nurses ~~[employees who would be entitled to a minimum salary under Section 21.402 if employed by a school district]~~, an average increase at least equal to \$500; and

(2) for part-time employees, an average increase at least equal to \$250.

(c) Each school year, using state funds received by the charter holder for that purpose under Subsection (e), a charter holder that did not participate in the program under Chapter 1579, Insurance Code, for the 2005-2006 school year shall provide employees of the charter holder, other than administrators, compensation in the form of annual salaries, incentives, or other compensation determined appropriate by the charter holder that results in an average compensation increase for classroom teachers, full-time librarians, full-time counselors, and full-time school nurses who are employed by the charter holder ~~[and who would be entitled to a minimum salary under Section 21.402 if employed by a school district]~~, in an amount at least equal to \$2,000.

(d-1) In addition to any amounts to which a charter holder is entitled under this chapter, a charter holder that participated in the program under Chapter 1579, Insurance Code, for the 2005-2006 school year is entitled to state aid in an amount, as determined by the commissioner, equal to the sum of:

(1) the product of \$500 multiplied by the number of full-time employees other than ~~full-time classroom teachers, full-time librarians, full-time counselors, and full-time nurses [employees who would be entitled to a minimum salary under Section 21.402 if employed by a school district]~~; and

(2) the product of \$250 multiplied by the number of part-time employees.

SECTION _____. Section 19.007(f), Education Code, is amended to read as follows:

(f) In addition to other amounts received by the district under this section, the district is entitled to state aid in an amount equal to the product of \$2,000 multiplied by the number of classroom teachers, full-time librarians, full-time counselors certified under Subchapter B, Chapter 21, and full-time school nurses who are employed by the district ~~[and who would be entitled to a minimum salary under Section 21.402 if employed by a school district operating under Chapter 11]~~.

SECTION _____. Section 19.009(d-1), Education Code, is amended to read as follows:

(d-1) Each school year, the district shall pay an amount at least equal to \$2,000 to each classroom teacher, full-time librarian, full-time counselor certified under Subchapter B, Chapter 21, and full-time school nurse who is employed by the district ~~[and who would be entitled to a minimum salary under Section 21.402 if employed by a school district operating under Chapter 11]~~. A payment under this section is in addition to wages the district would otherwise pay the employee during the school year.

SECTION _____. Section 21.0031(b), Education Code, is amended to read as follows:

(b) After an employee receives notice that the employee's contract is void under Subsection (a),~~2~~:

~~(1)~~ a school district may:

(1) ~~(A)~~ terminate the employee;

(2) ~~(B)~~ suspend the employee with or without pay; or

(3) ~~(C)~~ retain the employee for the remainder of the school year on an at-will employment basis in a position other than classroom teacher at the employee's existing rate of pay or at a reduced rate~~;~~ ~~and~~

~~(2) the employee is not entitled to the minimum salary prescribed by Section 21.402].~~

SECTION _____. Section 21.103(a), Education Code, is amended to read as follows:

(a) The board of trustees of a school district may terminate the employment of a teacher employed under a probationary contract at the end of the contract period if in the board's judgment the best interests of the district will be served by terminating the employment. The board of trustees must give notice of its decision to terminate the employment to the teacher not later than the ~~[45th]~~ 15th day before the last day of instruction required under the contract. The notice must be delivered personally to the teacher or mailed by regular mail or prepaid certified mail or by an express delivery service to the teacher's address of record with the district. Notice that is mailed in accordance with this subsection is considered given at the time of mailing. The board's decision is final and may not be appealed.

SECTION _____. Section 21.157, Education Code, is amended to read as follows:

Sec. 21.157. NECESSARY REDUCTION OF PERSONNEL. A teacher employed under a continuing contract may be released at the end of a school year and the teacher's employment with the school district terminated at that time because of a necessary reduction of personnel by the school district~~, with those reductions made in the reverse order of seniority in the specific teaching fields].~~

SECTION _____. Section 21.206(a), Education Code, is amended to read as follows:

(a) Not later than the ~~[45th]~~ 15th day before the last day of instruction in a school year, the board of trustees shall notify in writing each teacher whose contract is about to expire whether the board proposes to renew or not renew the contract. The notice must be delivered personally to the teacher or mailed by regular mail or prepaid certified mail or by an express delivery service to the teacher's address of record with the district. Notice that is mailed in accordance with this subsection is considered given at the time of mailing.

SECTION _____. Section 21.401, Education Code, is amended by amending Subsection (b) and adding Subsection (e) to read as follows:

(b) Except as provided by Subsection (e), an [An] educator employed under a 10-month contract must provide a minimum of 187 days of service.

(c) The commissioner, as provided by Section 25.081(b), may reduce the number of days of service required by this section. A reduction by the commissioner does not reduce an educator's salary.

(d) Subsections (a) and (b) do not apply to a contract between a school district and an educational diagnostician.

(e) Notwithstanding any other provision in this Code, the board of trustees of a school district may reduce the length of service required under an educator contract if the board has determined that a decrease in state funds available per weighted student necessitates a reduction in the length of the instructional year or in the number of days of service required by the educator. The board may reduce the length of service by up to seven instructional days, non-instructional days, or a combination of the two. The salary of the educator may be reduced by an amount corresponding to the reduction in length of service.

SECTION _____. Section 22.003(a)(1), Education Code, is amended to read as follows:

(a) A state minimum personal leave program consisting of five days per year personal leave with no limit on accumulation and transferable among districts shall be provided for school district employees. School districts may provide additional personal leave beyond this minimum. The board of trustees of a school district may adopt a policy governing an employee's use of personal leave granted under this subsection, except that the policy may not restrict:

(1) the purposes for which the leave may be used, except that the board by local policy may restrict the use of state personal leave on days designated for furloughs under Section 21.401, Education Code; or

(2) the order in which an employee may use the state minimum personal leave and any additional personal leave provided by the school district.

SECTION _____. Section 25.081, Education Code, is amended to read as follows:

(a) Except as authorized under Subsections (b) and (c) of this section, Section 25.084, or Section 29.0821, for each school year each school district must operate so that the district provides for at least 180 days of instruction for students.

(b) The commissioner may approve the instruction of students for fewer than the number of days required under Subsection (a) if disaster, flood, extreme weather conditions, fuel curtailment, or another calamity causes the closing of schools.

(c) If the board of trustees of a school district has determined that a decrease in state funds available per weighted student necessitates a reduction in the instructional year, the board may reduce the number of days of instruction required under Subsection (a). The board may adjust educator contracts as provided at Section 21.401(e).

SECTION _____. Section 21.402(d), Education Code, is repealed.

Amendment No. 31 was withdrawn.

Amendment No. 32

Representative D. Howard offered the following amendment to CSSB 1811:

Floor Packet Page No. 93

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill appropriately:

ARTICLE ____ . ISSUANCE OF REVENUE BONDS TO FUND
CAPITAL PROJECTS

SECTION ____ .01. Subchapter B, Chapter 55, Education Code, is amended by adding Section 55.1782 to read as follows:

Sec. 55.1782. THE UNIVERSITY OF TEXAS SYSTEM; ADDITIONAL BONDS. (a) In addition to the other authority granted by this subchapter, the board of regents of The University of Texas System may acquire, purchase, construct, improve, renovate, enlarge, or equip facilities, including roads and related infrastructure, for an engineering education and research center for The University of Texas at Austin, to be financed through the issuance of bonds in accordance with this subchapter and in accordance with a systemwide revenue financing program adopted by the board, not to exceed the aggregate principal amount of \$100 million.

(b) The board may pledge irrevocably to the payment of bonds authorized by this section all or any part of the revenue funds of an institution, branch, or entity of The University of Texas System, including student tuition charges. The amount of a pledge made under this subsection may not be reduced or abrogated while the bonds for which the pledge is made, or bonds issued to refund those bonds, are outstanding.

(c) If sufficient funds are not available to the board to meet its obligations under this section, the board may transfer funds among institutions, branches, and entities of The University of Texas System to ensure the most equitable and efficient allocation of available resources for each institution, branch, or entity to carry out its duties and purposes.

(d) General revenue may not be appropriated for the purpose of reimbursing The University of Texas System for debt service on the bonds authorized by this section for any state fiscal year earlier than the state fiscal year beginning September 1, 2015.

SECTION ____ .02. Section 61.0572(e), Education Code, is amended to read as follows:

(e) Approval of the board is not required to acquire real property that is financed by bonds issued under Section 55.17(e)(3) or (4), 55.1713-55.1718, 55.1721-55.1728, 55.1735(a)(1), 55.174, 55.1742, 55.1743, 55.1744, 55.1751-55.17592, 55.1768, 55.1771, ~~or~~ 55.17721, or 55.1782, except that the board shall review all real property to be financed by bonds issued under those sections to determine whether the property meets the standards adopted by the board for cost, efficiency, and space use. If the property does not meet those standards, the board shall notify the governor, the lieutenant governor, the speaker of the house of representatives, and the Legislative Budget Board.

SECTION ____ .03. Section 61.058(b), Education Code, is amended to read as follows:

(b) This section does not apply to construction, repair, or rehabilitation financed by bonds issued under Section 55.17(e)(3) or (4), 55.1713-55.1718, 55.1721-55.1728, 55.174, 55.1742, 55.1743, 55.1744, 55.1751-55.17592, 55.1768, 55.1771, ~~or~~ 55.17721, or 55.1782, except that the board shall review all construction, repair, or rehabilitation to be financed by bonds issued under those sections to determine whether the construction, rehabilitation, or repair meets the standards adopted by board rule for cost, efficiency, and space use. If the construction, rehabilitation, or repair does not meet those standards, the board shall notify the governor, the lieutenant governor, the speaker of the house of representatives, and the Legislative Budget Board.

Amendment No. 32 was withdrawn.

Amendment No. 33

Representative Zerwas offered the following amendment to **CSSB 1811**:

Floor Packet Page No. 96

Amend **CSSB 1811** as follows:

In the appropriately numbered section add the following:

SECTION _____. Chapter 61, Education Code, is amended by adding Subchapter GG to read as follows:

SUBCHAPTER GG. TEXAS EMERGENCY AND TRAUMA CARE EDUCATION PARTNERSHIP PROGRAM

Sec. 61.9801. DEFINITIONS. In this subchapter:

(1) "Emergency and trauma care education partnership" means a partnership that:

(A) consists of one or more hospitals in this state and one or more graduate professional nursing or graduate medical education programs in this state; and

(B) serves to increase training opportunities in emergency and trauma care for doctors and registered nurses at participating graduate medical education and graduate professional nursing programs.

(2) "Participating education program" means a graduate professional nursing program as that term is defined by Section 54.221 or a graduate medical education program leading to board certification by the American Board of Medical Specialties that participates in an emergency and trauma care education partnership.

Sec. 61.9802. PROGRAM: ESTABLISHMENT; ADMINISTRATION; PURPOSE.

(a) The Texas emergency and trauma care education partnership program is established.

(b) The board shall administer the program in accordance with this subchapter and rules adopted under this subchapter.

(c) Under the program, to the extent funds are available under Section 61.9805, the board shall make grants to emergency and trauma care education partnerships to assist those partnerships to meet the state's needs for doctors and registered nurses with training in emergency and trauma care by offering

one-year or two-year fellowships to students enrolled in graduate professional nursing or graduate medical education programs through collaboration between hospitals and graduate professional nursing or graduate medical education programs and the use of the existing expertise and facilities of those hospitals and programs.

Sec. 61.9803. GRANTS: CONDITIONS; LIMITATIONS. (a) The board may make a grant under this subchapter to an emergency and trauma care education partnership only if the board determines that:

(1) the partnership will meet applicable standards for instruction and student competency for each program offered by each participating education program;

(2) each participating education program will, as a result of the partnership, enroll in the education program a sufficient number of additional students as established by the board;

(3) each hospital participating in an emergency and trauma care education partnership will provide to students enrolled in a participating education program clinical placements that:

(A) allow the students to take part in providing or to observe, as appropriate, emergency and trauma care services offered by the hospital; and

(B) meet the clinical education needs of the students; and

(4) the partnership will satisfy any other requirement established by board rule.

(b) A grant under this subchapter may be spent only on costs related to the development or operation of an emergency and trauma care education partnership that prepares a student to complete a graduate professional nursing program with a specialty focus on emergency and trauma care or earn board certification by the American Board of Medical Specialties.

Sec. 61.9804. PRIORITY FOR FUNDING. In awarding a grant under this subchapter, the board shall give priority to an emergency and trauma care education partnership that submits a proposal that:

(1) provides for collaborative educational models between one or more participating hospitals and one or more participating education programs that have signed a memorandum of understanding or other written agreement under which the participants agree to comply with standards established by the board, including any standards the board may establish that:

(A) provide for program management that offers a centralized decision-making process allowing for inclusion of each entity participating in the partnership; and

(B) provide for access to clinical training positions for students in graduate professional nursing and graduate medical education programs that are not participating in the partnership;

(2) includes a demonstrable education model to:

(A) increase the number of students enrolled in, the number of students graduating from, and the number of faculty employed by each participating education program; and

(B) improve student or resident retention in each participating education program;

(3) indicates the availability of money to match a portion of the grant money, including matching money or in-kind services approved by the board from a hospital, private or nonprofit entity, or institution of higher education;

(4) can be replicated by other emergency and trauma care education partnerships or other graduate professional nursing or graduate medical education programs; and

(5) includes plans for sustainability of the partnership.

Sec. 61.9805. GRANTS, GIFTS, AND DONATIONS. In addition to money appropriated by the legislature, the board may solicit, accept, and spend grants, gifts, and donations from any public or private source for the purposes of this subchapter.

Sec. 61.9806. RULES. The board shall adopt rules for the administration of the Texas emergency and trauma care education partnership program. The rules must include:

(1) provisions relating to applying for a grant under this subchapter; and

(2) standards of accountability consistent with other graduate professional nursing and graduate medical education programs to be met by any emergency and trauma care education partnership awarded a grant under this subchapter.

Sec. 61.9807. ADMINISTRATIVE COSTS. A reasonable amount, not to exceed three percent, of any money appropriated for purposes of this subchapter may be used to pay the costs of administering this subchapter.

SECTION _____. As soon as practicable after the effective date of this Act, the Texas Higher Education Coordinating Board shall adopt rules for the implementation and administration of the Texas emergency and trauma care education partnership program established under Subchapter GG, Chapter 61, Education Code, as added by this Act. The board may adopt the initial rules in the manner provided by law for emergency rules.

(Keffer in the chair)

Amendment No. 34

Representative Eiland offered the following amendment to Amendment No. 33:

Amend the Zerwas page 96 amendment to **CSSB 1811** by adding the following:

() Insert an appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE _____. UNIVERSITY OF TEXAS MEDICAL BRANCH: USE OF PREVIOUSLY APPROPRIATED HURRICANE RECOVERY FUNDS

SECTION _____.01. From the amounts previously appropriated to The University of Texas Medical Branch at Galveston (UTMB) by Section 55, Chapter 1409 (**HB 4586**), Acts of the 81st Legislature, Regular Session, 2009, and notwithstanding Section 55(c) of that chapter, UTMB may use up to

\$25,000,000 for hurricane recovery costs not directly matched by the Federal Emergency Management Agency (FEMA) but necessary to complete projects for which FEMA only matches or pays for a portion.

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. 34 was withdrawn.

NOTICE GIVEN

In accordance with Rule 13, Section 7, Representative L. Taylor gave notice that the Conference Committee on **SB 1420**, the TxDOT Sunset Bill, would meet at 9:15 p.m. or upon senate adjournment in 3E.4.

CSSB 1811 - (consideration continued)

Amendment No. 35

Representative Eiland offered the following amendment to Amendment No. 33:

Amend the Zerwas page 96 amendment to **CSSB 1811** by adding the following:

() Insert an appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . UNIVERSITY OF TEXAS MEDICAL BRANCH: USE OF PREVIOUSLY APPROPRIATED HURRICANE RECOVERY FUNDS

SECTION ____ .01. From the amounts previously appropriated to The University of Texas Medical Branch at Galveston (UTMB) by Section 55, Chapter 1409 (**HB 4586**), Acts of the 81st Legislature, Regular Session, 2009, and notwithstanding Section 55(c) of that chapter, UTMB may use up to \$17,000,000 for hurricane recovery costs not directly matched by the Federal Emergency Management Agency (FEMA) but necessary to complete projects for which FEMA only matches or pays for a portion.

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. 35 was withdrawn.

Amendment No. 33 was withdrawn.

Amendment No. 36

Representative Villarreal offered the following amendment to **CSSB 1811**:
Floor Packet Page No. 141

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE _____. FUNDING AT FAILING SCHOOL CAMPUSES

SECTION _____. Chapter 39, Subchapter E, Section 39.107 is amended by adding subsection (s).

(s) Notwithstanding any other provision of this code, the funding for a campus that is considered to have an unacceptable performance rating for two consecutive school years must not be less than the funding of the other campuses in the district on a weighted average daily attendance basis.

Amendment No. 36 was withdrawn.

Amendment No. 37

Representative Gallego offered the following amendment to **CSSB 1811**:

Floor Packet Page No. 150

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE _____. FISCAL MATTERS REGARDING UNIVERSITY
INTERSCHOLASTIC SPORTS OFFICIALS

SECTION _____.01. Subchapter D, Chapter 33, Education Code, is amended by adding Section 33.085 to read as follows:

Sec. 33.085. REGISTRATION AS SPORTS OFFICIALS; PERSONS CONVICTED OF CERTAIN OFFENSES. (a) In this section, "sports official" means a person who officiates, judges, or in any manner enforces contest rules in any official capacity for interscholastic athletic competition. The term includes a referee, umpire, linesman, side judge, and back judge.

(b) An interscholastic league may refuse to register a person as a sports official for interscholastic athletic competition sponsored or sanctioned by the league or may suspend or revoke the registration of a person as a sports official for interscholastic athletic competition sponsored or sanctioned by the league if the person has been convicted of:

(1) an offense involving moral turpitude;

(2) an offense involving a form of sexual or physical abuse of a minor or student or other illegal conduct in which the victim is a minor or student;

(3) a felony offense involving the possession, transfer, sale, or distribution of or conspiracy to possess, transfer, sell, or distribute a controlled substance, as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. Section 801 et seq.;

(4) an offense involving the illegal transfer, appropriation, or use of school district funds or other district property; or

(5) an offense involving an attempt by fraudulent or unauthorized means to obtain or alter registration to serve as a sports official for interscholastic athletic competition.

(c) An interscholastic league shall impose a fee for any costs incurred by the league in conducting a criminal background check for purposes of this section.

Amendment No. 37 was withdrawn.

Amendment No. 38

Representative Alonzo offered the following amendment to **CSSB 1811**:
Floor Packet Page No. 167

Amend **CSSB 1811** (second reading) by adding the following appropriately numbered ARTICLES to the bill and renumbering subsequent ARTICLES of the bill appropriately:

ARTICLE ____. FISCAL MATTERS CONCERNING
SCHOLARSHIPS AWARDED FROM STUDENT SUCCESS-BASED FUNDS
SECTION ____ .01. Subchapter A, Chapter 56, Education Code, is amended by adding Section 56.005 to read as follows:

Sec. 56.005. STUDENT PRIORITY FOR SCHOLARSHIPS AWARDED FROM STUDENT SUCCESS-BASED FUNDS. (a) In this section:

(1) "Coordinating board" means the Texas Higher Education Coordinating Board.

(2) "Critical field" means a field of study designated as a critical field under Subsection (b).

(b) Except as otherwise provided by Subdivision (2), the fields of engineering, computer science, mathematics, physical science, allied health, nursing, and teaching certification in the field of science or mathematics are critical fields. Beginning September 1, 2012, the coordinating board, based on the coordinating board's determination of those fields of study in which the support and development of postsecondary education programs at the bachelor's degree level are most critically necessary for serving the needs of this state, by rule may:

(1) designate as a critical field a field of study that is not currently designated by this subsection or by the board as a critical field; or

(2) remove a field of study from the list of fields currently designated by this subsection or by the board as critical fields.

(c) Notwithstanding any other law, in determining who should receive scholarships awarded by an institution of higher education from funds appropriated to the institution based on student success, the institution shall give priority to awarding the scholarships to eligible students enrolled in critical fields.

(d) The coordinating board may adopt rules for the administration of this section.

SECTION ____ .02. Section 56.005, Education Code, as added by this article, applies beginning with scholarships awarded by a public institution of higher education for the 2011 fall semester. Scholarships awarded before the 2011 fall semester are covered by the law in effect immediately before the effective date of this article, and the former law is continued in effect for that purpose.

SECTION ____ .03. 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.

Sec. 61.9792. ELIGIBILITY. To be eligible to receive financial incentives under this subchapter, a person must:

(1) apply to the board in the form and manner prescribed by board rule;

(2) have completed at least 60 semester credit hours of course work toward an associate's degree at a public junior college or a junior college accredited by a recognized accrediting agency;

Sec. 61.9796. GIFTS, GRANTS, AND DONATIONS. In addition to money appropriated by the legislature, the board may solicit and accept gifts, grants, and donations for the purposes of this subchapter.

Sec. 61.9797. RULES. The board shall adopt rules necessary for the administration of this subchapter, including a rule that sets the maximum amount of financial assistance that a person may receive under this subchapter in one year.

Amendment No. 38 was withdrawn.

Amendment No. 39

Representative Villarreal offered the following amendment to **CSSB 1811**:

Floor Packet Page No. 152

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS accordingly:

ARTICLE _____. GUARANTEE OF OPEN-ENROLLMENT CHARTER
SCHOOL BONDS

SECTION _____.01. Subchapter D, Chapter 12, Education Code, is amended by adding Section 12.135 to read as follows:

Sec. 12.135. DESIGNATION AS CHARTER DISTRICT FOR PURPOSES OF BOND GUARANTEE. (a) On the application of the charter holder, the commissioner may grant designation as a charter district to an open-enrollment charter school that meets financial standards adopted by the commissioner. The financial standards must require an open-enrollment charter school to have an investment grade credit rating as specified by Section 45.0541.

(b) A charter district may apply for bonds issued under Chapter 53 for the open-enrollment charter school to be guaranteed by the permanent school fund as provided by Chapter 45.

SECTION _____.02. Section 45.051, Education Code, is amended by adding Subdivision (1-a) and amending Subdivision (2) to read as follows:

(1-a) "Charter district" means an open-enrollment charter school designated as a charter district under Section 12.135.

(2) "Paying agent" means the financial institution that is designated by a school district or charter district as its agent for the payment of the principal of and interest on guaranteed bonds.

SECTION _____.03. Section 45.052, Education Code, is amended to read as follows:

Sec. 45.052. GUARANTEE. (a) On approval by the commissioner, bonds issued under Subchapter A by a school district or Chapter 53 for a charter district, including refunding bonds, are guaranteed by the corpus and income of the permanent school fund.

(b) Notwithstanding any amendment of this subchapter or other law, the guarantee under this subchapter of school district or charter district bonds remains in effect until the date those bonds mature or are defeased in accordance with state law.

SECTION ____ .04. Subchapter C, Chapter 45, Education Code, is amended by adding Section 45.0532 to read as follows:

Sec. 45.0532. LIMITATION ON GUARANTEE OF CHARTER DISTRICT BONDS. (a) In addition to the general limitation under Section 45.053, the commissioner may not approve charter district bonds for guarantee under this subchapter in a total amount that exceeds the percentage of the total available capacity of the guaranteed bond program that is equal to the percentage of the number of students enrolled in open-enrollment charter schools in this state compared to the total number of students enrolled in all public schools in this state, as determined by the commissioner.

(b) For purposes of Subsection (a), the total available capacity of the guaranteed bond program is the limit established by the board under Section 45.053(d) minus the total amount of outstanding guaranteed bonds. Each time the board increases the limit under Section 45.053(d), the total amount of charter district bonds that may be guaranteed increases accordingly under Subsection (a).

(c) Notwithstanding Subsections (a) and (b), the commissioner may not approve charter district bonds for guarantee under this subchapter if the guarantee will result in lower bond ratings for school district bonds for which a guarantee is requested under this subchapter.

(d) The commissioner may request that the comptroller place the portion of the permanent school fund committed to the guarantee of charter district bonds in a segregated account if the commissioner determines that a separate account is needed to avoid any negative impact on the bond ratings of school district bonds for which a guarantee is requested under this subchapter.

(e) A guarantee of charter district bonds must be made in accordance with this chapter and any applicable federal law.

SECTION ____ .05. Section 45.054, Education Code, is amended to read as follows:

Sec. 45.054. ELIGIBILITY OF SCHOOL DISTRICT BONDS. To be eligible for approval by the commissioner, school district bonds must be issued under Subchapter A of this chapter or under Subchapter A, Chapter 1207, Government Code, to make a deposit under Subchapter B or C of that chapter, by an accredited school district.

SECTION ____ .06. Subchapter C, Chapter 45, Education Code, is amended by adding Section 45.0541 to read as follows:

Sec. 45.0541. ELIGIBILITY OF CHARTER DISTRICT BONDS. To be eligible for approval by the commissioner, charter district bonds must:

(1) without the guarantee, be rated as investment grade by a nationally recognized investment rating firm; and

(2) be issued under Chapter 53.

SECTION ____ .07. Sections 45.055(a) and (b), Education Code, are amended to read as follows:

(a) A school district or charter district seeking guarantee of eligible bonds under this subchapter shall apply to the commissioner using a form adopted by the commissioner for the purpose. The commissioner may adopt a single form on which a school district seeking guarantee or credit enhancement of eligible bonds may apply simultaneously first for guarantee under this subchapter and then, if that guarantee is rejected, for credit enhancement under Subchapter I.

(b) An application under Subsection (a) must include:

(1) the name of the school district or charter district and the principal amount of the bonds to be issued;

(2) the name and address of the district's paying agent for those bonds; and

(3) the maturity schedule, estimated interest rate, and date of the bonds.

SECTION ____ .08. Section 45.056, Education Code, is amended to read as follows:

Sec. 45.056. INVESTIGATION. (a) Following receipt of an application for the guarantee of bonds, the commissioner shall conduct an investigation of the applicant school district or charter district in regard to:

(1) the status of the district's accreditation; and

(2) the total amount of outstanding guaranteed bonds.

(b) If following the investigation the commissioner is satisfied that the school district's bonds should be guaranteed under this subchapter or provided credit enhancement under Subchapter I, as applicable, or the charter district's bonds should be guaranteed under this subchapter, the commissioner shall endorse the bonds.

SECTION ____ .09. Section 45.057(b), Education Code, is amended to read as follows:

(b) The guarantee is not effective unless the attorney general approves the bonds under Section 45.005 or 53.40, as applicable.

SECTION ____ .10. Subchapter C, Chapter 45, Education Code, is amended by adding Section 45.0571 to read as follows:

Sec. 45.0571. CHARTER DISTRICT BOND GUARANTEE RESERVE FUND. (a) The charter district bond guarantee reserve fund is a special fund in the state treasury outside the general revenue fund. The following amounts shall be deposited in the fund:

(1) money due from a charter district as provided by Subsection (b); and

(2) interest earned on balances in the fund.

(b) A charter district that has a bond guaranteed as provided by this subchapter must annually remit to the commissioner, for deposit in the charter district bond guarantee reserve fund, an amount equal to 10 percent of the savings to the charter district that is a result of the lower interest rate on the bond due to the guarantee by the permanent school fund. The amount due under this section shall be amortized and paid over the duration of the bond. Each payment is due on the anniversary of the date the bond was issued. The commissioner shall adopt rules to determine the total and annual amounts due under this section.

(c) The commissioner may direct the comptroller to annually withhold the amount due to the charter district bond guarantee reserve fund under Subsection (b) for that year from the state funds otherwise payable to the charter district.

(d) Each year, the commissioner shall:

(1) review the condition of the bond guarantee program and the amount that must be deposited in the charter district bond guarantee reserve fund from charter districts; and

(2) determine if charter districts should be required to submit a greater percentage of the savings resulting from the guarantee.

(e) The commissioner shall make recommendations to the legislature based on the review under Subsection (d).

SECTION ____ .11. Section 45.058, Education Code, is amended to read as follows:

Sec. 45.058. NOTICE OF DEFAULT. Immediately following a determination that a school district or charter district will be or is unable to pay maturing or matured principal or interest on a guaranteed bond, but not later than the fifth day before maturity date, the school district or charter district shall notify the commissioner.

SECTION ____ .12. The heading to Section 45.059, Education Code, is amended to read as follows:

Sec. 45.059. PAYMENT OF SCHOOL DISTRICT BOND ON DEFAULT ~~[FROM PERMANENT SCHOOL FUND]~~.

SECTION ____ .13. Section 45.059(a), Education Code, is amended to read as follows:

(a) Immediately following receipt of notice under Section 45.058 that a school district will be or is unable to pay maturing or matured principal or interest on a guaranteed bond, the commissioner shall instruct the comptroller to transfer from the appropriate account in the permanent school fund to the district's paying agent the amount necessary to pay the maturing or matured principal or interest.

SECTION ____ .14. Subchapter C, Chapter 45, Education Code, is amended by adding Section 45.0591 to read as follows:

Sec. 45.0591. PAYMENT OF CHARTER DISTRICT BOND ON DEFAULT. (a) Immediately following receipt of notice under Section 45.058 that a charter district will be or is unable to pay maturing or matured principal or interest on a guaranteed bond, the commissioner shall instruct the comptroller to transfer from the charter district bond guarantee reserve fund created under Section 45.0571 to the district's paying agent the amount necessary to pay the maturing or matured principal or interest.

(b) If money in the charter district bond guarantee reserve fund is insufficient to pay the amount due on a bond under Subsection (a), the commissioner shall instruct the comptroller to transfer from the appropriate account in the permanent school fund to the district's paying agent the amount necessary to pay the balance of the unpaid maturing or matured principal or interest.

(c) Immediately following receipt of the funds for payment of the principal or interest, the paying agent shall pay the amount due and forward the canceled bond or coupon to the comptroller. The comptroller shall hold the canceled bond or coupon on behalf of the fund or funds from which payment was made.

(d) Following full reimbursement to the charter district bond guarantee reserve fund and the permanent school fund, if applicable, with interest, the comptroller shall further cancel the bond or coupon and forward it to the charter district for which payment was made.

SECTION ____ .15. Section 45.060, Education Code, is amended to read as follows:

Sec. 45.060. BONDS NOT ACCELERATED ON DEFAULT. If a school district or charter district fails to pay principal or interest on a guaranteed bond when it matures, other amounts not yet mature are not accelerated and do not become due by virtue of the school district's or charter district's default.

SECTION ____ .16. The heading to Section 45.061, Education Code, is amended to read as follows:

Sec. 45.061. REIMBURSEMENT OF FUNDS [~~PERMANENT SCHOOL FUND~~].

SECTION ____ .17. Section 45.061, Education Code, is amended by amending Subsections (a) and (b) and adding Subsection (a-1) to read as follows:

(a) If the commissioner orders payment from the permanent school fund or the charter district bond guarantee reserve fund on behalf of a school district or charter district, the commissioner shall direct the comptroller to withhold the amount paid, plus interest, from the first state money payable to the school district or charter district. Except as provided by Subsection (a-1), the [The] amount withheld shall be deposited to the credit of the permanent school fund.

(a-1) After the permanent school fund has been reimbursed for all money paid from the fund as the result of a default of a charter district bond guaranteed under this subchapter, any remaining amounts withheld under Subsection (a) shall be deposited to the credit of the charter district bond guarantee reserve fund.

(b) In accordance with the rules of the board, the commissioner may authorize reimbursement to the permanent school fund or charter district bond guarantee reserve fund with interest in a manner other than that provided by this section.

SECTION ____ .18. Section 45.062, Education Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) If a total of two or more payments are made under this subchapter on charter district bonds and the commissioner determines that the charter district is acting in bad faith under the guarantee program under this subchapter, the commissioner may request the attorney general to institute appropriate legal action to compel the charter district and its officers, agents, and employees to comply with the duties required of them by law in regard to the bonds.

SECTION ____ .19. Section 53.02(10), Education Code, is amended to read as follows:

(10) "Authorized charter school" means an open-enrollment charter school that holds a charter granted under Subchapter D, Chapter 12, and includes an open-enrollment charter school designated as a charter district as provided by Section 12.135.

SECTION ____ .20. Section 53.351, Education Code, is amended by amending Subsection (f) and adding Subsection (f-1) to read as follows:

(f) Except as provided by Subsection (f-1), a [A] revenue bond issued under this section is not a debt of the state or any state agency, political corporation, or political subdivision of the state and is not a pledge of the faith and credit of any of these entities. A revenue bond is payable solely from the revenue of the authorized open-enrollment charter school on whose behalf the bond is issued. A revenue bond issued under this section must contain on its face a statement to the effect that:

(1) neither the state nor a state agency, political corporation, or political subdivision of the state is obligated to pay the principal of or interest on the bond; and

(2) neither the faith and credit nor the taxing power of the state or any state agency, political corporation, or political subdivision of the state is pledged to the payment of the principal of or interest on the bond.

(f-1) Subsection (f) does not apply to a revenue bond issued under this section for a charter district if the bond is approved for guarantee by the permanent school fund under Subchapter C, Chapter 45.

SECTION ____ .21. This article applies only to a bond issued or refunded on or after the effective date of this Act by an open-enrollment charter school designated as a charter district under Section 12.135, Education Code, as added by this article. A bond issued or refunded by an open-enrollment charter school before the effective date of this Act is governed by the law in effect immediately before that date, and that law is continued in effect for that purpose.

Amendment No. 39 was withdrawn.

Amendment No. 40

Representative Y. Davis offered the following amendment to **CSSB 1811**:

Floor Packet Page No. 191

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE ____ . PERIODIC EVALUATION AND APPLICATION OF
SUNSET REVIEW TO CERTAIN TAX EXEMPTIONS

SECTION ____ .01. Chapter 325, Government Code, is amended by adding Section 325.023 to read as follows:

Sec. 325.023. EVALUATION OF EXEMPTIONS FROM PROPERTY AND STATE TAXES. (a) In this section, "exemption" includes:

(1) an exemption that is provided by the manner in which a term is defined in Subchapter A, Chapter 151, Tax Code; and

(2) an exemption provided by Chapter 162, Tax Code, from the taxes imposed by that chapter.

(b) The commission shall periodically evaluate each exemption provided by Chapters 11, 151, 152, 162, 171, 201, and 202, Tax Code, from the taxes imposed by those chapters.

(c) The commission shall conduct the evaluation required by Subsection (b) according to a schedule that the commission adopts. The schedule must provide for the commission to evaluate each tax exemption at an interval not to exceed six years. The commission shall provide the schedule to the governor, lieutenant governor, speaker of the house of representatives, and presiding officers of the senate finance committee and the house ways and means committee.

(d) The commission's evaluation of each tax exemption must:

(1) include an evaluation of the exemption's effect on:

(A) revenue received from taxes imposed by the chapter providing the exemption;

(B) the entities that receive the exemption;

(C) sales of property, goods, and services made in this state, where applicable; and

(D) economic investment and growth in this state;

(2) take into account any other factors the commission considers relevant in evaluating the exemption;

(3) consider whether retaining the exemption is in the best interest of the public; and

(4) make recommendations for retaining or repealing the exemption, or for amending a provision related to the exemption.

(e) At each regular legislative session, the commission shall present to the legislature and the governor a report on the evaluation and recommendations it makes under Subsection (d). The report must include drafts of any legislation needed to carry out the commission's recommendations under that subsection.

(f) The evaluation described by this section does not apply to a tax exemption that is:

(1) explicitly provided by the constitution of this state; or

(2) for an item or service that this state is unable to tax under the United States Constitution or federal law.

SECTION ____ .02. Subchapter C, Chapter 11, Tax Code, is amended by adding Section 11.49 to read as follows:

Sec. 11.49. SUNSET PROVISION FOR PROPERTY TAX EXEMPTIONS. (a) The exemptions provided by this chapter from the taxes imposed by this chapter are subject to periodic evaluation by the Sunset Advisory Commission under Section 325.023, Government Code, according to a schedule that the commission adopts under that section.

(b) A tax exemption provided by this chapter that is the subject of a Sunset Advisory Commission evaluation under Section 325.023, Government Code, and a section or part of a section that provides the exemption are repealed on December 31 of the year in which the commission presents its evaluation to the legislature unless the legislature retains the exemption.

(c) This section does not prohibit the legislature from repealing an exemption from the taxes imposed by this chapter at a date earlier than the date provided by this section.

(d) The evaluation described by Subsection (a) and the repeal described by Subsection (b) do not apply to a tax exemption that is explicitly provided by the constitution of this state.

SECTION _____.03. Chapter 101, Tax Code, is amended by adding Section 101.010 to read as follows:

Sec. 101.010. SUNSET PROVISION FOR CERTAIN EXEMPTIONS FROM STATE TAXES. (a) In this section, "exemption" includes:

(1) an exemption that is provided by the manner in which a term is defined in Subchapter A, Chapter 151; and

(2) an exemption provided by Chapter 162 from the taxes imposed by that chapter.

(b) The exemptions provided by Chapters 151, 152, 162, 171, 201, and 202 from the taxes imposed by those chapters are subject to periodic evaluation by the Sunset Advisory Commission under Section 325.023, Government Code, according to a schedule that the commission adopts under that section.

(c) A tax exemption that is the subject of a Sunset Advisory Commission evaluation under Section 325.023, Government Code, and a section or part of a section that provides the exemption are repealed on December 31 of the year in which the commission presents its evaluation to the legislature unless the legislature retains the exemption.

(d) This section does not prohibit the legislature from repealing an exemption from the taxes imposed by Chapters 151, 152, 162, 171, 201, and 202 at a date earlier than the date provided by this section.

(e) The evaluation described by Subsection (b) and the repeal described by Subsection (c) do not apply to a tax exemption for an item or service that this state is unable to tax under the United States Constitution or federal law.

SECTION _____.04. The Sunset Advisory Commission shall adopt a schedule for evaluating exemptions from property taxes and state taxes as provided by Section 325.023, Government Code, as added by this article, on or before January 1, 2012.

SECTION _____.05. 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. 40 failed of adoption by (Record 1205): 47 Yeas, 98 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hartnett; Hernandez Luna; Hochberg; Howard, D.; Johnson; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez

Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Turner; Veasey; Villarreal; Vo; Walle; White.

Nays — Aliseda; Anderson, C.; Anderson, R.; Aycocock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; 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; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; 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; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Weber; Woolley; Workman; Zedler; Zerwas.

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

Absent — Deshotel; Peña; Pickett.

STATEMENTS OF VOTE

When Record No. 1205 was taken, I was in the house but away from my desk. I would have voted yes.

Deshotel

I was shown voting yes on Record No. 1205. I intended to vote no.

White

Amendment No. 41

Representative Y. Davis offered the following amendment to **CSSB 1811**:
Floor Packet Page No. 198

Amend **CSSB 1811** (house committee printing) in ARTICLE 10 of the bill by adding the following appropriately numbered SECTION and renumbering the subsequent SECTIONS of the ARTICLE appropriately:

SECTION 10.____. Section 403.014(b), Government Code, is amended to read as follows:

(b) The report must include:

(1) an analysis of each special provision that reduces the amount of tax payable, to include an estimate of the loss of revenue for a six-year period including the current fiscal biennium and a citation of the statutory or legal authority for the provision; ~~and~~

(2) for provisions reducing revenue by more than one percent of total revenue for a tax covered by this section:

(A) the effect of each provision on the distribution of the tax burden by income class and industry or business class, as appropriate; and

(B) the effect of each provision on total income by income class;
and

(3) for each entity, including a corporation or other business entity, that receives a reduction of taxes payable as a result of a special provision, the actual dollar amount of the reduction the entity received since the most recent report under this section, regardless of whether the information is confidential under state law, including Sections 111.006 and 151.027, Tax Code.

AMENDMENT NO. 41 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE REYNOLDS: Ms. Davis, this amendment simply is an open government, transparency amendment, correct?

REPRESENTATIVE Y. DAVIS: That's all this amendment does. It doesn't cost the bill, it doesn't create any cost or expense to the bill. This is just good government to say we're giving these exemptions. You're doing it in these categories. We need to know who's getting them, what the benefit is to the state, so we can marshal our support for them if they're good and continue them. If they've outgrown their use, we'll at least have accurate data to determine they've outgrown their use. And this would just allow us to know who and what. It's just transparency.

REYNOLDS: And, as elected officials, and holders of the public trust, isn't it our fiduciary responsibility to be as open and transparent to the taxpayers as possible?

Y. DAVIS: It is. It is our responsibility and, quite frankly, we would think it would be good information so that you would be an informed legislator and be able to discuss with your constituents why we made these investments, what the investment is to the state. But we have to know it, and without this amendment, we aren't capturing that information, and so we don't know it. And we, as legislators, ought to have some notion of where our investments are and what the benefit is, so when our constituents come and ask us what happened here, or why does this company get an exemption, and why are we giving them exemptions, and why are they not paying sales tax, why are they not paying property tax? We will have the answer for them by the virtue of collecting the data and determining what it is that they're providing to the State of Texas.

REYNOLDS: And possibly, instead of balancing our budget on the backs of school children and our seniors, we could possibly create more revenue by closing some of the corporate loopholes that we have right now, correct?

Y. DAVIS: There is no question that there are probably monies that we could bring to the table to pay what we call necessities for our state to be—maintain a strong presence and not erode education and health care. And so, knowledge is the answer to knowing where we have some vulnerabilities that we can put back into the budgetary process, and make them more useful and more helpful to make this state as strong as we would like for it to be.

REYNOLDS: Wouldn't you agree that right now we pretty much have a structural deficit with our budget?

Y. DAVIS: There's no question that there is a structural deficit. There is no question, based on the way we're putting funds together for this budget, that we sorely need revenue, that we need to reevaluate what our priorities are. We need to know where we are investing dollars. There's no question that this budget, if no other budget, calls for us to be prudent legislators and look at everything so that we don't do harm to the people of the State of Texas.

REYNOLDS: It sounds like your amendment would do that. It would allow us to have an open discussion about possible ways we could increase our revenue without raising taxes by closing possible corporate loopholes that people shouldn't have anymore, correct?

Y. DAVIS: I think that's correct. And you know, Representative Reynolds, I don't know why everybody's afraid to look at this. We've been talking about the budget deficit, and I've heard a couple members say, "We've looked at it during the interim." Well, we really didn't look at it, and the comptroller told me they couldn't provide us with this information. So, in fact, if they can't provide us with information, if they're not collecting information, how do we look at it? So, this amendment is drawn because the comptroller said that they don't have the information.

REYNOLDS: I happen to wholeheartedly agree with you, and I think it's an excellent amendment. Thank you for bringing it.

Y. DAVIS: And members, I would ask again—and I recognize the climate in which we work—and I understand everybody, and I heard somebody say the "hundred club," the "century club." I'm fine with being in the "century club" if I'm trying to do what's right. And, I think it's important that you all recognize that this issue will come back to haunt you.

REMARKS ORDERED PRINTED

Representative Reynolds moved to print remarks between Representative Y. Davis and Representative Reynolds.

The motion prevailed.

Amendment No. 41 failed of adoption by (Record 1206): 49 Yeas, 97 Nays, 2 Present, not voting.

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

Nays — Aliseda; Anderson, C.; Anderson, R.; Aycocck; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; 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; 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; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent — Peña; Pickett.

Amendment No. 42

Representative Hardcastle offered the following amendment to **CSSB 1811**:
Floor Packet Page No. 203

Amend **CSSB 1811** by adding the following appropriately numbered article and renumbering subsequent sections and articles.

Amend Government Code, Chapter 531 by adding the following appropriately numbered article:

Article ____ Out of funds appropriated by **HB 1**, Acts of the Eighty Second Legislature, the Commission shall allocate and make available an amount of funding research and an unrelated umbilical cord bank in the same manner as described by **SB 1**, Acts of the 81st Legislature.

Amendment No. 42 was withdrawn.

Amendment No. 43

Representative Farias offered the following amendment to **CSSB 1811**:
Floor Packet Page No. 261

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering the subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . FEDERAL EARNED INCOME TAX CREDIT STUDY

SECTION ____ .01. (a) The comptroller of public accounts shall conduct a study on the effect of the provision of federal earned income tax credit information as required by Chapter 104, Labor Code, on:

(1) the number of taxpayers claiming that credit; and

(2) the number of taxpayers in this state who are eligible to claim that credit, but who do not claim the credit.

(b) At the comptroller's request, a state agency shall provide information for and assistance in conducting the study under this section.

(c) Not later than December 1, 2012, the comptroller shall provide a report on the results of the study to the governor, the lieutenant governor, and the legislature.

SECTION ____ .02. This article expires September 1, 2013.

Amendment No. 43 failed of adoption by (Record 1207): 51 Yeas, 94 Nays, 2 Present, not voting.

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

Nays — 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; 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; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Legler; Lewis; Lyne; Madden; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent — Margo; Ritter; Torres.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1207. I intended to vote no.

Simpson

When Record No. 1207 was taken, I was temporarily out of the house chamber. I would have voted no.

Torres

Amendment No. 44

Representative Rodriguez offered the following amendment to **CSSB 1811**:

Floor Packet Page No. 275

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . LEGISLATIVE BUDGET BOARD MEETINGS

SECTION ____ .01. Section 322.003, Government Code, is amended by adding Subsection (f) to read as follows:

(f) The board shall hold a public hearing in November of each state fiscal year to hear a report from the comptroller and receive public testimony regarding the financial condition of this state. The report from the comptroller must:

(1) specify for each revenue source included in determining the estimate of anticipated revenue for purposes of the most recent statement required by Section 49a, Article III, Texas Constitution, the total net revenue actually collected from that source for the state fiscal year as of the end of the most recent state fiscal quarter;

(2) compare for the period described by Subdivision (1) the total net revenue collected from each revenue source required to be specified under that subdivision with the anticipated revenue from that source that was included for purposes of determining the estimate of anticipated revenue in the statement required by Section 49a, Article III, Texas Constitution;

(3) specify for each state revenue source resulting from a law taking effect after the comptroller submitted the most recent statement required by Section 49a, Article III, Texas Constitution, the estimated total net revenue collected from that source for the state fiscal year as of the end of the most recent state fiscal quarter;

(4) summarize indicators of state economic trends experienced since the most recent statement required by Section 49a, Article III, Texas Constitution; and

(5) summarize anticipated state economic trends and the anticipated effect of the trends on state revenue collections.

SECTION ____ .02. Section 322.008, Government Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) For each state fee the amount of which is proposed or authorized to be increased by a provision of the general appropriations bill, the general appropriations bill must set out in a separate section of the bill:

(1) the statutory authority for the fee;

(2) the amount of the fee increase;

(3) each purpose for which the fee revenue is to be used; and

(4) into which fund the fee revenue will be deposited.

SECTION ____ .03. Chapter 322, Government Code, is amended by adding Section 322.022 to read as follows:

Sec. 322.022. PUBLIC HEARING ON INTERIM BUDGET REDUCTION REQUEST. (a) In this section:

(1) "Interim budget reduction request" means a request communicated in any manner for a state agency to make adjustments to the strategies, methods of finance, performance measures, or riders applicable to the agency through the state budget in effect on the date the request is communicated that, if implemented, would reduce the agency's total expenditures for the current state fiscal biennium to an amount less than the total amount that otherwise would be permissible based on the appropriations made to the agency in the budget.

(2) "State agency" means an office, department, board, commission, institution, or other entity to which a legislative appropriation is made.

(b) A state agency shall provide to the board a detailed report of any expenditure reduction plan that:

(1) the agency develops in response to an interim budget reduction request made by the governor, the lieutenant governor, or a member of the legislature, or any combination of those persons; and

(2) if implemented, would reduce the agency's total expenditures for the current state fiscal biennium to an amount less than the total amount that otherwise would be permissible based on the appropriations made to the agency in the state budget for the biennium.

(c) The board shall hold a public hearing to solicit testimony on an expenditure reduction plan a state agency reports to the board as required by Subsection (b) as soon as practicable after receiving the report. The agency may not implement any element of the plan until the conclusion of the hearing.

(d) This section does not apply to an expenditure reduction a state agency desires to make that does not directly or indirectly result from an interim budget reduction request made by the governor, the lieutenant governor, or a member of the legislature, or any combination of those persons.

SECTION ____ .04. Subchapter B, Chapter 403, Government Code, is amended by adding Section 403.0145 to read as follows:

Sec. 403.0145. PUBLICATION OF FEES SCHEDULE. As soon as practicable after the end of each state fiscal year, the comptroller shall publish a schedule of all revenue to the state from fees authorized by statute. For each fee, the schedule must specify:

(1) the purpose for which the fee revenue is to be used;

(2) if the fee has been increased during the most recent legislative session, the amount of the increase;

(3) into which fund the fee revenue will be deposited; and

(4) the amount of the fee revenue that will be considered available for general governmental purposes and accordingly considered available for the purpose of certification under Section 403.121.

SECTION ____ .05. Section 404.124, Government Code, is amended by amending Subsections (a) and (b) and adding Subsection (b-1) to read as follows:

(a) Before issuing notes the comptroller shall submit to the committee a general revenue cash flow shortfall forecast, based on the comptroller's most recent anticipated revenue estimate. The forecast must contain a detailed report of estimated revenues and expenditures for each month and each major revenue and expenditure category and must demonstrate the maximum general revenue cash flow shortfall that may be predicted. The committee shall hold a public hearing to solicit testimony on the forecast, including testimony on this state's overall economic condition, as soon as practicable after receiving the forecast.

(b) Based on the forecast and testimony provided at the hearing required by Subsection (a), the committee may approve the issuance of notes, subject to Subsections (b-1) and (c), and the maximum outstanding balance of notes in any fiscal year. The outstanding balance may not exceed the maximum temporary cash shortfall forecast by the comptroller for any period in the fiscal year. The comptroller may not issue notes in excess of the amount approved.

(b-1) The committee's approval of the issuance of notes granted under Subsection (b) expires on the 91st day after the date the hearing conducted under Subsection (a) concludes. The comptroller may not issue notes on or after the 91st day unless the comptroller submits another general revenue cash flow shortfall forecast to the committee and the committee subsequently grants approval for the issuance of the notes in accordance with the procedure required by Subsections (a) and (b). Each subsequent approval expires on the 61st day after the date the hearing on which the approval was based concludes.

Amendment No. 44 failed of adoption by (Record 1208): 48 Yeas, 95 Nays, 2 Present, not voting.

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

Nays — 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; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Madden; Margo; Miller, D.; Miller, S.; 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.; Solomons; Taylor, L.; Taylor, V.; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent — Eiland; Harper-Brown; Hernandez Luna; Lyne; Torres.

STATEMENTS OF VOTE

When Record No. 1208 was taken, I was in the house but away from my desk. I would have voted yes.

Harper-Brown

When Record No. 1208 was taken, I was temporarily out of the house chamber. I would have voted no.

Torres

Amendment No. 45

Representatives Cain, Chisum, Morrison, Isaac, Garza, Darby, Perry, Legler, Callegari, Harper-Brown, L. Taylor, P. King, Zedler, Flynn, Aliseda, White, R. Anderson, Lyne, Sheets, Simpson, V. Taylor, Turner, and Larson offered the following amendment to **CSSB 1811**:

Floor Packet Page No. 288

Amend **CSSB 1811** as follows:

____. Format of the general appropriations bill.

(a) Section 322.008, Government Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) The general appropriations bill must, for each state agency or other entity to which an appropriation is proposed under the bill:

(1) include a line item for each specific program or activity administered by the agency or entity or by an organizational unit of the agency or entity, organized according to the agency's, entity's, or unit's organizational structure, except that if a specific program or activity administered by the agency, entity, or unit includes identifiable components or subprograms, the bill must include a line item for each of those components or subprograms;

(2) specify the amount of the proposed appropriation for each line item;
and

(3) include, for each line item that represents a specific program or activity or, if applicable, each group of line items representing the components or subprograms of a specific program or activity:

(b) a citation to the authorization in law for the program or activity; and

(c) a statement regarding whether the source of the proposed appropriation is nondedicated general revenue money, dedicated general revenue money, federal money, or another source.

Amendment No. 46

Representative Cain offered the following amendment to Amendment No. 45:

Amend Amendment No. 45 to **CSSB 1811** by Cain (scanned barcode no. 824103) by striking the text of the amendment and substituting the following:

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS accordingly:

ARTICLE ____ GENERAL APPROPRIATIONS ACT FORMAT

SECTION ____ .01. Section 322.008, Government Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) The general appropriations bill must, for each state agency or other entity for which an appropriation is proposed under the bill:

(1) include a line item for each specific program or activity administered by the agency or entity or an organizational unit of the agency or entity, organized according to the organizational structure of the agency, entity, or

unit, except that if a specific program or activity administered by the agency, entity, or unit includes identifiable components or subprograms, the bill must include a line item for each of those components or subprograms;

(2) specify the amount of the proposed appropriation for each line item;
and

(3) include, for each line item that represents a specific program or activity or, if applicable, each group of line items representing the components or subprograms of a specific program or activity:

(A) a citation to the authorization in law for the program or activity; and

(B) a statement regarding whether the source of the proposed appropriation is nondedicated general revenue money, dedicated general revenue money, federal money, or another source.

Amendment No. 46 was adopted.

Amendment No. 45, as amended, was adopted by (Record 1209): 85 Yeas, 63 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Branch; Burkett; Burnam; Cain; Castro; Chisum; Craddick; Davis, Y.; Dukes; Dutton; Farrar; Frullo; Gallego; Garza; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harper-Brown; Hernandez Luna; Hochberg; Howard, D.; Huberty; Hughes; Isaac; Johnson; King, P.; King, T.; Kleinschmidt; Landtroop; Laubenberg; Legler; Lewis; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; McClendon; Menendez; Miles; Morrison; Muñoz; Murphy; Naishtat; Oliveira; Parker; Paxton; Perry; Phillips; Pickett; Price; Quintanilla; Raymond; Reynolds; Rodriguez; Scott; Sheets; Sheffield; Simpson; Smith, T.; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Turner; Vo; Walle; Weber; White; Zedler.

Nays — Aycock; Beck; Berman; Bohac; Bonnen; Brown; Button; Callegari; Carter; Christian; Coleman; Cook; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Deshotel; Driver; Eiland; Eissler; Elkins; Farias; Fletcher; Flynn; Geren; Gooden; Harless; Hartnett; Hilderbran; Hopson; Howard, C.; Hunter; Jackson; King, S.; Kolkhorst; Kuempel; Larson; Lavender; Lyne; Madden; Margo; Martinez Fischer; Miller, D.; Miller, S.; Nash; Orr; Otto; Patrick; Peña; Pitts; Riddle; Ritter; Schwertner; Shelton; Smith, W.; Smithee; Truitt; Veasey; Villarreal; Woolley; Workman; Zerwas.

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

STATEMENTS OF VOTE

I was shown voting no on Record No. 1209. I intended to vote yes.

Aycock

I was shown voting no on Record No. 1209. I intended to vote yes.

Bohac

I was shown voting no on Record No. 1209. I intended to vote yes.

Bonnen

I was shown voting no on Record No. 1209. I intended to vote yes.

Button

I was shown voting no on Record No. 1209. I intended to vote yes.

Callegari

I was shown voting no on Record No. 1209. I intended to vote yes.

Carter

I was shown voting no on Record No. 1209. I intended to vote yes.

Christian

I was shown voting no on Record No. 1209. I intended to vote yes.

Creighton

I was shown voting no on Record No. 1209. I intended to vote yes.

Lavender

I was shown voting no on Record No. 1209. I intended to vote yes.

Madden

I was shown voting no on Record No. 1209. I intended to vote yes.

D. Miller

I was shown voting no on Record No. 1209. I intended to vote yes.

Orr

Amendment No. 47

Representative Gallego offered the following amendment to **CSSB 1811**:

Floor Packet Page No. 321

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill appropriately:

ARTICLE ____ . CREATION OF CLINICAL LEGAL EDUCATION
ACCOUNT AND LEGISLATIVE FELLOWS PROGRAM

SECTION ____ .01. Sections 81.054(c), (d), and (j), Government Code, are amended to read as follows:

(c) Fees shall be paid to the clerk of the supreme court. The clerk shall retain the fees, other than fees collected under Subsection (j), until distributed to the state bar for expenditure under the direction of the supreme court to administer this chapter. The clerk shall retain the fees collected under Subsection (j) until distribution is approved by an order of the supreme court. In ordering that distribution, the supreme court shall order that the fees collected under Subsection (j) be remitted to the comptroller at least as frequently as quarterly. The comptroller shall credit the remitted fees as follows:

(1) 35 [50] percent [of the remitted fees] to the credit of the judicial fund for programs approved by the supreme court that provide basic civil legal services to the indigent;

(2) 35 [and shall credit the remaining 50] percent [of the remitted fees] to the fair defense account in the general revenue fund which is established under Section 71.058, to be used, subject to all requirements of Section 71.062, for demonstration or pilot projects that develop and promote best practices for the efficient delivery of quality representation to indigent defendants in criminal cases at trial, on appeal, and in postconviction proceedings;

(3) 25 percent to the clinical legal education account established under Section 62.161, Education Code; and

(4) five percent to the Texas Legislative Fellows Fund account established under Section 65.48, Education Code.

(d) The portion of fees [Fees] collected under Subsection (j) that is deposited under Subsection (c)(1) or (2) may be used only to provide basic civil legal services to the indigent and legal representation and other defense services to indigent defendants in criminal cases as provided by Subsection (c). The portion of fees collected under Subsection (j) that is deposited to an account under Subsection (c)(3) or (4) may be used only for the purposes for which the applicable account is established. Other fees collected under this chapter may be used only for administering the public purposes provided by this chapter.

(j) The supreme court shall set an additional legal services fee in an amount of \$100 [~~\$65~~] to be paid annually by each active member of the state bar except as provided by Subsection (k). Section 81.024 does not apply to a fee set under this subsection.

SECTION __.02. Chapter 62, Education Code, is amended by adding Subchapter H to read as follows:

SUBCHAPTER H. CLINICAL LEGAL EDUCATION ACCOUNT

Sec. 62.161. CLINICAL LEGAL EDUCATION ACCOUNT. (a) The clinical legal education account is a special account in the general revenue fund.

(b) The clinical legal education account consists of:

(1) money transferred to the account by the comptroller under Section 81.054, Government Code;

(2) money appropriated to the account by the legislature; and

(3) any gifts or grants received by the comptroller for purposes of this section.

(c) The clinical legal education account may be used only for making payments as provided by this section for the operation of clinical law programs at the following law schools:

(1) Texas Southern University Thurgood Marshall School of Law;

(2) Texas Tech University School of Law;

(3) University of Houston Law Center;

(4) University of North Texas System College of Law; and

(5) The University of Texas School of Law.

(d) The comptroller shall distribute the balance of the clinical legal education account quarterly to the law schools listed in Subsection (c) in proportion to the total number of students enrolled in a juris doctor degree program at each of those law schools.

(e) The comptroller may accept gifts and grants for the purposes described by Subsection (c). Funds received under this subsection shall be deposited to the credit of the clinical legal education account.

(f) The clinical legal education account is exempt from Section 403.095, Government Code.

SECTION __.03. Subchapter C, Chapter 65, Education Code, is amended by adding Section 65.48 to read as follows:

Sec. 65.48. TEXAS LEGISLATIVE FELLOWS PROGRAM. (a) The board shall develop and establish the Texas Legislative Fellows Program, under which students enrolled in component institutions of the system are selected to perform internships for members of the Texas Legislature during the spring semester of odd-numbered years.

(b) Under the program, during the fall semester of each even-numbered year, the chancellor of the system shall select 20 students enrolled in component institutions of the system to participate in the program during the following semester. At least one student must be selected from each component general academic teaching institution.

(c) The board shall establish:

(1) an application process and eligibility requirements for the selection of students for participation in the program; and

(2) a process for matching student participants with offices of members of the legislature who agree to employ one or more of the students under the program.

(d) The program shall be designed to require that each student who participates in the program:

(1) work at least the following number of hours for a member of the legislature during the regular legislative session:

(A) 20 hours per week for the first 6 weeks;

(B) 30 hours per week for weeks 7 through 10; and

(C) 40 hours per week after week 10; and

(2) during the internship, complete three academic courses relating to state government and legislative issues approved by the board for purposes of this section.

(e) A student who successfully completes the student's internship under the program is entitled to receive:

(1) a stipend of \$10,000, payable in monthly installments during the student's internship; and

(2) six hours of independent study course credit toward the student's degree at the component institution of the system in which the student is enrolled.

(f) The board shall appoint a faculty member of a component institution of the system to serve as the director of the program. The director shall supervise student participants in the program and shall teach the courses required by Subsection (d)(2).

(g) The stipend for an intern shall be paid from the operating account of the member of the legislature to whom the intern is assigned. The applicable house of the legislature shall supplement the member's operating account as necessary to provide sufficient funding for the stipend. Each house shall contribute to the salary of the program director from the general fund of the applicable house.

(h) The Texas Legislative Fellows Fund is a special account in the general revenue fund.

(i) The Texas Legislative Fellows Fund consists of:

(1) money transferred to the account by the comptroller under Section 81.054, Government Code;

(2) money appropriated to the account by the legislature; and

(3) any gifts or grants received by the board for purposes of this section.

(j) The Texas Legislative Fellows Fund may be used only for administration of the Texas Legislative Fellows Program established under this section.

(k) The board may solicit and accept gifts and grants for the purposes of this section. Money received under this subsection shall be deposited to the credit of the Texas Legislative Fellows Fund.

(l) The Texas Legislative Fellows Fund is exempt from Section 403.095, Government Code.

(Speaker in the chair)

Amendment No. 47 failed of adoption by (Record 1210): 46 Yeas, 96 Nays, 1 Present, not voting.

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

Nays — 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; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; 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.; Taylor, V.; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent — Deshotel; Dukes; Isaac; Kolkhorst; Naishtai; Peña; Torres.

STATEMENTS OF VOTE

When Record No. 1210 was taken, I was in the house but away from my desk. I would have voted yes.

Deshotel

When Record No. 1210 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

When Record No. 1210 was taken, I was in the house but away from my desk. I would have voted no.

Kolkhorst

When Record No. 1210 was taken, I was temporarily out of the house chamber. I would have voted no.

Torres

Amendment No. 48

Representative Walle offered the following amendment to **CSSB 1811**:

Floor Packet Page No. 360

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE ____ . ABOLISHMENT OF THE TEXAS ENTERPRISE FUND

SECTION ____ .01. (a) Sections 481.078 and 481.030, Government Code, are repealed.

(b) The repeal by this article of Sections 481.078 and 481.080, Government Code, does not affect the validity of any agreement between the governor and a grant recipient or entity to be awarded a grant entered into under Section 481.078 before the effective date of this article.

(c) On the effective date of this article, the Texas Enterprise Fund is abolished and the unexpended and unencumbered money from that fund shall be transferred to the credit of the foundation school fund.

(d) After the effective date of this article, unspent but encumbered money in the Texas Enterprise Fund at the time the fund was abolished is in the general revenue fund. If the money was deposited in the Texas Enterprise Fund as a gift, grant, or donation under Section 481.078(b)(3), Government Code, and is encumbered by the specific terms of the gift, grant, or donation, the money may be spent only in accordance with the terms of the gift, grant, or donation. If the money is encumbered because it has been awarded or otherwise obligated by

agreement before the effective date of this article but under the terms of the award or agreement will not be distributed until a future time, the money shall be distributed in accordance with the terms of the award or agreement. If the governor determines that the money will not be distributed in accordance with the terms of the award or agreement, the governor shall certify that fact to the comptroller. On that certification, the comptroller shall transfer that money in the general revenue fund to the credit of the foundation school fund.

(e) The money transferred to the foundation school fund under Subsections (c) and (d) of this section is appropriated to the Texas Education Agency for use during the 2011-2013 state fiscal biennium as follows:

(1) an amount equal to the difference between the total amounts appropriated for providing grants under Section 29.155, Education Code, by other Acts of the 82nd Legislature, Regular Session, 2011, and the amounts appropriated for that purpose by the 81st Legislature, Regular Session, 2009, adjusted for monetary inflation and student enrollment growth, to be used for providing the grants; and

(2) any money in excess of the amount appropriated under Subdivision (1) of this subsection to be used for other purposes of the Foundation School Program, as provided by Section 42.002, Education Code.

(f) Section 481.078, Government Code, is continued in effect for the limited purpose of supplying the necessary authority to administer Subsection (d) of this section.

SECTION _____.02. Section 204.123, Labor Code, is amended to read as follows:

Sec. 204.123. TRANSFER TO ~~[TEXAS ENTERPRISE FUND,]~~ SKILLS DEVELOPMENT FUND, TRAINING STABILIZATION FUND, AND COMPENSATION FUND. (a) If, on September 1 of a year, the commission determines that the amount in the compensation fund will exceed 100 percent of its floor as computed under Section 204.061 on the next October 1 computation date, the commission shall transfer from the holding fund created under Section 204.122:

(1) ~~from~~ the first \$160 million deposited in the holding fund in any state fiscal biennium[=

~~[(A) during the state fiscal biennium ending August 31, 2007:~~

~~[(i) 67 percent to the Texas Enterprise Fund created under Section 481.078, Government Code, except that the amount transferred under this paragraph may not exceed the amount appropriated by the legislature to the Texas Enterprise Fund in that biennium; and~~

~~[(ii) 33 percent to the skills development fund created under Section 303.003, except that the amount transferred under this paragraph may not exceed the amount appropriated by the legislature to the skills development program strategies and activities in that biennium; and~~

~~[(B) during any state fiscal biennium beginning on or after September 1, 2007;~~

~~[(i) 75 percent to the Texas Enterprise Fund created under Section 481.078, Government Code, except that the amount transferred under this paragraph may not exceed the amount appropriated by the legislature to the Texas Enterprise Fund in that biennium; and~~

~~[(ii) 25 percent] to the skills development fund created under Section 303.003, except that the amount transferred under this subdivision [paragraph] may not exceed the amount appropriated by the legislature to the skills development program strategies and activities in that biennium; and~~

(2) any remaining amount in the holding fund after the distribution under Subdivision (1) to the training stabilization fund created under Section 302.101.

(b) If, on September 1 of a year, the commission determines that the amount in the compensation fund will be at or below 100 percent of its floor as computed under Section 204.061 on the next October 1 computation date, the commission shall transfer to the compensation fund as much of the amount in the holding fund as is necessary to raise the amount in the compensation fund to 100 percent of its floor, up to and including the entire amount in the holding fund. The commission shall transfer any remaining balance in the holding fund to ~~[the Texas Enterprise Fund,]~~ the skills development fund~~;~~ and the training stabilization fund as ~~[in the percentages]~~ prescribed by Subsection (a).

SECTION ____ .03. Sections 302.101(b) and (c), Labor Code, are amended to read as follows:

(b) Money in the training stabilization fund may be used in a year in which the amounts in the employment and training investment holding fund are insufficient to meet the legislative appropriation for that fiscal year for ~~[either the Texas Enterprise Fund or]~~ the skills development program strategies and activities.

(c) Money in the training stabilization fund shall be transferred to ~~[the Texas Enterprise Fund and]~~ the skills development fund under Subsection (b) not later than September 30. ~~[The transfer under Subsection (b) shall consist of transferring 67 percent of the money in the training stabilization fund to the Texas Enterprise Fund and 33 percent of the money in the training stabilization fund to the skills development fund.]~~ The amount transferred from the training stabilization fund may not exceed the amount ~~[amounts]~~ appropriated to the ~~[Texas Enterprise Fund and]~~ skills development program strategies and activities in the fiscal year in which the transfer is made.

SECTION ____ .04. This article takes effect September 1, 2011.

Amendment No. 48 failed of adoption by (Record 1211): 47 Yeas, 97 Nays, 1 Present, not voting.

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

Nays — 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; 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.; Kleinschmidt; Kolkhorst; Kuempel; Landroop; 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; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent — Castro; Deshotel; Naishtat; Peña; Thompson.

STATEMENTS OF VOTE

When Record No. 1211 was taken, I was in the house but away from my desk. I would have voted yes.

Castro

When Record No. 1211 was taken, I was in the house but away from my desk. I would have voted yes.

Peña

Amendment No. 49

Representative Gallego offered the following amendment to **CSSB 1811**:

Floor Packet Page No. 364

Amend **CSSB 1811** (house committee report) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent SECTIONS and ARTICLES of the bill accordingly:

ARTICLE ____ ABOLITION OF TEXAS FACILITIES COMMISSION AND
TRANSFER OF DUTIES TO GENERAL LAND OFFICE

SECTION ____ .01. Section 466.104(b), Government Code, is amended to read as follows:

(b) The comptroller may request assistance from the General Land Office [~~Texas Facilities Commission~~] in performing its facilities-related duties under this section.

SECTION ____ .02. Section 571.061(a), Government Code, is amended to read as follows:

- (a) The commission shall administer and enforce:
- (1) Chapters 302, 303, 305, 572, and 2004;
 - (2) Subchapter C, Chapter 159, Local Government Code, in connection with a county judicial officer, as defined by Section 159.051, Local Government Code, who elects to file a financial statement with the commission;
 - (3) Title 15, Election Code; and

(4) Section ~~[Sections 2152.064 and]~~ 2155.003.

SECTION .03. Section 571.091(a), Government Code, is amended to read as follows:

(a) The commission shall prepare a written opinion answering the request of a person subject to any of the following laws for an opinion about the application of any of these laws to the person in regard to a specified existing or hypothetical factual situation:

- (1) Chapter 302;
- (2) Chapter 303;
- (3) Chapter 305;
- (4) Chapter 2004;
- (5) Chapter 572;
- (6) Subchapter C, Chapter 159, Local Government Code, as provided by Section 571.061(a)(2);
- (7) Title 15, Election Code;
- (8) Chapter 36, Penal Code;
- (9) Chapter 39, Penal Code; or
- (10) ~~[Section 2152.064; or~~
~~[(11)]~~ Section 2155.003.

SECTION .04. Section 572.003(c), Government Code, is amended to read as follows:

(c) The term means a member of:

- (1) the Public Utility Commission of Texas;
- (2) the Texas Department of Economic Development;
- (3) the Texas Commission on Environmental Quality;
- (4) the Texas Alcoholic Beverage Commission;
- (5) The Finance Commission of Texas;
- (6) ~~[the Texas Facilities Commission;~~
- ~~[(7)]~~ the Texas Board of Criminal Justice;
- ~~[(8)]~~ the board of trustees of the Employees Retirement System of

Texas;

- ~~[(9)]~~ the Texas Transportation Commission;
- ~~[(10) the Texas Workers' Compensation Commission;~~
- ~~[(11)]~~ the Texas Department of Insurance;
- ~~[(12)]~~ the Parks and Wildlife Commission;
- ~~[(13)]~~ the Public Safety Commission;
- ~~[(14)]~~ the Texas Ethics Commission;
- ~~[(15)]~~ the State Securities Board;
- ~~[(16)]~~ the Texas Water Development Board;
- ~~[(17)]~~ the governing board of a public senior college or university

as defined by Section 61.003, Education Code, or of The University of Texas Southwestern Medical Center at Dallas, The University of Texas Medical Branch at Galveston, The University of Texas Health Science Center at Houston, The University of Texas Health Science Center at San Antonio, The University of Texas System M. D. Anderson Cancer Center, The University of Texas Health Science Center at Tyler, University of North Texas Health Science Center at Fort

Worth, Texas Tech University Health Sciences Center, Texas State Technical College—Harlingen, Texas State Technical College—Marshall, Texas State Technical College—Sweetwater, or Texas State Technical College—Waco;

(16) ~~[(18)]~~ the Texas Higher Education Coordinating Board;

(17) ~~[(19)]~~ the Texas Workforce Commission;

(18) ~~[(21)]~~ the board of trustees of the Teacher Retirement System of Texas;

(19) ~~[(22)]~~ the Credit Union Commission;

(20) ~~[(23)]~~ the School Land Board;

(21) ~~[(24)]~~ the board of the Texas Department of Housing and Community Affairs;

(22) ~~[(25)]~~ the Texas Racing Commission;

(23) ~~[(26)]~~ the State Board of Dental Examiners;

(24) ~~[(27)]~~ the Texas Medical ~~[State]~~ Board ~~[of Medical Examiners]~~;

(25) ~~[(28)]~~ the Board of Pardons and Paroles;

(26) ~~[(29)]~~ the Texas State Board of Pharmacy;

(27) ~~[(30)]~~ the Department of Information Resources governing board;

(28) ~~[(31)]~~ the Motor Vehicle Board;

(29) ~~[(32)]~~ the Texas Real Estate Commission;

(30) ~~[(33)]~~ the board of directors of the State Bar of Texas;

(31) ~~[(34)]~~ the bond review board;

(32) ~~[(35)]~~ the ~~[Texas Board of]~~ Health and Human Services Commission;

~~(33) [(36) the Texas Board of Mental Health and Mental Retardation;~~

~~[(37) the Texas Board on Aging;~~

~~[(38) the Texas Board of Human Services;~~

~~[(39)]~~ the Texas Funeral Service Commission;

(34) ~~[(40)]~~ the board of directors of a river authority created under the Texas Constitution or a statute of this state; or

(35) ~~[(41)]~~ the Texas Lottery Commission.

SECTION ____ .05. Section 659.301(5), Government Code, is amended to read as follows:

(5) "State employee" means an individual who:

(A) is a commissioned law enforcement officer of the Department of Public Safety, the General Land Office ~~[Texas Facilities Commission]~~, the Texas Alcoholic Beverage Commission, or the Texas Department of Criminal Justice;

(B) is a commissioned security officer of the comptroller;

(C) is a law enforcement officer commissioned by the Parks and Wildlife Commission;

(D) is a commissioned peace officer of an institution of higher education;

(E) is an employee or official of the Board of Pardons and Paroles or the parole division of the Texas Department of Criminal Justice if the employee or official has routine direct contact with inmates of any penal or correctional institution or with administratively released prisoners subject to the board's jurisdiction;

(F) has been certified to the Employees Retirement System of Texas under Section 815.505 as having begun employment as a law enforcement officer or custodial officer, unless the individual has been certified to the system as having ceased employment as a law enforcement officer or custodial officer; or

(G) before May 29, 1987, received hazardous duty pay based on the terms of any state law if the individual holds a position designated under that law as eligible for the pay.

SECTION ____ .06. Section 663.001(3), Government Code, is amended to read as follows:

(3) "Commission" means the commissioner of the General Land Office [~~Texas Facilities Commission~~].

SECTION ____ .07. Section 2151.003, Government Code, is amended to read as follows:

Sec. 2151.003. REFERENCE. A statutory reference to the General Services Commission, the State Board of Control, the State Purchasing and General Services Commission, or the Texas Building and Procurement Commission means:

(1) the commissioner of the General Land Office [~~Texas Facilities Commission~~] if the statutory reference concerns:

(A) charge and control of state buildings, grounds, or property;

(B) maintenance or repair of state buildings, grounds, or property;

(C) construction of a state building;

(D) purchase or lease of state buildings, grounds, or property by or for the state;

(E) child care services for state employees under Chapter 663; or

(F) surplus and salvage property; and

(2) the comptroller in all other circumstances, except as otherwise provided by law.

SECTION ____ .08. Section 2151.004(c), Government Code, is amended to read as follows:

(c) The commissioner of the General Land Office [~~Texas Facilities Commission~~] retains the powers and duties of the former Texas Building and Procurement Commission relating to charge and control of state buildings, grounds, or property, maintenance or repair of state buildings, grounds, or property, child care services for state employees under Chapter 663, surplus and salvage property, construction of a state building, or purchase or lease of state buildings, grounds, or property by or for the state.

SECTION ____ .09. Section 2151.0041(c), Government Code, is amended to read as follows:

(c) Unless otherwise provided by the legislature by law, on September 1, 2013:

(1) the powers and duties transferred to the comptroller under Section 2151.004(d) and under **HB 3560**, Acts of the 80th Legislature, Regular Session, 2007, are transferred to the commissioner of the General Land Office [~~Texas Facilities Commission~~];

(2) a reference in law to the comptroller relating to a power or duty transferred under this subsection means the commissioner of the General Land Office [~~Texas Facilities Commission~~];

(3) a rule or form adopted by the comptroller relating to a power or duty transferred under this subsection is a rule or form of the commissioner of the General Land Office [~~Texas Facilities Commission~~] and remains in effect until altered by the commission;

(4) all obligations, contracts, proceedings, cases, negotiations, funds, and employees of the comptroller relating to a power or duty transferred under this subsection are transferred to the commissioner of the General Land Office [~~Texas Facilities Commission~~];

(5) all property and records in the custody of the comptroller relating to a power or duty transferred under this subsection and all funds appropriated by the legislature for purposes related to a power or duty transferred under this subsection are transferred to the commissioner of the General Land Office [~~Texas Facilities Commission~~]; and

(6) Section 122.0011, Human Resources Code, and the following provisions of the Government Code expire:

- (A) Sections 2151.004(c) and (d);
- (B) Section 2155.0011;
- (C) Section 2155.086;
- (D) Section 2155.087;
- (E) Section 2156.0011;
- (F) Section 2157.0011;
- (G) Section 2158.0011;
- (H) Section 2161.0011;
- (I) Section 2163.0011;
- (J) Section 2170.0011;
- (K) Section 2171.0011;
- (L) Section 2172.0011;
- (M) Section 2176.0011; and
- (N) Section 2262.0011.

SECTION _____.10. Section 2155.087(b), Government Code, is amended to read as follows:

(b) The Statewide Procurement Advisory Council consists of the following four members or their designees:

- (1) one member appointed by the governor;
- (2) one member appointed by the commissioner of the General Land Office [~~Texas Facilities Commission~~];
- (3) one member appointed by the Department of Information Resources; and
- (4) one member appointed by the Legislative Budget Board.

SECTION ____ .11. Section 2162.051(a), Government Code, is amended to read as follows:

(a) The State Council on Competitive Government consists of the following individuals or the individuals they designate:

- (1) the governor;
- (2) the lieutenant governor;
- (3) the comptroller;
- (4) the speaker of the house of representatives;
- (5) ~~the presiding officer of the Texas Facilities Commission;~~
- ~~[(6)]~~ the commissioner of the Texas Workforce Commission representing labor; and
- ~~(6) [(7)]~~ the land commissioner.

SECTION ____ .12. Section 2165.0011, Government Code, is amended to read as follows:

Sec. 2165.0011. DEFINITION. In this chapter, "commission" means the commissioner of the General Land Office ~~[Texas Facilities Commission]~~.

SECTION ____ .13. Section 2166.001(1), Government Code, is amended to read as follows:

(1) "Commission" means the commissioner of the General Land Office ~~[Texas Facilities Commission]~~.

SECTION ____ .14. Sections 2166.257(b) and (c), Government Code, are amended to read as follows:

(b) The money reserved under Subsection (a)(2) may be used only if:

(1) the design professional or contractor recommends and justifies the proposed contingency expenditures by submitting a change order request;

(2) the proposed change order request is approved by the design professional;

(3) the proposed change order request is approved by the using agency and the agency makes a formal request for the allocation of money from the contingency reserve; and

(4) the employee of the General Land Office responsible for ~~[director of]~~ facilities construction and space management ~~[appointed under Section 2152.104]~~ investigates the nature of the change order and concurs in the necessity of the proposed expenditure or refuses to concur not later than the 15th day after the date of receiving the request.

(c) If the employee of the General Land Office responsible for ~~[director of]~~ facilities construction and space management refuses to concur in a proposed contingency expenditure, the using agency may appeal to the commission. The commission's findings are final. The commission shall adopt rules on the procedures for an appeal under this subsection.

SECTION ____ .15. Section 2166.305(b), Government Code, is amended to read as follows:

(b) A committee appointed by the commission shall perform the review. The committee consists of:

(1) one individual appointed by the commissioner of the General Land Office [~~the director of facilities construction and space management appointed under Section 2152.104~~], who serves as the presiding officer of the committee;

(2) six individuals appointed by the commission, one each from the lists of nominees submitted respectively by the:

(A) president of the Texas Society of Architects;

(B) president of the Texas Society of Professional Engineers;

(C) presiding officer of the Executive Council of the Texas Associated General Contractors Chapters;

(D) executive secretary of the Mechanical Contractors Associations of Texas, Incorporated;

(E) executive secretary of the Texas Building and Construction Trades Council; and

(F) president of the Associated Builders and Contractors of Texas;

(3) one individual appointed by the commission representing an institution of higher education, as defined by Section 61.003, Education Code;

(4) one individual appointed by the commission representing a state agency that has a substantial ongoing construction program;

(5) one individual appointed by the commission representing the attorney general's office;

(6) one individual appointed by the commission representing the interests of historically underutilized businesses; and

(7) two individuals appointed by the commission, each representing a different minority contractors association.

SECTION ____ .16. Section 2167.0011, Government Code, is amended to read as follows:

Sec. 2167.0011. DEFINITION. In this chapter, "commission" means the commissioner of the General Land Office [~~Texas Facilities Commission~~].

SECTION ____ .17. Section 2175.001(1-a), Government Code, is amended to read as follows:

(1-a) "Commission" means the commissioner of the General Land Office [~~Texas Facilities Commission~~].

SECTION ____ .18. The following provisions of the Government Code are repealed:

(1) Section 551.0726; and

(2) Chapter 2152.

SECTION ____ .19. (a) The Texas Facilities Commission is abolished.

(b) The validity of an action taken by the Texas Facilities Commission before it is abolished is not affected by the abolition.

SECTION ____ .20. (a) All powers and duties of the Texas Facilities Commission are transferred to the General Land Office.

(b) A rule, form, policy, procedure, or decision of the Texas Facilities Commission continues in effect as a rule, form, policy, procedure, or decision of the General Land Office until superseded by an act of the land commissioner or the land commissioner's designee.

(c) A court case, administrative proceeding, contract negotiation, or other proceeding involving the Texas Facilities Commission is transferred without change in status to the General Land Office, and the General Land Office assumes, without a change in status, the position of the Texas Facilities Commission in a negotiation or proceeding to which the Texas Facilities Commission is a party.

(d) All money, contracts, leases, rights, bonds, and obligations of the Texas Facilities Commission are transferred to the General Land Office.

(e) All personal property, including records, in the custody of the Texas Facilities Commission becomes the property of the General Land Office.

(f) All funds appropriated by the legislature to the Texas Facilities Commission are transferred to the General Land Office.

SECTION ____.21. This article takes effect October 1, 2011.

Amendment No. 49 was withdrawn.

Amendment No. 50

Representative Gallego offered the following amendment to **CSSB 1811**:

Floor Packet Page No. 376

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE ____ . ABOLISHMENT OF THE TEXAS EMERGING TECHNOLOGY FUND

Section ____.01. (a) Subchapters A, B, C, D, E, F, and G, Chapter 490, Government Code, are repealed.

(b) The repeal by this article of Subchapters A, B, C, D, E, F, and G, Chapter 490, Government Code, does not affect the validity of any agreement between the governor and an award recipient or a person or entity to be awarded money entered into under those subchapters before the effective date of this article.

(c) On the effective date of this article, the Texas emerging technology fund is abolished and the unexpended and unencumbered money from that fund is available in the general revenue fund and may be used in accordance with legislative appropriation.

(d) After the effective date of this article, unspent but encumbered money in the Texas emerging technology fund at the time the fund was abolished is in the general revenue fund. If the money was deposited in the Texas emerging technology fund as a gift, grant, or donation under Chapter 490, Government Code, and is encumbered by the specific terms of the gift, grant, or donation, the money may be spent only in accordance with the terms of the gift, grant, or donation. If the money is encumbered because it has been awarded or otherwise obligated by agreement before the effective date of this article but under the terms of the award or agreement will not be distributed until a future time, the money shall be distributed in accordance with the terms of the award or agreement. If the governor determines that the money will not be distributed in accordance with the terms of the award or agreement, the governor shall certify that fact to the

comptroller. On that certification, the comptroller shall make that money available in the general revenue fund to be used in accordance with legislative appropriation.

(e) After the effective date of this article, any royalties, revenues, and other financial benefits realized from a project undertaken with money from the Texas emerging technology fund, as provided by a contract entered into under Section 490.103, Government Code, shall be deposited into the general revenue fund.

(f) Subchapters A, B, C, D, E, F, and G, Chapter 490, Government Code, are continued in effect for the limited purpose of supplying the necessary authority to administer Subsections (d) and (e) of this section.

SECTION _____.02. This article takes effect September 1, 2011.

Amendment No. 50 failed of adoption by (Record 1212): 50 Yeas, 91 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Brown; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; Huberty; Hughes; Johnson; King, T.; Legler; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Patrick; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Simpson; Strama; Turner; Veasey; Villarreal; Vo; Walle.

Nays — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Burkett; Button; Cain; Callegari; Carter; Chisum; 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.; Howard, D.; Hunter; Isaac; Jackson; Keffer; King, P.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Laubenberg; Lavender; Lewis; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent — Alvarado; Christian; Dukes; King, S.; Landtroop; Martinez Fischer; Paxton; Thompson.

STATEMENTS OF VOTE

When Record No. 1212 was taken, I was in the house but away from my desk. I would have voted yes.

Alvarado

When Record No. 1212 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

When Record No. 1212 was taken, I was in the house but away from my desk. I would have voted yes.

Martinez Fischer

When Record No. 1212 was taken, I was in the house but away from my desk. I would have voted yes.

Paxton

Amendment No. 51

Representative Veasey offered the following amendment to **CSSB 1811**:

Floor Packet Page No. 474

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering the remaining ARTICLES and SECTIONS of the bill accordingly:

ARTICLE _____. CERTAIN DUTIES OF THE LEGISLATIVE BUDGET BOARD

SECTION _____.01. Section 322.008, Government Code, is amended by adding Subsection (c-1) to read as follows:

(c-1) If the budget of estimated appropriations does not provide funding for a public institution, including a public institution of higher education or a hospital, that received an appropriation in the previous biennium, the director shall disclose that fact to each member representing a legislative district in which the affected institution is located not later than the seventh day before the date the budget of estimated appropriations is transmitted under Subsection (c) or otherwise made publicly available.

Amendment No. 51 failed of adoption by (Record 1213): 52 Yeas, 92 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Harper-Brown; Hernandez Luna; Hochberg; Howard, D.; Johnson; Landtroop; Lewis; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Perry; Pickett; Quintanilla; Raymond; Rodriguez; Simpson; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle; Weber; White.

Nays — 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; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Hilderbran; Hopson; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Laubenberg; Lavender; Legler; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pitts; Price; Riddle; Ritter;

Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent — Davis, Y.; Howard, C.; King, S.; Martinez Fischer; Reynolds.

STATEMENT OF VOTE

When Record No. 1213 was taken, I was in the house but away from my desk. I would have voted yes.

Martinez Fischer

Amendment No. 52

Representative Larson offered the following amendment to **CSSB 1811**:

Floor Packet Page No. 482

Amend **CSSB 1811** by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS accordingly:

SECTION _____. Subchapter A, Chapter 382, Health and Safety Code, is amended by adding Section 382.005 to read as follows:

Sec. 382.005. PROHIBITION ON IMPLEMENTATION OF GREENHOUSE GAS EMISSIONS REGULATORY PROGRAMS. (a) In this section:

(1) "Greenhouse gas" includes:

(A) carbon dioxide;

(B) methane;

(C) nitrous oxide;

(D) hydrofluorocarbons;

(E) perfluorocarbons;

(F) sulfur hexafluoride; and

(G) other gases or substances incorporated into a regional or federal greenhouse gas emissions regulatory program.

(2) "Greenhouse gas emissions regulatory program" means an arrangement under which a greenhouse gas emissions source is required to account for or report greenhouse gas emissions. The term includes a market-based compliance mechanism.

(3) "Market-based compliance mechanism" means a system of market-based declining annual aggregate greenhouse gas emissions limits, including a greenhouse gas emissions exchange, banking, credit, or other similar transaction.

(b) A state agency, including the commission, may not implement or adopt rules that would implement a greenhouse gas emissions regulatory program required by federal statute or agency rule unless the federal government provides federal money to cover all anticipated costs and economic losses to this state that may result from the implementation of the program.

(c) A state employee may not participate on a board, committee, or related entity, or in a study, of a national organization assigned to recommend provisions to implement a federal greenhouse gas emissions regulatory program. This subsection does not apply to actions taken by a state employee to reduce greenhouse gas emissions outside the employee's official duties.

Amendment No. 52 was adopted by (Record 1214): 76 Yeas, 67 Nays, 1 Present, not voting.

Yeas — Anderson, C.; Anderson, R.; Beck; Burkett; Button; Cain; Carter; Chisum; Christian; Coleman; Cook; Craddock; Creighton; Davis, S.; Deshotel; Driver; Dukes; Eiland; Eissler; Frullo; Gallego; Garza; Gonzales, L.; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harper-Brown; Hartnett; Howard, C.; Huberty; Hughes; Hunter; Isaac; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kuempel; Larson; Laubenberg; Lavender; Legler; Lewis; Madden; Martinez; McClendon; Menendez; Morrison; Nash; Orr; Otto; Parker; Paxton; Phillips; Pickett; Price; Quintanilla; Raymond; Riddle; Schwertner; Scott; Sheets; Sheffield; Simpson; Smith, T.; Smithee; Taylor, L.; Taylor, V.; Weber; White; Woolley; Zedler; Zerwas.

Nays — Aliseda; Allen; Alonzo; Alvarado; Anchia; Aycock; Berman; Bohac; Bonnen; Branch; Brown; Burnam; Callegari; Castro; Darby; Davis, J.; Davis, Y.; Dutton; Elkins; Farias; Farrar; Fletcher; Flynn; Geren; Giddings; Gonzales, V.; Gonzalez; Gutierrez; Harless; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, D.; Johnson; Kolkhorst; Lozano; Lucio; Lyne; Mallory Caraway; Margo; Marquez; Miles; Miller, D.; Miller, S.; Muñoz; Murphy; Naishtat; Oliveira; Patrick; Peña; Pitts; Reynolds; Ritter; Rodriguez; Shelton; Smith, W.; Strama; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Workman.

Present, not voting — Mr. Speaker(C).

Absent — Crownover; Jackson; Landtroop; Martinez Fischer; Perry; Solomons.

STATEMENTS OF VOTE

I was shown voting no on Record No. 1214. I intended to vote yes.

Aliseda

I was shown voting no on Record No. 1214. I intended to vote yes.

Bonnen

I was shown voting no on Record No. 1214. I intended to vote yes.

Gonzalez

I was shown voting no on Record No. 1214. I intended to vote yes.

Hilderbran

I was shown voting no on Record No. 1214. I intended to vote yes.

Kolkhorst

I was shown voting no on Record No. 1214. I intended to vote yes.

Margo

When Record No. 1214 was taken, I was in the house but away from my desk. I would have voted no.

Martinez Fischer

Amendment No. 53

Representative Crownover offered the following amendment to **CSSB 1811**:
Floor Packet Page No. 513

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . REDUCING STATE MEDICAID AND OTHER HEALTH CARE COSTS BY PROHIBITING SMOKING IN CERTAIN PUBLIC PLACES

SECTION ____ .01. The legislature finds that the changes in law made by this article will reduce the state's costs for health care and for treatment of smoking-related illness under governmentally funded insurance programs for state employees and their dependents and under other taxpayer-supported programs, such as Medicaid and indigent health care.

SECTION ____ .02. (a) Chapter 169, Health and Safety Code, as added by this article, takes effect on the 90th day after the date the executive commissioner of the Health and Human Services Commission:

(1) certifies in writing that prohibiting smoking in certain public places in accordance with Chapter 169, Health and Safety Code, as added by this article, will reduce this state's Medicaid expenditures in the state fiscal biennium ending August 31, 2013, by at least \$10 million paid from any revenue source or by \$4 million paid from the general revenue fund; and

(2) publishes the certification in the Texas Register.

(b) On publication of the certification as described by Subsection (a)(2) of this section, the Health and Human Services Commission shall post on the commission's Internet website a copy of that certification and notice of the requirements of Chapter 169, Health and Safety Code, as added by this article.

(c) Not later than the 30th day after the date the executive commissioner of the Health and Human Services Commission publishes the certification as described by Subsection (a)(2) of this section, the Department of State Health Services, the Alcoholic Beverage Commission, and each county, public health district, and local health department shall:

(1) post a copy of the certification on its Internet website; or

(2) provide notice to holders subject to Chapter 169, Health and Safety Code, as added by this article, of the requirements of that chapter.

(d) If the executive commissioner of the Health and Human Services Commission fails to provide the certification required by Subsection (a) of this section on or before January 1, 2012, this article expires and Chapter 169, Health and Safety Code, does not take effect.

SECTION ____ .03. Subtitle H, Title 2, Health and Safety Code, is amended by adding Chapter 169 to read as follows:

CHAPTER 169. SMOKING PROHIBITED IN PUBLIC PLACES

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 169.001. DEFINITIONS. In this chapter:

(1) "Bar" means an enclosed indoor establishment that is open to the public and is devoted primarily to the sale and service of alcoholic beverages for on-premises consumption.

(2) "Department" means the Department of State Health Services.

(3) "Enclosed area" means all space between a floor and ceiling that is enclosed on all sides by solid walls or windows, exclusive of doorways, that extend from the floor to the ceiling.

(4) "Public place" means an enclosed area the public is invited or allowed to enter, including a bar and a restaurant.

(5) "Restaurant" means an enclosed indoor establishment that is open to the public and is devoted primarily to the sale and service of food for immediate consumption. The term includes a bar located at the establishment.

(6) "Smoke" means to inhale, exhale, burn, or carry a lighted cigar, cigarette, pipe, or other smoking equipment in any manner.

(7) "Tobacco bar" means a business that:

(A) has in excess of 15 percent of gross sales in tobacco products, as that term is defined by Section 155.001, Tax Code, excluding sales derived from vending machines;

(B) holds a permit under Chapter 155, Tax Code; and

(C) holds an alcoholic beverage permit or license issued under Chapter 25, 28, 32, or 69, Alcoholic Beverage Code, or under Section 11.10, Alcoholic Beverage Code.

(8) "Tobacco shop" means a business primarily devoted to the sale of tobacco products, as that term is defined by Section 155.001, Tax Code, that does not hold an alcoholic beverage permit or license.

Sec. 169.002. APPLICABILITY. (a) Except as provided by Section 169.053, this chapter applies only to a public place that is owned, managed, operated, or controlled under a license, certificate, registration, or other authority or permit issued for the public place or to a person who owns, manages, operates, or controls the public place by the Department of State Health Services, the Alcoholic Beverage Commission, or a local health department or, with respect to a permit requirement authorized by Chapter 437, a county or public health district.

(b) Except as provided by Subsection (c), this chapter preempts and supersedes a local ordinance, rule, or regulation adopted by any political subdivision of this state relating to smoking.

(c) To the extent that a local ordinance, rule, or regulation adopted by a political subdivision of this state prohibits or restricts smoking to a greater degree than this chapter, the ordinance, rule, or regulation is not preempted or superseded by this chapter.

(d) This chapter does not preempt or supersede Section 38.006, Education Code.

Sec. 169.003. OTHER APPLICABLE LAWS. This chapter may not be construed to authorize smoking where it is restricted by other applicable law.

Sec. 169.004. LIBERAL CONSTRUCTION. This chapter shall be liberally construed to further its purpose.

[Sections 169.005-169.050 reserved for expansion]

SUBCHAPTER B. PROHIBITED ACTS

Sec. 169.051. SMOKING PROHIBITED IN PUBLIC PLACES. A person may not smoke in a public place in this state.

Sec. 169.052. EXCEPTIONS. (a) This subchapter does not apply to:

- (1) a tobacco shop;
- (2) a tobacco bar;
- (3) the outdoor area of a restaurant or bar;
- (4) an outdoor porch or patio that is not accessible to the public;
- (5) the set of a motion picture, television, or theater production; or
- (6) a convention of tobacco-related businesses in a municipality where

a convention of tobacco-related businesses is expressly authorized under an applicable municipal ordinance.

(b) The exception under Subsection (a)(5) applies only to an actor who is portraying the use of a tobacco product during the motion picture, television, or theater production.

Sec. 169.053. DECLARATION OF ESTABLISHMENT AS NONSMOKING. (a) An owner, operator, manager, or other person in control of any establishment, facility, or outdoor area may declare that entire establishment, facility, or outdoor area as a nonsmoking place.

(b) A person may not smoke in a place in which a sign conforming to the requirements of Section 169.054 is posted.

Sec. 169.054. DUTIES OF OWNER, MANAGER, OR OPERATOR OF PUBLIC PLACE. An owner, manager, or operator of a public place shall:

- (1) post clearly and conspicuously in the public place:
 - (A) a sign with the words "No Smoking"; or
 - (B) a sign with the international "No Smoking" symbol, consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across the cigarette;
- (2) post at each entrance to the public place a conspicuous sign clearly stating that smoking is prohibited; and
- (3) remove all ashtrays from any area in which smoking is prohibited.

[Sections 169.055-169.100 reserved for expansion]

SUBCHAPTER C. ENFORCEMENT AND PENALTIES

Sec. 169.101. ENFORCEMENT. (a) The department shall enforce this chapter.

(b) A governmental entity described by Section 169.002(a) that issues a license, certificate, registration, or other authority or permit for a public place or to a person who owns, manages, operates, or controls the public place shall provide notice to each applicant for the permit or authority of the provisions of this chapter.

(c) A person may file with the department a complaint concerning a violation of this chapter.

(d) The department or another agency of this state or a political subdivision of this state designated by the department may inspect an establishment for compliance with this chapter.

(e) An employer or an owner, manager, operator, or employee of an establishment regulated under this chapter shall inform a person violating this chapter of the appropriate provisions pertaining to the violation.

Sec. 169.102. INJUNCTIVE RELIEF. In addition to the other remedies provided by this chapter, the attorney general at the request of the department, or a person aggrieved by a violation of this chapter, may bring an action for injunctive relief to enforce this chapter.

Sec. 169.103. OFFENSES; PENALTIES. (a) A person who violates Section 169.051 or 169.053(b) commits an offense. An offense under this subsection is a Class C misdemeanor punishable by a fine not to exceed \$50.

(b) An owner, manager, or operator of a public place who violates Section 169.054 commits an offense. An offense under this subsection is a Class C misdemeanor punishable by a fine not to exceed \$100.

(c) If it is shown on the trial of an offense under Subsection (b) that the defendant has previously been finally convicted of an offense under that subsection that occurred within one year before the date of the offense that is the subject of the trial, on conviction the defendant shall be punished by a fine not to exceed \$200.

(d) If it is shown on the trial of an offense under Subsection (b) that the defendant has previously been finally convicted of two offenses under that subsection that occurred within one year before the date of the offense that is the subject of the trial, on conviction the defendant shall be punished by a fine not to exceed \$500.

(e) If conduct that constitutes an offense under this section also constitutes an offense under another law, the offense may be prosecuted under this section, the other law, or both this section and the other law.

Sec. 169.104. SEPARATE VIOLATIONS. Each day on which a violation of this chapter occurs is considered a separate violation.

Amendment No. 54

Representative Elkins offered the following amendment to Amendment No. 53:

Amend the Crownover Amendment to **CSSB 1811** by adding two additional appropriately numbered exemptions to proposed Sec. 169.052 read as follows:

(____) a fraternal or veterans organization as defined by Section 32.11, Alcoholic Beverage Code;

() a premises on which charitable bingo is authorized to be conducted under Chapter 2001, Occupations Code, if the premises are not located in a county with a population greater than 2.2 million that is adjacent to a county with a population of more than 600,000;

Amendment No. 54 was adopted by (Record 1215): 90 Yeas, 54 Nays, 1 Present, not voting.

Yeas — Aliseda; Alonzo; Anderson, C.; Anderson, R.; Aycock; Beck; Bonnen; Branch; Burkett; Button; Cain; Carter; Christian; Craddick; Creighton; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Elkins; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harper-Brown; Hilderbran; Howard, C.; Huberty; Hughes; Hunter; Jackson; Johnson; Keffer; King, P.; King, T.; Kleinschmidt; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lyne; Madden; Margo; Marquez; Menendez; Miles; Miller, D.; Miller, S.; Muñoz; Murphy; Nash; Orr; Otto; Parker; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Schwertner; Scott; Sheets; Simpson; Smith, W.; Smithee; Solomons; Taylor, V.; Torres; Weber; White; Workman; Zedler.

Nays — Allen; Alvarado; Anchia; Berman; Bohac; Brown; Burnam; Callegari; Castro; Chisum; Coleman; Cook; Crownover; Driver; Dukes; Dutton; Eiland; Farias; Farrar; Giddings; Gonzales, V.; Gonzalez; Gutierrez; Harless; Hartnett; Hernandez Luna; Hochberg; Hopson; Howard, D.; Isaac; King, S.; Kolkhorst; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McClendon; Naishtat; Oliveira; Patrick; Ritter; Rodriguez; Shelton; Smith, T.; Strama; Thompson; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent — Eissler; Guillen; Morrison; Sheffield; Taylor, L.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1215. I intended to vote no.

Gallego

I was shown voting no on Record No. 1215. I intended to vote yes.

Kolkhorst

I was shown voting no on Record No. 1215. I intended to vote yes.

Ritter

Amendment No. 55

Representative Aliseda offered the following amendment to Amendment No. 53:

Amend Amendment No. 53 by Crownover to **CSSB 1811** (page 513 of the prefiled amendments packet) as follows:

(1) In SECTION ____ 03 of the amendment, in added Section 169.002(c), Health and Safety Code (page 4, line 11), following the underlined period, insert "This subsection does not apply to a billiard hall in the political subdivision that operates more than 10 non-coin-operated billiards tables within the premises and allows on the premises only customers 21 years of age and older."

(2) In SECTION ____ .03 of the amendment, in added Section 169.052(a)(5), Health and Safety Code (page 4, line 31), strike "; or" and substitute ":",².

(3) In SECTION ____ .03 of the amendment, in added Section 169.052(a)(6), Health and Safety Code (page 5, line 3), between "ordinance" and the underlined period, insert the following:

; or

(7) a billiard hall that operates more than 10 non-coin-operated billiards tables within the premises and allows on the premises only customers 21 years of age and older

COMMITTEE GRANTED PERMISSION TO MEET

Representative Harper-Brown requested permission for the Conference Committee on **SB 1420** to meet while the house is in session, at 9:40 p.m. or upon adjournment of the senate today, in 3E.4, to consider the conference committee report on **SB 1420**.

Permission to meet was granted.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence temporarily for today to attend a meeting of the Conference Committee on **SB 1420**:

Harper-Brown on motion of Guillen.

Phillips on motion of Guillen.

The following member was granted leave of absence for the remainder of today to attend a meeting of the Conference Committee on **SB 1420**:

Pickett on motion of Guillen.

CSSB 1811 - (consideration continued)

Amendment No. 55 was adopted by (Record 1216): 79 Yeas, 58 Nays, 3 Present, not voting.

Yeas — Aliseda; Allen; Anderson, C.; Anderson, R.; Beck; Berman; Bonnen; Branch; Burkett; Button; Cain; Carter; Christian; Creighton; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Hilderbran; Howard, C.; Huberty; Hughes; Hunter; Jackson; King, P.; King, T.; Kleinschmidt; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lyne; Madden; Margo; Menendez; Miles; Miller, D.; Miller, S.; Murphy; Nash; Orr; Parker; Paxton; Peña; Perry; Pitts; Price; Quintanilla; Riddle; Ritter; Schwertner; Scott; Sheets; Simpson; Smith, W.; Smithee; Solomons; Taylor, V.; Torres; Weber; White; Workman; Zedler.

Nays — Alonzo; Alvarado; Anchia; Bohac; Brown; Burnam; Callegari; Castro; Chisum; Coleman; Craddick; Crownover; Darby; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Gutierrez; Harless; Hartnett; Hernandez Luna; Hochberg; Hopson; Howard, D.; Isaac; Johnson; King, S.; Kolkhorst; Mallory Caraway; Marquez; Martinez; McClendon; Muñoz; Naishtat; Oliveira; Otto; Patrick; Reynolds; Rodriguez; Sheffield; Shelton; Smith, T.; Strama; Thompson; Truitt; Turner; Villarreal; Vo; Walle; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C); Martinez Fischer; Veasey.

Absent, Excused — Harper-Brown; Phillips; Pickett.

Absent — Aycock; Cook; Keffer; Lucio; Morrison; Raymond; Taylor, L.

Amendment No. 56

Representative Simpson offered the following amendment to Amendment No. 53:

Amend Amendment No. 53 by Crownover to **CSSB 1811** in Chapter 169, Health and Safety Code, as added by SECTION __.03 of the article added by the amendment (page __, prefiled amendment packet) as follows:

(1) Strike "SMOKING" each place it appears and substitute "SMOKING AND WEARING PERFUME OR COLOGNE".

(2) Strike "smoking" each place it appears and substitute "smoking and wearing perfume or cologne" other than the place the word appears in added Section 169.001(6), Health and Safety Code (page 3, line 10).

(3) In added Section 169.001, Health and Safety Code (page 3, between lines 24 and 25), insert the following new subdivision:

(9) "Wearing perfume or cologne" means the application on an individual's skin of a liquid substance, extract, or preparation that emits and diffuses a fragrant odor.

(4) Strike "may not smoke" each place the phrase appears and substitute "may not smoke or wear perfume or cologne".

(5) In added Section 169.053, Health and Safety Code, in the heading (page 5, line 7), strike "NONSMOKING" and substitute "NONSMOKING AND PERFUME AND COLOGNE-FREE".

(6) In added Section 169.053 (page 5, line 10), strike "nonsmoking" and substitute "nonsmoking or perfume and cologne-free".

(7) In added Section 169.054(1)(A), Health and Safety Code (page 5, line 19), strike "No Smoking" and substitute "No Smoking and No Wearing Perfume or Cologne".

(8) In added Section 169.054(1)(B), Health and Safety Code (page 5, line 23), strike "cigarette" and substitute "cigarette, and with the 'No Wearing Perfume or Cologne' symbol as designated by department rule".

Amendment No. 56 - Point of Order

Representative Isaac raised a point of order against further consideration of Amendment No. 56 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

The point of order was withdrawn.

Amendment No. 56 was withdrawn.

MESSAGES FROM THE SENATE

Messages from the senate were received at this time (see the addendum to the daily journal, Messages from the Senate, Message Nos. 2 and 3).

CSSB 1811 - (consideration continued)**Amendment No. 57**

Representative Laubenberg offered the following amendment to Amendment No. 53:

Amend Amendment No. 53 by Crownover to **CSSB 1811** (barcode no. 823928) on page 7 of the amendment, immediately following line 15, by adding the following:

ARTICLE ____ . SMOKING IN CERTAIN PUBLIC PLACES

SECTION ____ .01. (a) Notwithstanding any other law, a person commits an offense if the person smokes a cigarette or other tobacco product in the Texas State Capitol.

(b) An offense under this section is a Class C misdemeanor.

Amendment No. 57 was adopted.

(Branch in the chair)

Amendment No. 53, as amended, was adopted by (Record 1217): 73 Yeas, 66 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Berman; Bohac; Brown; Burnam; Button; Callegari; Castro; Chisum; Coleman; Cook; Craddick; Crownover; Darby; Davis, Y.; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Gutierrez; Hamilton; Harless; Hartnett; Hernandez Luna; Hochberg; Hopson; Howard, D.; Isaac; Johnson; Keffer; King, S.; Kolkhorst; Lozano; Lucio; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Morrison; Muñoz; Naishtat; Nash; Oliveira; Otto; Patrick; Reynolds; Rodriguez; Sheets; Sheffield; Shelton; Smith, T.; Smithee; Strama; Taylor, L.; Thompson; Truitt; Turner; Villarreal; Vo; Walle; Woolley; Zedler; Zerwas.

Nays — Aliseda; Anderson, C.; Anderson, R.; Beck; Bonnen; Burkett; Cain; Christian; Creighton; Davis, J.; Davis, S.; Deshotel; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hancock; Hardcastle; Howard, C.; Huberty; Hughes; Hunter; Jackson; King, P.; King, T.; Kleinschmidt; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Menendez; Miles; Miller, D.; Miller, S.; Murphy; Orr;

Parker; Paxton; Peña; Perry; Pitts; Price; Raymond; Riddle; Ritter; Schwertner; Scott; Simpson; Smith, W.; Solomons; Taylor, V.; Torres; Weber; White; Workman.

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

Absent, Excused — Harper-Brown; Phillips; Pickett.

Absent — Aycock; Carter; Guillen; Hilderbran; Quintanilla.

STATEMENTS OF VOTE

I was shown voting no on Record No. 1217. I intended to vote yes.

Eissler

When Record No. 1217 was taken, my vote failed to register. I would have voted no.

Hilderbran

When Record No. 1217 was taken, I was in the house but away from my desk. I would have voted yes.

Quintanilla

REASON FOR VOTE

I believe that every Texan should have the privilege of breathing clean air, but it is also important to balance that privilege with the rights of Texas business owners. I missed this vote because I was speaking with my sister, who is in town and graduating from The University of Texas at Austin.

Carter

Amendment No. 58

Representative Martinez Fischer offered the following amendment to **CSSB 1811**:

Floor Packet Page No. 568

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE _____. UNEMPLOYMENT COMPENSATION

SECTION _____.01. The legislature finds that the changes in law made by this article would improve the economy in this state by helping unemployed workers avoid precipitous drops in spending that are frequently associated with the loss of gainful employment. The legislature also finds that the changes in law made by this article would improve the economy of this state by helping unemployed workers avoid mortgage defaults and the resulting foreclosures.

SECTION _____.02. Section 204.022(a), Labor Code, is amended to read as follows:

(a) Benefits computed on benefit wage credits of an employee or former employee may not be charged to the account of an employer if the employee's last separation from the employer's employment before the employee's benefit year:

- (1) was required by a federal statute;
- (2) was required by a statute of this state or an ordinance of a municipality of this state;
- (3) would have disqualified the employee under Section 207.044, 207.045, 207.051, or 207.053 if the employment had been the employee's last work;
- (4) imposes a disqualification under Section 207.044, 207.045, 207.051, or 207.053;
- (5) was caused by a medically verifiable illness of the employee or the employee's minor child;
- (6) was based on a natural disaster that results in a disaster declaration by the president of the United States under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. Section 5121 et seq.), if the employee would have been entitled to unemployment assistance benefits under Section 410 of that act (42 U.S.C. Section 5177) had the employee not received state unemployment compensation benefits;
- (7) was caused by a natural disaster, fire, flood, or explosion that causes employees to be separated from one employer's employment;
- (8) was based on a disaster that results in a disaster declaration by the governor under Section 418.014, Government Code;
- (9) resulted from the employee's resigning from partial employment to accept other employment that the employee reasonably believed would increase the employee's weekly wage;
- (10) was caused by the employer being called to active military service in any branch of the United States armed forces on or after January 1, 2003;
- (11) resulted from the employee leaving the employee's workplace to protect the employee from family violence or stalking or the employee or a member of the employee's immediate family from violence related to a sexual assault as evidenced by:

(A) an active or recently issued protective order documenting sexual assault of the employee or a member of the employee's immediate family or family violence against, or the stalking of, the employee or the potential for family violence against, or the stalking of, the employee;

(B) a police record documenting sexual assault of the employee or a member of the employee's immediate family or family violence against, or the stalking of, the employee; [✗]

(C) a physician's statement or other medical documentation that describes the sexual assault of the employee or a member of the employee's immediate family or family violence against the employee that:

(i) is recorded in any form or medium that identifies the employee or member of the employee's immediate family, as applicable, as the patient; and

(ii) relates to the history, diagnosis, treatment, or prognosis of the patient; or

(D) written documentation from an employee of a family violence center that describes the sexual assault of the employee or a member of the employee's immediate family or family violence against the employee;

(12) resulted from a move from the area of the employee's employment that:

(A) was made with the employee's spouse who is a member of the armed forces of the United States; and

(B) resulted from the spouse's permanent change of station of longer than 120 days or a tour of duty of longer than one year;

(13) was caused by the employee being unable to perform the work as a result of a disability for which the employee is receiving disability insurance benefits under 42 U.S.C. Section 423; or

(14) resulted from the employee leaving the employee's workplace to care for the employee's terminally ill spouse as evidenced by a physician's statement or other medical documentation, but only if no reasonable, alternative care was available.

SECTION ____ .03. Section 204.022(d), Labor Code, is amended by adding Subdivisions (3), (4), and (5) to read as follows:

(3) "Immediate family" means an individual's parent, spouse, or child under the age of 18.

(4) "Sexual assault" means conduct described by Section 22.011 or 22.021, Penal Code.

(5) "Family violence center" has the meaning assigned by Section 51.002, Human Resources Code.

SECTION ____ .04. Section 207.046(a), Labor Code, is amended to read as follows:

(a) An individual is not disqualified for benefits under this subchapter if:

(1) the work-related reason for the individual's separation from employment was urgent, compelling, and necessary so as to make the separation involuntary;

(2) the individual leaves the workplace to protect the individual from family violence or stalking or the employee or a member of the employee's immediate family from violence related to a sexual assault as evidenced by:

(A) an active or recently issued protective order documenting sexual assault of the employee or a member of the employee's immediate family or family violence against, or the stalking of, the employee or the potential for family violence against, or the stalking of, the employee;

(B) a police record documenting sexual assault of the employee or a member of the employee's immediate family or family violence against, or the stalking of, the employee; [✗]

(C) a physician's statement or other medical documentation that describes the sexual assault of the employee or a member of the employee's immediate family or family violence against the employee that:

(i) is recorded in any form or medium that identifies the employee or member of the employee's immediate family, as applicable, as the patient; and

(ii) relates to the history, diagnosis, treatment, or prognosis of the patient; or

(D) written documentation from an employee of a family violence center that describes the sexual assault of the employee or a member of the employee's immediate family or family violence against the employee; or

(3) the individual leaves the workplace to care for the individual's terminally ill spouse as evidenced by a physician's statement or other medical documentation, but only if no reasonable, alternative care was available.

SECTION ____.05. Section 207.046(c), Labor Code, is amended by adding Subdivisions (3), (4), and (5) to read as follows:

(3) "Immediate family" means an individual's parent, spouse, or child under the age of 18.

(4) "Sexual assault" means conduct described by Section 22.011 or 22.021, Penal Code.

(5) "Family violence center" has the meaning assigned by Section 51.002, Human Resources Code.

SECTION ____.06. The changes in law made by this article apply only to eligibility for unemployment compensation benefits based on an unemployment compensation claim that is filed with the Texas Workforce Commission on or after the effective date of this Act. A claim filed before the effective date of this Act is governed by the law in effect on the date the claim was filed, and the former law is continued in effect for that purpose.

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. 2.)

CSSB 1811 - (consideration continued)

Amendment No. 58 was withdrawn.

Amendment No. 59

Representative Giddings offered the following amendment to **CSSB 1811**:

Floor Packet Page No. 578

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . REGISTRATION OF OUT-OF-STATE PROFESSIONAL
ATHLETES

SECTION ____.01. Subtitle B, Title 13, Occupations Code, is amended by adding Chapter 2053 to read as follows:

CHAPTER 2053. REGISTRATION OF OUT-OF-STATE
PROFESSIONAL ATHLETES
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 2053.001. DEFINITIONS. In this chapter:

(1) "Commission" means the Texas Commission of Licensing and Regulation.

(2) "Department" means the Texas Department of Licensing and Regulation.

(3) "Out-of-state professional sports team" means a major national sports team that plays its home games in another state. The term includes the major sports teams affiliated with the National Football League, the National Basketball Association, the National Hockey League, Major League Baseball, Major League Soccer, and the teams of any other sports association specified by commission rule. The term does not include a farm team that provides players to a major national sports team.

(4) "Professional athlete" means a person who receives compensation for participation as a member of a sports team.

Sec. 2053.002. RULES. The commission shall adopt the rules necessary to administer this chapter.

[Sections 2053.003-2053.050 reserved for expansion]

SUBCHAPTER B. REGISTRATION OF PROFESSIONAL ATHLETES

Sec. 2053.051. REGISTRATION REQUIRED. A professional athlete employed by or under contract with an out-of-state professional sports team must hold a certificate of registration issued under this chapter to engage in a professional sports competition in this state.

Sec. 2053.052. REGISTRATION APPLICATION; FEE. (a) An applicant for registration must file an application with the department on the form prescribed by the department.

(b) The application must be accompanied by:

(1) a nonrefundable application fee in the amount set by the commission to cover the costs of processing an application under this section; and

(2) a registration fee of \$15,000.

Sec. 2053.053. ISSUANCE OF CERTIFICATE OF REGISTRATION. The department shall issue to an applicant who is eligible for registration the appropriate certificate of registration.

Sec. 2053.054. TERM OF CERTIFICATE OF REGISTRATION. A certificate of registration issued under Section 2053.053 expires on the first anniversary of the date of issuance.

Sec. 2053.055. RENEWAL OF CERTIFICATE OF REGISTRATION. (a) The department shall issue to an eligible registrant a certificate of renewal of registration on the timely receipt of a renewal fee in the amount specified by Section 2053.052 for an initial registration.

(b) The certificate expires on the first anniversary of the date of issuance.

Amendment No. 59 was withdrawn.

Amendment No. 60

Representative Giddings offered the following amendment to **CSSB 1811**:

Floor Packet Page No. 582

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . REGISTRATION OF OUT-OF-STATE PROFESSIONAL
ATHLETES

SECTION ____ .01. Subtitle B, Title 13, Occupations Code, is amended by adding Chapter 2053 to read as follows:

CHAPTER 2053. REGISTRATION OF OUT-OF-STATE
PROFESSIONAL ATHLETES
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 2053.001. DEFINITIONS. In this chapter:

(1) "Commission" means the Texas Commission of Licensing and Regulation.

(2) "Department" means the Texas Department of Licensing and Regulation.

(3) "Out-of-state professional sports team" means a major national sports team that plays its home games in another state. The term includes the major sports teams affiliated with the National Football League, the National Basketball Association, the National Hockey League, Major League Baseball, Major League Soccer, and the teams of any other sports association specified by commission rule. The term does not include a farm team that provides players to a major national sports team.

(4) "Professional athlete" means a person who receives compensation for participation as a member of a sports team.

Sec. 2053.002. RULES. The commission shall adopt the rules necessary to administer this chapter.

[Sections 2053.003-2053.050 reserved for expansion]

SUBCHAPTER B. REGISTRATION OF PROFESSIONAL ATHLETES

Sec. 2053.051. REGISTRATION REQUIRED. A professional athlete employed by or under contract with an out-of-state professional sports team must hold a certificate of registration issued under this chapter to engage in a professional sports competition in this state.

Sec. 2053.052. REGISTRATION APPLICATION; FEE. (a) An applicant for registration must file an application with the department on the form prescribed by the department.

(b) The application must be accompanied by:

(1) a nonrefundable application fee in the amount set by the commission to cover the costs of processing an application under this section; and

(2) a registration fee of \$15,000.

(c) The fees collected under this section may only be distributed as follows:

(1) 50 percent to the Department of Family and Protective Services for the Services to At-Risk Youth (STAR) Program under Subchapter D, Chapter 264, Family Code;

(2) 25 percent to the to the Department of Family and Protective Services for other at-risk prevention programs;

(3) three percent to the University of Texas at Dallas for the Intensive Summer Academic Bridge Program; and

(4) the remainder to the credit of the general revenue fund.

Sec. 2053.053. ISSUANCE OF CERTIFICATE OF REGISTRATION. The department shall issue to an applicant who is eligible for registration the appropriate certificate of registration.

Sec. 2053.054. TERM OF CERTIFICATE OF REGISTRATION. A certificate of registration issued under Section 2053.053 expires on the first anniversary of the date of issuance.

Sec. 2053.055. RENEWAL OF CERTIFICATE OF REGISTRATION. (a) The department shall issue to an eligible registrant a certificate of renewal of registration on the timely receipt of a renewal fee in the amount specified by Section 2053.052 for an initial registration.

(b) The certificate expires on the first anniversary of the date of issuance.

Amendment No. 60 failed of adoption by (Record 1218): 43 Yeas, 95 Nays, 2 Present, not voting.

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

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

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

Absent, Excused — Harper-Brown; Phillips; Pickett.

Absent — Deshotel; Hardcastle; Hartnett; King, T.; Laubenberg; Lyne; Madden.

STATEMENT OF VOTE

I was shown voting yes on Record No. 1218. I intended to vote no.

Anchia

Amendment No. 61

Representative McClendon offered the following amendment to **CSSB 1811**:

Floor Packet Page No. 22

Amend **CSSB 1811** (house committee printing) by striking ARTICLE 12 of the bill (page 26, line 18, through page 29, line 22) and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly.

HR 2031 - ADOPTED

(by Veasey)

Representative Veasey moved to suspend all necessary rules to take up and consider at this time **HR 2031**.

The motion prevailed.

The following resolution was laid before the house:

HR 2031, Congratulating Adam and Helen Stockstill on the birth of their twins, Austin Noble and Blake Daniel Stockstill.

HR 2031 was adopted.

On motion of Representative Guillen, the names of all the members of the house were added to **HR 2031** as signers thereof.

CSSB 1811 - (consideration continued)**Amendment No. 62**

Representative Guillen offered the following amendment to Amendment No. 61:

Amend the McClendon amendment as follows:

(1) In SECTION 12.02, in amended Section 151.326(a), Tax Code, strike Subdivision (2) (page 27, lines 4-6) and substitute the following:

(2) the sale takes place during a period beginning at 12:01 a.m. on the first ~~third~~ Friday in August and ending at 12 midnight on the following Sunday.

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

SECTION _____. Section 151.326(a)(2), Tax Code, as amended by this article, does not affect tax liability accruing before the effective date of this article. That liability continues in effect as if this article had not been enacted, and the former law is continued in effect for the collection of taxes due and for civil and criminal enforcement of the liability for those taxes.

Amendment No. 62 was adopted.

Amendment No. 61, as amended, was adopted.

Amendment No. 63

Representative S. King offered the following amendment to **CSSB 1811**:
 Floor Packet Page No. 624

Amend **CSSB 1811** by adding the appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) Chapter 301, Occupations Code, is amended by adding Subchapter B-1 to read as follows:

SUBCHAPTER B-1. SELF-DIRECTED AND SEMI-INDEPENDENT
 STATUS OF BOARD

Sec. 301.071. SELF-DIRECTED AND SEMI-INDEPENDENT STATUS. Notwithstanding any other provision of law, the board is self-directed and semi-independent as specified by this subchapter.

Sec. 301.072. BUDGET, REVENUES, AND EXPENSES. (a) The executive director shall submit to the board a budget annually using generally accepted accounting principles. Notwithstanding any other provision of law, including the General Appropriations Act, the budget shall be adopted and approved only by the board.

(b) The board shall be responsible for all direct and indirect costs of the board's existence and operation. The board may not directly or indirectly cause the general revenue fund to incur any cost.

(c) Subject to any limitations in this chapter, the board may set the amounts of fees, penalties, charges, and revenues required or permitted by statute or rule as necessary for the purpose of carrying out the functions of the board and funding the budget adopted and approved under Subsection (a).

(d) Except as provided by Subsection (e), all fees and funds collected by the board and any funds appropriated to the board shall be deposited in interest-bearing deposit accounts in the Texas Treasury Safekeeping Trust Company. The comptroller shall contract with the board for the maintenance of the deposit accounts under terms comparable to a contract between a commercial banking institution and the institution's customers.

(e) The board shall annually remit \$5.75 million to the general revenue fund.

(f) Periodically, the executive director shall submit to the board, as directed by the board, a report of the receipts and expenditures of the board.

(g) The fiscal year for the board begins on September 1 and ends on August 31.

Sec. 301.073. AUDITS. (a) This subchapter does not affect the duty of the state auditor to audit the board. The state auditor shall enter into a contract and schedule with the board to conduct audits, including financial reports and performance audits.

(b) Not later than August 31 of each fiscal year, the board shall remit a nonrefundable retainer to the state auditor in an amount not less than \$25,000. The board shall reimburse the state auditor for all costs, in excess of the nonrefundable retainer amounts paid each fiscal year, incurred in performing the audits and shall provide to the governor a copy of any audit performed.

Sec. 301.074. RECORDS; REPORTING REQUIREMENTS. (a) The board shall keep financial and statistical information as necessary to disclose completely and accurately the financial condition and results of operations of the board.

(b) Before the beginning of each regular session of the legislature, the board shall submit to the legislature and the governor a report describing all of the board's activities in the previous biennium. The report must include:

- (1) an audit as required by Section 301.073;
- (2) a financial report of the previous fiscal year, including reports on financial condition and results of operations;
- (3) a description of all changes in fees imposed by the board;
- (4) a report on the number of examination candidates and license holders and the programs of study and enforcement activities of the board; and
- (5) a list of all new rules adopted or repealed.

(c) In addition to the reporting requirements of Subsection (b), not later than November 1 of each year, the board shall submit to the governor, the committee of each house of the legislature that has jurisdiction over appropriations, and the Legislative Budget Board a report that contains:

- (1) the salary for all board personnel and the total amount of per diem expenses and travel expenses paid for all board employees;
- (2) the total amount of per diem expenses and travel expenses paid for each member of the board;
- (3) the board's operating plan and annual budget; and
- (4) a detailed report of all revenue received and all expenses incurred by the board in the previous 12 months.

Sec. 301.075. ABILITY TO CONTRACT. (a) To carry out and promote the objectives of this chapter, the board may enter into contracts and do all other acts incidental to those contracts that are necessary for the administration of the board's affairs and for the attainment of the board's purposes, except as limited by Subsection (b).

(b) Any indebtedness, liability, or obligation of the board incurred under this section may not:

- (1) create a debt or other liability of this state or another entity other than the board; or
- (2) create any personal liability on the part of the members of the board or the board's employees.

Sec. 301.076. PROPERTY. The board may:

- (1) acquire by purchase, lease, gift, or any other manner provided by law and maintain, use, and operate any real, personal, or mixed property, or any interest in property, necessary or convenient to the exercise of the powers, rights, privileges, or functions of the board;
- (2) sell or otherwise dispose of any real, personal, or mixed property, or any interest in property, that the board determines is not necessary or convenient to the exercise of the board's powers, rights, privileges, or functions;

(3) construct, extend, improve, maintain, and reconstruct, or cause to construct, extend, improve, maintain, and reconstruct, and use and operate all facilities necessary or convenient to the exercise of the powers, rights, privileges, or functions of the board; and

(4) borrow money, as may be authorized from time to time by an affirmative vote of a two-thirds majority of the board, for a period not to exceed five years if necessary or convenient to the exercise of the board's powers, rights, privileges, or functions.

Sec. 301.077. ADMINISTRATIVE HEARINGS. (a) Not later than August 31 of each fiscal year, the board shall remit a nonrefundable retainer to the State Office of Administrative Hearings in an amount not less than \$50,000 for hearings conducted under this chapter.

(b) The nonrefundable retainer shall be applied to the costs associated with conducting the hearings. If additional costs are incurred, the State Office of Administrative Hearings may assess and collect from the board reasonable fees, in excess of the nonrefundable retainer amount paid each fiscal year, associated with conducting a hearing under this chapter.

Sec. 301.078. SUITS. (a) The office of the attorney general shall represent the board in any litigation.

(b) Not later than August 31 of each fiscal year, the board shall remit a nonrefundable retainer to the office of the attorney general in an amount not less than \$25,000. The nonrefundable retainer shall be applied to any services provided to the board. If additional litigation services are required, the attorney general may assess and collect from the board reasonable attorney's fees, in excess of the nonrefundable retainer amount paid each fiscal year, associated with any litigation under this section.

Sec. 301.079. POST-PARTICIPATION LIABILITY. (a) If the board no longer has status under this subchapter as a self-directed semi-independent agency for any reason, the board shall be liable for any expenses or debts incurred by the board during the time the board was a self-directed semi-independent agency. The board's liability under this section includes liability for any lease entered into by the board. This state is not liable for any expense or debt covered by this subsection, and money from the general revenue fund may not be used to repay the expense or debt.

(b) If the board no longer has status under this subchapter as a self-directed semi-independent agency for any reason, ownership of any property or other asset acquired by the board during the time the board was a self-directed semi-independent agency, including unexpended fees in a deposit account in the Texas Treasury Safekeeping Trust Company, shall be transferred to this state.

Sec. 301.080. DUE PROCESS; OPEN GOVERNMENT. The board is:

(1) a governmental body for purposes of Chapters 551 and 552, Government Code; and

(2) a state agency for purposes of Chapters 2001 and 2005, Government Code.

Sec. 301.081. MEMBERSHIP IN EMPLOYEES RETIREMENT SYSTEM. Employees of the board are members of the Employees Retirement System of Texas under Chapter 812, Government Code, and the board's transition to semi-independent status as provided by this subchapter has no effect on the employees' membership or any benefits under that system.

Sec. 301.082. GIFTS. (a) Notwithstanding any other law, the board may not accept a gift, grant, or donation:

- (1) from a party to an enforcement action; or
- (2) to pursue a specific investigation or enforcement action.

(b) The board must:

- (1) report each gift, grant, or donation that the board receives as a separate item in the board's report required under Section 301.074(b); and
- (2) include with the report a statement indicating the purpose for which each gift, grant, or donation was donated and used.

(b) Section 301.056, Occupations Code, is amended to read as follows:

Sec. 301.056. PER DIEM; REIMBURSEMENT. (a) Each board member is entitled to receive a per diem ~~[as set by the General Appropriations Act]~~ for each day the member engages in the business of the board.

(b) A board member is entitled to reimbursement for travel expenses incurred while conducting board business, including expenses for transportation, meals, and lodging~~[, as provided by the General Appropriations Act].~~

(c) Section 301.059(c), Occupations Code, is amended to read as follows:

(c) A person appointed to the board is entitled to reimbursement~~[, as provided by the General Appropriations Act.]~~ for the travel expenses incurred in attending the training program regardless of whether the attendance at the program occurs before or after the person qualifies for office.

(d) Section 301.155(a), Occupations Code, is amended to read as follows:

(a) The board by rule shall establish fees in amounts reasonable and necessary to cover the costs of administering this chapter. ~~[The board may not set a fee that existed on September 1, 1993, in an amount less than the amount of that fee on that date.]~~

(e) Chapter 552, Occupations Code, is amended by designating Sections 552.001 through 552.012 as Subchapter A and adding a subchapter heading to read as follows:

SUBCHAPTER A. BOARD

(f) Chapter 552, Occupations Code, is amended by adding Subchapter B to read as follows:

SUBCHAPTER B. SELF-DIRECTED AND SEMI-INDEPENDENT STATUS OF BOARD

Sec. 552.051. SELF-DIRECTED AND SEMI-INDEPENDENT STATUS. Notwithstanding any other provision of law, the board is self-directed and semi-independent as specified by this subchapter.

Sec. 552.052. BUDGET, REVENUES, AND EXPENSES. (a) The executive director shall submit to the board a budget annually using generally accepted accounting principles. Notwithstanding any other provision of law, including the General Appropriations Act, the budget shall be adopted and approved only by the board.

(b) The board shall be responsible for all direct and indirect costs of the board's existence and operation. The board may not directly or indirectly cause the general revenue fund to incur any cost.

(c) Subject to any limitations in this subtitle, the board may set the amounts of fees, penalties, charges, and revenues required or permitted by statute or rule as necessary for the purpose of carrying out the functions of the board and funding the budget adopted and approved under Subsection (a).

(d) Except as provided by Subsection (e), all fees and funds collected by the board and any funds appropriated to the board shall be deposited in interest-bearing deposit accounts in the Texas Treasury Safekeeping Trust Company. The comptroller shall contract with the board for the maintenance of the deposit accounts under terms comparable to a contract between a commercial banking institution and the institution's customers.

(e) Not later than August 31, 2012, the board shall remit \$1.15 million to the general revenue fund, and not later than August 31 of each subsequent fiscal year, the board shall remit \$800,000 to the general revenue fund.

(f) Periodically, the executive director shall submit to the board, as directed by the board, a report of the receipts and expenditures of the board.

(g) The fiscal year for the board begins on September 1 and ends on August 31.

Sec. 552.053. AUDITS. (a) This subchapter does not affect the duty of the state auditor to audit the board. The state auditor shall enter into a contract and schedule with the board to conduct audits, including financial reports and performance audits.

(b) Not later than August 31 of each fiscal year, the board shall remit a nonrefundable retainer to the state auditor in an amount not less than \$10,000. The board shall reimburse the state auditor for all costs, in excess of the nonrefundable retainer amounts paid each fiscal year, incurred in performing the audits and shall provide to the governor a copy of any audit performed.

Sec. 552.054. RECORDS; REPORTING REQUIREMENTS. (a) The board shall keep financial and statistical information as necessary to disclose completely and accurately the financial condition and results of operations of the board.

(b) Before the beginning of each regular session of the legislature, the board shall submit to the legislature and the governor a report describing all of the board's activities in the previous biennium. The report must include:

- (1) an audit as required by Section 552.053;
- (2) a financial report of the previous fiscal year, including reports on financial condition and results of operations;
- (3) a description of all changes in fees imposed by the board;
- (4) a report on the number of examination candidates, license holders, and registrants and the enforcement activities of the board; and

(5) a list of all new rules adopted or repealed.

(c) In addition to the reporting requirements of Subsection (b), not later than November 1 of each year, the board shall submit to the governor, the committee of each house of the legislature that has jurisdiction over appropriations, and the Legislative Budget Board a report that contains:

(1) the salary for all board personnel and the total amount of per diem expenses and travel expenses paid for all board employees;

(2) the total amount of per diem expenses and travel expenses paid for each member of the board;

(3) the board's operating plan and annual budget; and

(4) a detailed report of all revenue received and all expenses incurred by the board in the previous 12 months.

Sec. 552.055. ABILITY TO CONTRACT. (a) To carry out and promote the objectives of this chapter, the board may enter into contracts and do all other acts incidental to those contracts that are necessary for the administration of the board's affairs and for the attainment of the board's purposes, except as limited by Subsection (b).

(b) Any indebtedness, liability, or obligation of the board incurred under this section may not:

(1) create a debt or other liability of this state or another entity other than the board; or

(2) create any personal liability on the part of the members of the board or the board's employees.

Sec. 552.056. PROPERTY. The board may:

(1) acquire by purchase, lease, gift, or any other manner provided by law and maintain, use, and operate any real, personal, or mixed property, or any interest in property, necessary or convenient to the exercise of the powers, rights, privileges, or functions of the board;

(2) sell or otherwise dispose of any real, personal, or mixed property, or any interest in property, that the board determines is not necessary or convenient to the exercise of the board's powers, rights, privileges, or functions;

(3) construct, extend, improve, maintain, and reconstruct, or cause to construct, extend, improve, maintain, and reconstruct, and use and operate all facilities necessary or convenient to the exercise of the powers, rights, privileges, or functions of the board; and

(4) borrow money, as may be authorized from time to time by an affirmative vote of a two-thirds majority of the board, for a period not to exceed five years if necessary or convenient to the exercise of the board's powers, rights, privileges, or functions.

Sec. 552.057. ADMINISTRATIVE HEARINGS. (a) Not later than August 31 of each fiscal year, the board shall remit a nonrefundable retainer to the State Office of Administrative Hearings in an amount not less than \$55,000 for hearings conducted under Chapter 565.

(b) The nonrefundable retainer shall be applied to the costs associated with conducting the hearings. If additional costs are incurred, the State Office of Administrative Hearings may assess and collect from the board reasonable fees, in excess of the nonrefundable retainer amount paid each fiscal year, associated with conducting a hearing under Chapter 565.

Sec. 552.058. SUITS. (a) The office of the attorney general shall represent the board in any litigation.

(b) Not later than August 31 of each fiscal year, the board shall remit a nonrefundable retainer to the office of the attorney general in an amount not less than \$40,000. The nonrefundable retainer shall be applied to any services provided to the board. If additional litigation services are required, the attorney general may assess and collect from the board reasonable attorney's fees, in excess of the nonrefundable retainer amount paid each fiscal year, associated with any litigation under this section.

Sec. 552.059. POST-PARTICIPATION LIABILITY. (a) If the board no longer has status under this subchapter as a self-directed semi-independent agency for any reason, the board shall be liable for any expenses or debts incurred by the board during the time the board was a self-directed semi-independent agency. The board's liability under this section includes liability for any lease entered into by the board. This state is not liable for any expense or debt covered by this subsection, and money from the general revenue fund may not be used to repay the expense or debt.

(b) If the board no longer has status under this subchapter as a self-directed semi-independent agency for any reason, ownership of any property or other asset acquired by the board during the time the board was a self-directed semi-independent agency, including unexpended fees in a deposit account in the Texas Treasury Safekeeping Trust Company, shall be transferred to this state.

Sec. 552.060. DUE PROCESS; OPEN GOVERNMENT. The board is:

(1) a governmental body for purposes of Chapters 551 and 552, Government Code; and

(2) a state agency for purposes of Chapters 2001 and 2005, Government Code.

Sec. 552.061. MEMBERSHIP IN EMPLOYEES RETIREMENT SYSTEM. Employees of the board are members of the Employees Retirement System of Texas under Chapter 812, Government Code, and the board's transition to semi-independent status as provided by this subchapter has no effect on the employees' membership or any benefits under that system.

Sec. 552.062. GIFTS. (a) Notwithstanding any other law, the board may not accept a gift, grant, or donation:

(1) from a party to an enforcement action; or

(2) to pursue a specific investigation or enforcement action.

(b) The board must:

(1) report each gift, grant, or donation that the board receives as a separate item in the board's report required under Section 552.054(b); and

(2) include with the report a statement indicating the purpose for which each gift, grant, or donation was donated and used.

Sec. 552.063. HEALTH PROFESSIONS COUNCIL. Not later than August 31 of each fiscal year, the board shall remit a nonrefundable prorated assessment to the Health Professions Council in an amount not less than \$81,848 for fiscal year 2012, \$79,406 for fiscal year 2013, and \$79,000 for each subsequent fiscal year. The amount remitted shall be applied to the board's prorated assessment for the operation and maintenance of the shared regulatory database system.

(g) Section 552.006(c), Occupations Code, is amended to read as follows:

(c) A person appointed to the board is entitled to reimbursement~~[, as provided by the General Appropriations Act,]~~ for the travel expenses incurred in attending the training program regardless of whether the attendance at the program occurs before or after the person qualifies for office.

(h) Section 552.009, Occupations Code, is amended to read as follows:

Sec. 552.009. PER DIEM; REIMBURSEMENT. (a) Each member of the board is entitled to a per diem ~~[set by legislative appropriation]~~ for each day the member engages in board business.

(b) A member is entitled to reimbursement for travel expenses ~~[as prescribed by the General Appropriations Act].~~

(i) Section 564.051(c), Occupations Code, is amended to read as follows:

(c) Funds and surcharges collected under this section ~~[shall be deposited in the general revenue fund and]~~ may only be used by the board to administer the program authorized by this section, including providing for initial evaluation and referral of an impaired pharmacist or pharmacy student by a qualified health professional and paying the administrative costs incurred by the board in connection with that funding. The money may not be used for costs incurred for treatment or rehabilitation after initial evaluation and referral.

(j) Sections 301.165, 554.007(a), and 554.013, Occupations Code, are repealed.

(k) To provide a reasonable period for the Texas Board of Nursing and the Texas State Board of Pharmacy to establish the boards as self-directed and semi-independent under Subchapter B-1, Chapter 301, and Subchapter B, Chapter 552, Occupations Code, as added by this section, the following amounts are appropriated from the general revenue fund to each board:

(1) for the state fiscal year ending August 31, 2012, an amount equal to 50 percent of the amount of general revenue appropriated to the board for the state fiscal year ending August 31, 2011; and

(2) for the state fiscal year ending August 31, 2013, an amount equal to 50 percent of the amount of general revenue appropriated to the board for the state fiscal year ending August 31, 2011.

(l) Subject to Section 301.072 or 552.052, Occupations Code, as added by this section, the appropriations made by Subsection (k) of this section may be spent by the board to which the appropriation is made as the board directs. Each board shall repay to the general revenue fund the appropriation made to the board for the state fiscal year ending August 31, 2012, not later than that date and as funds become available. Each board shall repay to the general revenue fund the appropriation made to the board for the state fiscal year ending August 31, 2013, not later than that date and as funds become available. The repayment of an

appropriation under this subsection is required in addition to the funds required to be remitted to the general revenue fund under Section 301.072(e) or 552.052(e), Occupations Code, as added by this section.

(m) The transfer of the Texas Board of Nursing or the Texas State Board of Pharmacy to self-directed and semi-independent status under Subchapter B-1, Chapter 301, or Subchapter B, Chapter 552, Occupations Code, as added by this section, and the expiration of self-directed and semi-independent status of a board may not act to cancel, suspend, or prevent:

- (1) any debt owed to or by the board;
- (2) any fine, tax, penalty, or obligation of any party;
- (3) any contract or other obligation of any party; or
- (4) any action taken by the board in the administration or enforcement of the board's duties.

(n) The Texas Board of Nursing and the Texas State Board of Pharmacy shall continue to have and exercise the powers and duties allocated to each board under law, except as specifically provided by this section.

(o) Title to or ownership of all supplies, materials, records, equipment, books, papers, and furniture used by the Texas Board of Nursing or the Texas State Board of Pharmacy is transferred to each respective board. This section does not affect any property owned by either board on or before the effective date of this section.

(p) The Texas Board of Nursing shall pay rent to the state for the use and occupancy of state-owned office space. Reasonable rent shall be determined by the Texas Facilities Commission. Aggregate rental payments may not be less than \$278,000 each fiscal year.

(q) The Texas State Board of Pharmacy shall pay rent to the state for the use and occupancy of state-owned office space. Reasonable rent shall be determined by the Texas Facilities Commission. Aggregate rental payments may not be less than \$162,000 each fiscal year.

(r) If a conflict exists between this section and another Act of the 82nd Legislature, Regular Session, 2011, that relates to the self-directed and semi-independent status of the Texas Board of Nursing or the Texas State Board of Pharmacy, this section controls without regard to the relative dates of enactment.

(s) Notwithstanding any other provision of this Act, this section takes effect September 1, 2011.

Amendment No. 63 failed of adoption by (Record 1219): 54 Yeas, 85 Nays, 4 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Beck; Brown; Castro; Darby; Davis, J.; Deshotel; Dutton; Eiland; Elkins; Farias; Farrar; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hardcastle; Hernandez Luna; Hilderbran; Hopson; Howard, C.; Howard, D.; Hughes; Johnson; King, P.; King, S.; Lavender; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Menendez; Miles; Muñoz; Naishtat; Oliveira; Patrick; Quintanilla; Raymond; Riddle; Rodriguez; Simpson; Smithee; Solomons; Strama; Thompson; Villarreal; Vo; Walle; Zedler.

Nays — Aliseda; Anderson, C.; Anderson, R.; Aycock; Berman; Bohac; Bonnen; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Davis, S.; Davis, Y.; Driver; Dukes; Eissler; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gooden; Hamilton; Hancock; Harless; Hartnett; Huberty; Hunter; Isaac; Jackson; Keffer; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Legler; Lewis; Lyne; Madden; Margo; Martinez Fischer; McClendon; Miller, D.; Miller, S.; Murphy; Nash; Orr; Otto; Parker; Paxton; Peña; Perry; Pitts; Price; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Taylor, L.; Taylor, V.; Torres; Truitt; Veasey; Weber; White; Woolley; Workman; Zerwas.

Present, not voting — Mr. Speaker; Branch(C); Burnam; Reynolds.

Absent, Excused — Harper-Brown; Phillips; Pickett.

Absent — Coleman; Hochberg; Morrison; Turner.

STATEMENTS OF VOTE

I was shown voting no on Record No. 1219. I intended to vote yes.

Carter

I was shown voting no on Record No. 1219. I intended to vote yes.

Craddick

I was shown voting no on Record No. 1219. I intended to vote yes.

Gooden

I was shown voting no on Record No. 1219. I intended to vote yes.

Paxton

Amendment No. 64

Representative Torres offered the following amendment to **CSSB 1811**:

Floor Packet Page No. 575

Amend **CSSB 1811** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter D, Chapter 301, Labor Code, is amended by adding Section 301.068 to read as follows:

Sec. 301.068. EFFICIENCY PILOT PROGRAM. (a) The commission shall establish a pilot program to:

(1) improve the efficiency and quality of commission operations while reducing costs; and

(2) adopt a structured approach for identifying the wasteful use of state resources and improving commission processes.

(b) In implementing the pilot program, the commission shall use:

(1) a methodology that includes a define, measure, analyze, improve, and control structure for reviewing project management;

- (2) a continuous improvement technique that:
(A) identifies value and a value stream;
(B) creates a flow for activities;
(C) allows consumers to pull products or services through the
process; and
(D) allows for the process to be perfected over time; and
(3) a measurement system analysis to evaluate data.
(c) The commission shall conduct an internal performance audit to assess
the effectiveness of the pilot program implemented under this section.
(d) Not later than August 1, 2012, the commission shall submit a written
report of the results of the performance audit to the:
(1) governor;
(2) lieutenant governor;
(3) speaker of the house of representatives;
(4) Senate Committee on Government Organization;
(5) House Government Efficiency and Reform Committee; and
(6) house and senate committees with primary jurisdiction over state
affairs.
(e) The commission shall implement the pilot program from available funds
that may be used for that purpose.
(f) A state agency, other than the commission, may implement the pilot
program established under this section with respect to the agency. An agency that
implements the pilot program shall:
(1) conduct the performance audit and submit the written report in the
time and manner described by Subsections (c) and (d); and
(2) use available resources to fund the pilot program.
(g) A report required by this section may be submitted electronically.
(h) This section expires September 1, 2013.

(Ritter in the chair)

Amendment No. 64 was adopted by (Record 1220): 71 Yeas, 62 Nays, 3 Present, not voting.

Yeas — Aliseda; Allen; Alvarado; Anchia; Anderson, C.; Anderson, R.; Beck; Burkett; Burnam; Cain; Castro; Christian; Cook; Craddick; Crownover; Davis, S.; Deshotel; Eissler; Frullo; Gallego; Garza; Geren; Gonzales, L.; Gonzales, V.; Gooden; Guillen; Gutierrez; Hamilton; Hartnett; Hernandez Luna; Hilderbran; Huberty; Hughes; Hunter; Isaac; Johnson; King, P.; King, S.; Kolkhorst; Landtroop; Larson; Lavender; Legler; Lewis; Lucio; Mallory Caraway; Marquez; Martinez; Menendez; Morrison; Muñoz; Orr; Peña; Perry; Quintanilla; Raymond; Reynolds; Riddle; Rodriguez; Scott; Sheets; Shelton; Smithee; Strama; Taylor, L.; Taylor, V.; Torres; Vo; Weber; White; Zedler.

Nays — Alonzo; Aycoc; Berman; Brown; Button; Callegari; Carter; Chisum; Creighton; Darby; Davis, J.; Davis, Y.; Dukes; Dutton; Eiland; Elkins; Farias; Fletcher; Flynn; Giddings; Hancock; Hardcastle; Harless; Hochberg; Hopson; Howard, C.; Howard, D.; Jackson; Keffer; King, T.; Kleinschmidt; Kuempel; Laubenberg; Lozano; Lyne; Madden; Margo; McClendon; Miller, D.;

Miller, S.; Naishtat; Nash; Oliveira; Otto; Parker; Patrick; Paxton; Pitts; Price; Schwertner; Sheffield; Simpson; Smith, T.; Smith, W.; Solomons; Truitt; Turner; Villarreal; Walle; Woolley; Workman; Zerwas.

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

Absent, Excused — Harper-Brown; Phillips; Pickett.

Absent — Bohac; Bonnen; Branch; Coleman; Driver; Farrar; Martinez Fischer; Miles; Murphy; Thompson; Veasey.

STATEMENTS OF VOTE

When Record No. 1220 was taken, I was in the house but away from my desk. I would have voted yes.

Bohac

When Record No. 1220 was taken, I was temporarily out of the house chamber. I would have voted yes.

Bonnen

I was shown voting no on Record No. 1220. I intended to vote yes.

Callegari

When Record No. 1220 was taken, I was in the house but away from my desk. I would have voted yes.

Martinez Fischer

When Record No. 1220 was taken, I was in the house but away from my desk. I would have voted yes.

Veasey

Amendment No. 65

Representative Landtroop offered the following amendment to **CSSB 1811**:
Floor Packet Page No. 650

Amend **CSSB 1811** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter D, Chapter 74, Property Code, is amended by adding Section 74.3014 to read as follows:

Sec. 74.3014. DELIVERY OF MONEY IN CERTAIN COUNTIES. (a) Notwithstanding and in addition to any other provision of this chapter or other law, a county having a population of less than 25,000 in which the state or one of its political subdivisions, including an institution of higher education, owns more than 25 percent of the land in the county may deliver reported money to a fund established by the county to benefit the county instead of delivering the money to the comptroller as required by Section 74.301.

(b) Money in the county fund may be distributed in the form of grants to nonprofit, nonreligious organizations that work for the betterment of the county through education, recreation, culture, or protecting the health and safety of the county.

(c) A county shall file with the comptroller a verification of money delivered under this section that complies with Section 74.302.

(d) A claim for money delivered under this section must be filed with the county that delivered the money. The county shall pay the claim if the county determines in good faith that the claim is valid. A person aggrieved by a claim decision may file suit against the county in a district court in the county in accordance with Section 74.506.

(e) The comptroller shall prescribe the forms and procedures governing this section, including forms and procedures relating to:

(1) notice of presumed abandoned property;

(2) delivery of reported money to the county fund; and

(3) filing of a claim.

SECTION _____. This Act takes effect September 1, 2011.

Amendment No. 65 was withdrawn.

Amendment No. 66

Representative Strama offered the following amendment to **CSSB 1811**:

Floor Packet Page No. 658

Amend **CSSB 1811** by adding the following appropriately number Articles and renumbering existing Article appropriately:

ARTICLE _____. RENEWABLE ENERGY REINVESTMENT ZONES AND APPROVAL BY THE COMPTROLLER OF PUBLIC ACCOUNTS

SECTION _____. Subtitle B, Title 3, Tax Code, is amended by adding Chapter 314 to read as follows:

CHAPTER 314. RENEWABLE ENERGY REINVESTMENT ZONES

Sec. 314.001. SHORT TITLE. This chapter may be cited as the Renewable Energy Reinvestment Zone Act.

Sec. 314.002. APPLICABILITY. The provisions of this chapter applicable to a municipality apply only to a municipality that:

(1) has a population of at least 45,000 but not more than 60,000;

(2) is located in a county with a population of at least one million; and

(3) does not contain within its corporate limits:

(A) more than two school districts that are categorized as category II school districts under Section 313.022; or

(B) any school districts to which Subchapter C, Chapter 313, applies.

Sec. 314.003. DEFINITION. In this chapter, "renewable energy company" means a business organization that manufactures, assembles, sells, maintains, or conducts research on renewable energy and renewable energy efficient products, including:

(A) solar energy;

- (B) wind energy;
- (C) biomass energy;
- (D) geothermal energy;
- (E) battery technology;
- (F) electric vehicles;
- (G) lighting using light-emitting diodes;
- (H) fuel cells;
- (I) energy generated from agricultural sources;
- (J) nuclear energy;
- (K) clean coal technology; and
- (L) water-saving devices.

Sec. 314.004. ELIGIBILITY OF MUNICIPALITY TO PARTICIPATE IN TAX ABATEMENT. (a) A municipality may not enter into a tax abatement agreement under this chapter and the governing body of a municipality may not designate an area as a renewable energy reinvestment zone unless the governing body adopts a resolution stating that the municipality elects to become eligible to participate in tax abatement and establishes guidelines and criteria governing tax abatement agreements by the municipality. The guidelines and criteria applicable to property must provide for the availability of tax abatement only for new facilities or structures.

(b) The governing body of a municipality may not enter into a tax abatement agreement under this chapter unless it finds that the terms of the agreement and the property subject to the agreement meet the applicable guidelines and criteria adopted by the governing body under this section.

(c) The guidelines and criteria adopted under this section are effective for two years from the date adopted. During that period, the guidelines and criteria may be amended or repealed only by a vote of three-fourths of the members of the governing body.

(d) The adoption of the guidelines and criteria by the governing body of a municipality does not:

(1) limit the discretion of the governing body to decide whether to enter into a specific tax abatement agreement;

(2) limit the discretion of the governing body to delegate to its employees the authority to determine whether or not the governing body should consider a particular application or request for tax abatement; or

(3) create any property, contract, or other legal right in any person to have the governing body consider or grant a specific application or request for tax abatement.

Sec. 314.005. DESIGNATION OF ZONE. (a) The governing body of a municipality by ordinance may designate as a renewable energy reinvestment zone an area in the taxing jurisdiction or extraterritorial jurisdiction of the municipality that the governing body finds satisfies the requirements of Section 314.006.

(b) The ordinance must describe the boundaries of the zone.

(c) The governing body may not adopt an ordinance designating an area as a renewable energy reinvestment zone until the governing body has held a public hearing on the designation and has found that the improvements sought are feasible and practical and would be a benefit to the land to be included in the zone and to the municipality after the expiration of an agreement entered into under Section 314.008. At the hearing, interested persons are entitled to speak and present evidence for or against the designation. Not later than the seventh day before the date of the hearing, notice of the hearing must be:

(1) published in a newspaper having general circulation in the municipality; and

(2) delivered in writing to the presiding officer of the governing body of each county and school district that includes in its boundaries real property that is to be included in the proposed renewable energy reinvestment zone.

(d) A notice made under Subsection (c)(2) is presumed delivered when placed in the mail postage prepaid and properly addressed to the appropriate presiding officer. A notice properly addressed and sent by registered or certified mail for which a return receipt is received by the sender is considered to have been delivered to the addressee.

Sec. 314.006. CRITERIA FOR RENEWABLE ENERGY REINVESTMENT ZONE. To be designated as a renewable energy reinvestment zone under this chapter, an area must meet the following requirements:

(1) the area must be at least 100 acres in size;

(2) at the time of the designation of the area as a zone, at least 75 percent of the land in the area must be owned by the municipality designating the area or by a municipal development corporation created under Chapter 379A, Local Government Code; and

(3) the area must be zoned for commercial purposes.

Sec. 314.007. EXPIRATION OF REINVESTMENT ZONE. The designation of a renewable energy reinvestment zone for tax abatement expires five years after the date of the designation and may be renewed for periods not to exceed five years. The expiration of the designation does not affect an existing tax abatement agreement made under this chapter.

Sec. 314.008. MUNICIPAL TAX ABATEMENT AGREEMENT. (a) The governing body of a municipality eligible to enter into tax abatement agreements under Section 314.004 may agree in writing with a renewable energy company that owns taxable real property that is located in a renewable energy reinvestment zone, but that is not located in an improvement project financed by tax increment bonds, to exempt from taxation 50 percent of the value of the real property and of tangible personal property located on the real property for a period of 15 years, on the condition that the company construct a facility on the property to be used in connection with the company's operations as specified by the agreement. The governing body of an eligible municipality may agree in writing with a renewable energy company that owns a leasehold interest in tax-exempt real property that is located in a renewable energy reinvestment zone, but that is not located in an improvement project financed by tax increment bonds, to exempt 50 percent of the value of property subject to ad valorem taxation, including the leasehold

interest, improvements, and tangible personal property located on the real property, for a period of 15 years, on the condition that the company construct a facility on the property to be used in connection with the company's operations as specified by the agreement. A tax abatement agreement under this section is subject to the rights of holders of outstanding bonds of the municipality. In a municipality that has a comprehensive zoning ordinance, an improvement, development, or redevelopment taking place under an agreement under this section must conform to the comprehensive zoning ordinance.

(b) The property subject to an agreement made under this section may be located in the extraterritorial jurisdiction of the municipality. In that event, the agreement applies to taxes of the municipality if the municipality annexes the property during the period specified in the agreement.

(c) Except as otherwise provided by this subsection, property that is in a renewable energy reinvestment zone and that is owned or leased by a person who is a member of the governing body of the municipality or a member of a zoning or planning board or commission of the municipality is excluded from property tax abatement. Property owned or leased by a person that is subject to a tax abatement agreement in effect when the person becomes a member of the governing body or of the zoning or planning board or commission does not cease to be eligible for property tax abatement under that agreement because of the person's membership on the governing body, board, or commission.

Sec. 314.009. NOTICE OF TAX ABATEMENT AGREEMENT TO COUNTIES AND SCHOOL DISTRICTS. (a) Not later than the seventh day before the date on which a municipality enters into an agreement under Section 314.008, the governing body of the municipality or a designated officer or employee of the municipality shall deliver to the presiding officer of the governing body of each county and school district in which the property to be subject to the agreement is located a written notice that the municipality intends to enter into the agreement. The notice must include a copy of the proposed agreement.

(b) A notice is presumed delivered when placed in the mail postage paid and properly addressed to the appropriate presiding officer. A notice properly addressed and sent by registered or certified mail for which a return receipt is received by the sender is considered to have been delivered to the addressee.

(c) Failure to deliver the notice does not affect the validity of the agreement.

Sec. 314.010. SPECIFIC TERMS OF TAX ABATEMENT AGREEMENT. An agreement made under Section 314.008 must:

(1) list the kind, number, and location of all proposed improvements of the property;

(2) provide access to and authorize inspection of the property by municipal employees and by employees of each county and school district that approves the agreement to ensure that the improvements are made according to the specifications and conditions of the agreement;

(3) limit the uses of the property consistent with the general purpose of encouraging development or redevelopment of the renewable energy reinvestment zone during the period that property tax exemptions are in effect;

(4) provide for recapturing property tax revenue lost as a result of the agreement if the owner of the property fails to make the improvements as provided by the agreement;

(5) contain each term agreed to by the owner of the property;

(6) require the owner of the property to certify annually to the governing body of the municipality and each county and school district that approves the agreement that the owner is in compliance with each applicable term of the agreement; and

(7) provide that the governing body of the municipality may cancel or modify the agreement if the property owner fails to comply with the agreement.

Sec. 314.011. APPROVAL OF AGREEMENT BY GOVERNING BODY OF MUNICIPALITY. (a) To be effective, an agreement made under this chapter by a municipality must be approved by the affirmative vote of a majority of the members of the governing body of the municipality at a regularly scheduled meeting of the governing body.

(b) On approval by the governing body, an agreement may be executed in the same manner as other contracts made by the municipality.

Sec. 314.012. MODIFICATION OR TERMINATION OF AGREEMENT. (a) At any time before the expiration of an agreement made under this chapter, the agreement may be modified by the parties to the agreement to include other provisions that could have been included in the original agreement or to delete provisions that were not necessary to the original agreement. The modification must be made by the same procedure by which the original agreement was approved and executed. The original agreement may not be modified to extend beyond 15 years from the date of the original agreement.

(b) An agreement made under this chapter may be terminated by the mutual consent of the parties in the same manner that the agreement was approved and executed.

Sec. 314.013. TAX ABATEMENT BY COUNTY AND SCHOOL DISTRICT. (a) If municipal property taxes on property located in the taxing jurisdiction of a municipality are abated under an agreement under Section 314.008, the agreement also applies to the taxation of the property by a county or school district in which the property is located if the governing body of the county or school district approves the agreement by the affirmative vote of a majority of the members of the governing body at a regularly scheduled meeting of the governing body.

(b) A county or school district may not approve a municipal tax abatement agreement under this chapter unless the governing body of the county or school district adopts a resolution stating that the county or school district elects to become eligible to participate in tax abatement and establishes guidelines and criteria governing the approval by the county or school district of municipal tax abatement agreements. The provisions of Section 314.004 governing guidelines and criteria for the entry by a municipality into a tax abatement agreement apply to guidelines and criteria established by a county or school district for approval of a municipal tax abatement agreement to the extent those provisions can be made applicable.

Sec. 314.014. APPROVAL OF GUIDELINES AND CRITERIA BY THE COMPTROLLER OF PUBLIC ACCOUNTS. (a) Notwithstanding other provisions in this section, the guidelines and criteria adopted in Section 314.004, Section 314.006, and Section 314.013 must be approved by the Comptroller of Public Accounts prior to the approval of any municipal tax abatement agreements under those sections. In lieu of approving the guidelines and criteria the Comptroller may, by rule, adopt model guidelines and criteria.

SECTION _____. Section 11.28, Tax Code, is amended to read as follows:

Sec. 11.28. PROPERTY EXEMPTED FROM [~~CITY~~] TAXATION BY AGREEMENT. (a) The owner of property to which an agreement made under Chapter 312 [~~the Property Redevelopment and Tax Abatement Act (Chapter 312 of this code)~~] applies is entitled to exemption from taxation by an incorporated city or town or other taxing unit of all or part of the value of the property as provided by the agreement.

(b) The owner of property to which an agreement made by an incorporated city or town under Chapter 314 applies is entitled to exemption from taxation by the incorporated city or town and from taxation by a county or school district that has approved the agreement of part of the value of the property as provided by the agreement.

Amendment No. 66 was withdrawn.

Amendment No. 67

Representative Y. Davis offered the following amendment to **CSSB 1811**:

Floor Packet Page No. 672

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE _____. REPEAL OF CERTAIN AD VALOREM AND STATE TAX EXEMPTIONS

SECTION _____.01. (a) Except as otherwise provided by this section, the following provisions of the Tax Code are repealed:

- (1) Section 11.251;
- (2) Section 11.252;
- (3) Section 11.253;
- (4) Section 11.27;
- (5) Section 11.28;
- (6) Section 11.31;
- (7) Section 11.437;
- (8) Section 151.308;
- (9) Section 151.3162;
- (10) Section 151.317, other than the provisions that apply to electricity sold for residential use;
- (11) Sections 151.318 and 151.3181;
- (12) Section 151.319;
- (13) Section 151.320;

- (14) Section 151.322;
- (15) Section 151.324;
- (16) Section 151.328;
- (17) Section 151.329;
- (18) Section 151.3291;
- (19) Section 151.331;
- (20) Section 151.335;
- (21) Section 151.336;
- (22) Section 151.351;
- (23) Section 152.089;
- (24) Sections 162.104(a)(4), (5), (6), and (7);
- (25) Sections 162.204(a)(4), (5), (6), (7), (8), (9), (10), (11), and (12);
- (26) Section 171.052;
- (27) Section 171.0525;
- (28) Section 171.055;
- (29) Section 171.056;
- (30) Section 171.079; and
- (31) Section 171.080.

(b) The repeal of a tax exemption by Subsection (a) of this section is not effective if the constitution of this state directly provides the exemption. If the constitution of this state authorizes but does not directly provide the exemption, the repeal of the exemption by this article is effective.

(c) The repeal of a tax exemption by Subsection (a) of this section is not effective if this state is unable to tax the item or service under the United States Constitution.

(d) The change in law made by this section to Chapter 171, Tax Code, applies only to a report originally due on or after the effective date of this section.

(e) This section does not affect taxes imposed before the effective date of this section, and the law in effect before the effective date of this section is continued in effect for purposes of the liability for and collection of those taxes.

SECTION ____.02. Notwithstanding any other provision of this Act, this article takes effect July 1, 2011, 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 effect on that date, this article takes effect October 1, 2011.

Amendment No. 67 failed of adoption by (Record 1221): 39 Yeas, 98 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Farias; Farrar; Giddings; Gonzales, V.; Gonzalez; Gutierrez; Hernandez Luna; Howard, D.; Johnson; King, T.; Lozano; Lucio; Mallory Caraway; Marquez; Martinez Fischer; McClendon; Miles; Naishtat; Oliveira; Quintanilla; Reynolds; Rodriguez; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

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

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

Absent, Excused — Harper-Brown; Phillips; Pickett.

Absent — Christian; Guillen; Hartnett; Huberty; Menendez; Muñoz; Strama; Weber.

STATEMENTS OF VOTE

I was shown voting no on Record No. 1221. I intended to vote yes.

Hilderbran

When Record No. 1221 was taken, I was in the house but away from my desk. I would have voted no.

Huberty

(Bohac in the chair)

CORRECTIONS IN REFERRAL

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. 3.)

CSSB 1811 - (consideration continued)

Amendment No. 68

Representative Eiland offered the following amendment to **CSSB 1811**:

Floor Packet Page No. 684

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering the subsequent SECTIONS of the bill appropriately:

SECTION ____ . Section 313.007, Tax Code, is amended to read as follows:

Sec. 313.007. EXPIRATION. Subchapters B, C, and D expire December 31, 2024 [~~2014~~].

Amendment No. 69

Representative Chisum offered the following amendment to Amendment No. 68:

Amend Floor Amendment No. 68 by Eiland to **CSSB 1811** (page 684, prefiled amendments packet), in the final line of the amendment, by striking "2024" and substituting "2016".

Amendment No. 69 was adopted.

(Speaker in the chair)

Amendment No. 68, as amended, was adopted by (Record 1222): 130 Yeas, 10 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Deshotel; Driver; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Frullo; Gallego; Garza; Geren; Gonzales, L.; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Jackson; Johnson; Keffer; King, P.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lozano; Lucio; Lyne; Madden; 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; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Workman; Zedler; Zerwas.

Nays — Anderson, C.; Flynn; Gooden; Isaac; King, S.; Lewis; Schwertner; Simpson; Turner; White.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Harper-Brown; Phillips; Pickett.

Absent — Coleman; Davis, Y.; Dukes; Giddings; Mallory Caraway; Pitts.

STATEMENT OF VOTE

When Record No. 1222 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

COMMITTEE GRANTED PERMISSION TO MEET

Representative Huberty requested permission for the Committee on Public Education to meet while the house is in session, at 11:50 p.m. today, in 1W.14, to consider **SB 1581**.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Public Education, 11:50 p.m. today, 1W.14, for a formal meeting, to consider **SB 1581**.

CSSB 1811 - (consideration continued)**Amendment No. 70**

Representative Alvarado offered the following amendment to **CSSB 1811**:

Floor Packet Page No. 685

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering the subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ CIGARETTE TAX AND ALLOCATION OF REVENUE

SECTION ____ .01. Section 154.021(b), Tax Code, is amended to read as follows:

(b) The tax rates are:

(1) \$123 [~~\$70.50~~] per thousand on cigarettes weighing three pounds or less per thousand; and

(2) the rate provided by Subdivision (1) plus \$2.10 per thousand on cigarettes weighing more than three pounds per thousand.

SECTION ____ .02. Section 154.053(a), Tax Code, is amended to read as follows:

(a) The comptroller shall design and have printed or manufactured cigarette tax stamps. If the comptroller determines that it is necessary for the best enforcement of this chapter, the comptroller shall ~~may~~ change the design, color, ~~or~~ denomination, technology, or other feature of the stamps. The comptroller shall determine the quantity and the size, design, color, ~~or~~ denomination, technology, or other feature [~~and quantity~~] of stamps manufactured. The stamps shall be manufactured so that they may be easily and securely attached to an individual package of cigarettes. The comptroller may designate the method of identification for the stamps and shall award the contract for the printing or manufacturing to the person submitting the bid that will give the best protection to the state in enforcing this chapter.

SECTION ____ .03. Section 154.054(a), Tax Code, is amended to read as follows:

(a) The comptroller may redeem unused cigarette tax stamps that were lawfully issued before a change in the stamps' design, color, ~~or~~ denomination, technology, or other feature [~~change~~].

SECTION ____ .04. Sections 154.058(a) and (d), Tax Code, are amended to read as follows:

(a) On the effective date of a tax increase, each distributor, wholesaler, and retailer who has 2,000 or more cigarettes in packages stamped with stamps of an old design, color, ~~or~~ denomination, technology, or other feature shall

immediately inventory the packages and any unused stamps of an old design, color, ~~or~~ denomination, technology, or other feature and file a report of the inventory with the comptroller.

(d) This section does not affect the date payment is due for stamps of an old design, color, ~~or~~ denomination, technology, or other feature if payment has not been made for the stamps on or before the effective date of the tax increase.

SECTION ____ .05. Section 154.6035, Tax Code, is amended to read as follows:

Sec. 154.6035. ALLOCATION OF CERTAIN REVENUE TO PROPERTY TAX RELIEF AND GENERAL REVENUE FUNDS ~~[FUND]~~. (a) Notwithstanding Section 154.603, all proceeds from the collection of taxes imposed by this chapter attributable to the portion of the tax rate in excess of \$23 ~~[\$20.50]~~ per thousand on cigarettes, regardless of weight, shall be deposited to the credit of the property tax relief fund under Section 403.109, Government Code.

(b) Notwithstanding Section 154.603, all proceeds from the collection of taxes imposed by this chapter attributable to the portion of the tax rate in excess of \$20.50 per thousand on cigarettes, but not exceeding \$23 per thousand, regardless of weight, shall be deposited to the credit of an account in the general revenue fund. Money in the account may be appropriated only to the Department of State Health Services for use by the department's Office of Smoking and Health for programs and initiatives to reduce the use of tobacco and tobacco products.

Amendment No. 70 was withdrawn.

Amendment No. 71

Representative Burnam offered the following amendment to **CSSB 1811**:
Floor Packet Page No. 692

Amend **CSSB 1811** (house committee report) by adding the following appropriately numbered ARTICLE to the bill and renumbering the remaining ARTICLES of the bill appropriately:

ARTICLE ____ . TAX REDUCTION FOR HIGH-COST GAS

SECTION ____ .01. Section 201.057(c), Tax Code, is amended to read as follows:

(c) High-cost gas as defined in Subsection (a)(2)(A) produced from a well that is spudded or completed after August 31, 1996, is entitled to a reduction of the tax imposed by this chapter for the first 120 consecutive calendar months beginning on the first day of production, or until the cumulative value of the tax reduction equals 25 ~~[50]~~ percent of the drilling and completion costs incurred for the well, whichever occurs first. The amount of tax reduction shall be computed by subtracting from the tax rate imposed by Section 201.052 the product of that tax rate times the ratio of drilling and completion costs incurred for the well to twice the median drilling and completion costs for high-cost wells as defined in Subsection (a)(2)(A) spudded or completed during the previous state fiscal year, except that the effective rate of tax may not be reduced below zero.

SECTION _____.02. Section 201.057(c), Tax Code, as amended by this article, applies only to an application filed with the comptroller on or after September 1, 2011.

SECTION _____.03. The comptroller shall deposit to the credit of the available school fund any revenue received during the state fiscal biennium beginning August 31, 2011, that exceeds the amount specified in the comptroller's biennial revenue estimate for that biennium, as revised by the comptroller on March 13, 2011, that is generated by the change by this article to Section 201.057, Tax Code.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today to attend a meeting of the Conference Committee on **SB 1420**:

McClendon on motion of Guillen.

CSSB 1811 - (consideration continued)

Amendment No. 71 failed of adoption by (Record 1223): 28 Yeas, 113 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Burnam; Davis, Y.; Deshotel; Dukes; Dutton; Farias; Farrar; Giddings; Gutierrez; Hernandez Luna; Hochberg; Mallory Caraway; Marquez; Martinez; Martinez Fischer; Miles; Naishtat; Quintanilla; Reynolds; Rodriguez; Thompson; Turner; Veasey; Villarreal; Walle.

Nays — Aliseda; Anchia; 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; Eiland; Eissler; Elkins; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Hilderbran; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Pitts; Price; Raymond; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Vo; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Harper-Brown; McClendon; Phillips; Pickett.

Absent — Castro; Coleman; Menendez; Strama.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1223. I intended to vote no.

Alvarado

When Record No. 1223 was taken, I was in the house but away from my desk. I would have voted yes.

Castro

I was shown voting yes on Record No. 1223. I intended to vote no.

Martinez

(Harper-Brown and McClendon now present)

Amendment No. 72

Representative Torres offered the following amendment to **CSSB 1811**:

Floor Packet Page No. 694

Amend **CSSB 1811** (house committee printing) by adding a new appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . MIXED BEVERAGE TAX REIMBURSEMENTS

Section ____ .01. Effective September 1, 2013, Section 183.051(b), Tax Code, is amended to read as follows:

(b) The comptroller shall issue to each county described in Subsection (a) a warrant drawn on the general revenue fund in an amount appropriated by the legislature that may not be less [~~greater~~] than 10.7143 percent of receipts from permittees within the county during the quarter and shall issue to each incorporated municipality described in Subsection (a) a warrant drawn on that fund in an amount appropriated by the legislature that may not be less [~~greater~~] than 10.7143 percent of receipts from permittees within the incorporated municipality during the quarter.

Amendment No. 72 was adopted by (Record 1224): 113 Yeas, 26 Nays, 1 Present, not voting.

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

~~Nays~~— Anderson, C.; Berman; Brown; Callegari; Carter; Davis, J.; Farias; Flynn; Frullo; Gutierrez; Hardcastle; Hopson; Hunter; King, S.; King, T.; Kleinschmidt; Miller, D.; Miller, S.; Patrick; Perry; Pitts; Schwertner; Shelton; Veasey; Walle; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Phillips; Pickett.

Absent — Coleman; Dukes; Eissler; Harless; Mallory Caraway; Morrison; Truitt; Villarreal.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1224. I intended to vote no.

Aliseda

When Record No. 1224 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

I was shown voting yes on Record No. 1224. I intended to vote no.

Garza

When Record No. 1224 was taken, I was temporarily out of the house chamber. I would have voted yes.

Harless

I was shown voting yes on Record No. 1224. I intended to vote no.

Scott

When Record No. 1224 was taken, I was in the house but away from my desk. I would have voted yes.

Truitt

Amendment No. 73

Representative Gallego offered the following amendment to **CSSB 1811**:

Floor Packet Page No. 695

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . FRANCHISE TAX LIABILITY OF CERTAIN TAXABLE ENTITIES

SECTION ____ .01. Subchapter A, Chapter 171, Tax Code, is amended by adding Section 171.0024 to read as follows:

Sec. 171.0024. TAX LIABILITY OF CERTAIN TAXABLE ENTITIES.

(a) In this section, "taxable income" means:

(1) for a taxable entity treated for federal income tax purposes as a corporation, the amount reportable as taxable income on line 30, Internal Revenue Service Form 1120;

(2) for a taxable entity treated for federal income tax purposes as a partnership, the amount reportable as ordinary business income or loss on line 22, Internal Revenue Service Form 1065; or

(3) for a taxable entity other than a taxable entity treated for federal income tax purposes as a corporation or partnership, an amount determined in a manner substantially equivalent to the amount for Subdivision (1) or (2) determined by rules the comptroller shall adopt.

(b) Except as provided by Subsection (c), a taxable entity is not required to pay any tax and is not considered to owe any tax for a period on which margin is based if the taxable entity's taxable income for the period is zero or less.

(c) Subsection (b) does not apply to a taxable entity that is a member of a combined group.

(d) Section 171.1011(a) applies to a reference in this section to an Internal Revenue Service form, and Section 171.1011(b) applies to a reference in this section to an amount reportable on a line number on an Internal Revenue Service form.

(e) The comptroller shall adopt rules as necessary to accomplish the legislative intent prescribed by this section.

SECTION _____.02. Section 171.204(b), Tax Code, is amended to read as follows:

(b) The comptroller may require a taxable entity that does not owe any tax because of the application of Section 171.002(d)(2) to file an abbreviated information report with the comptroller stating the amount of the taxable entity's total revenue from its entire business. The comptroller may require a taxable entity that does not owe any tax because of the application of Section 171.0024 to file an abbreviated information report with the comptroller stating the amount of the taxable entity's taxable income as defined by that section. The comptroller may not require a taxable entity described by this subsection to file an information report that requires the taxable entity to report or compute its margin.

SECTION _____.03. This article applies only to a report originally due on or after the effective date of this article.

SECTION _____.04. This article takes effect January 1, 2012.

Amendment No. 73 was adopted by (Record 1225): 86 Yeas, 52 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Bohac; Burnam; Cain; Castro; Craddick; Creighton; Darby; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Farias; Farrar; Fletcher; Gallego; Garza; Giddings; Gonzales, V.; Gonzalez; Gutierrez; Hamilton; Hancock; Harless; Harper-Brown; Hernandez Luna; Hochberg; Howard, C.; Howard, D.; Hughes; Johnson; King, P.; King, S.; King, T.; Kolkhorst; Landtroop; Laubenberg; Legler; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Morrison; Muñoz; Murphy; Naishtat; Oliveira; Parker; Paxton; Peña; Perry; Price; Quintanilla; Raymond; Reynolds; Riddle; Rodriguez; Sheets; Sheffield; Simpson; Smith, W.; Smithee; Solomons; Taylor, V.; Thompson; Truitt; Turner; Veasey; Villarreal; Vo; Walle; White; Zedler.

Nays — Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Button; Callegari; Carter; Chisum; Christian; Cook; Crownover; Davis, J.; Davis, S.; Driver; Eissler; Flynn; Frullo; Geren; Gonzales, L.; Gooden; Hardcastle; Hilderbran; Hopson; Huberty; Hunter; Isaac; Jackson; Keffer; Kleinschmidt; Kuempel; Larson; Lavender; Madden; Margo; Miller, S.; Nash; Orr; Otto; Patrick; Pitts; Ritter; Schwertner; Scott; Shelton; Smith, T.; Taylor, L.; Torres; Woolley; Workman.

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

Absent, Excused — Phillips; Pickett.

Absent — Coleman; Guillen; Hartnett; Lewis; Lyne; Strama; Weber; Zerwas.

STATEMENTS OF VOTE

I was shown voting no on Record No. 1225. I intended to vote yes.

Beck

I was shown voting no on Record No. 1225. I intended to vote yes.

Bonnen

I was shown voting no on Record No. 1225. I intended to vote yes.

Branch

I was shown voting no on Record No. 1225. I intended to vote yes.

Burkett

I was shown voting no on Record No. 1225. I intended to vote yes.

Callegari

I was shown voting no on Record No. 1225. I intended to vote yes.

Carter

I was shown voting no on Record No. 1225. I intended to vote yes.

Christian

I was shown voting no on Record No. 1225. I intended to vote yes.

Cook

I was shown voting no on Record No. 1225. I intended to vote yes.

J. Davis

I was shown voting no on Record No. 1225. I intended to vote yes.

Geren

I was shown voting no on Record No. 1225. I intended to vote yes.

Hilderbran

I was shown voting no on Record No. 1225. I intended to vote yes.

Hopson

- I was shown voting no on Record No. 1225. I intended to vote yes.
Hunter
- I was shown voting no on Record No. 1225. I intended to vote yes.
Isaac
- I was shown voting no on Record No. 1225. I intended to vote yes.
Keffer
- I was shown voting no on Record No. 1225. I intended to vote yes.
Lavender
- I was shown voting no on Record No. 1225. I intended to vote yes.
Madden
- I was shown voting no on Record No. 1225. I intended to vote yes.
S. Miller
- I was shown voting no on Record No. 1225. I intended to vote yes.
Otto
- I was shown voting no on Record No. 1225. I intended to vote yes.
Ritter
- I was shown voting no on Record No. 1225. I intended to vote yes.
Schwertner
- I was shown voting no on Record No. 1225. I intended to vote yes.
Scott
- When Record No. 1225 was taken, my vote failed to register. I would have voted yes.
Strama
- I was shown voting no on Record No. 1225. I intended to vote yes.
Workman

Amendment No. 74

Representative Thompson offered the following amendment to **CSSB 1811**:
Floor Packet Page No. 697

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLES to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE _____. TAX REFUNDS FOR CERTAIN AD VALOREM TAX
PAYERS

SECTION _____.01. Subchapter F, Chapter 111, Tax Code, is repealed.

SECTION _____.02. The repeal of Subchapter F, Chapter 111, Tax Code, by this article does not affect an eligible person's right to claim a refund of state taxes collected under Chapters 151 and 171, Tax Code, that was established under Section 111.301, Tax Code, in relation to taxes paid before the effective date of this Act in a calendar year for which the person paid ad valorem taxes to a school district as provided by Section 111.301, Tax Code, before the effective date of this Act. An eligible person's right to claim a refund of state taxes collected under Chapters 151 and 171, Tax Code, that was established under Section 111.301, Tax Code, in relation to taxes paid before the effective date of this Act in a calendar year for which the person paid ad valorem taxes to a school district as provided by Section 111.301, Tax Code, before the effective date of this Act is governed by the law in effect on the date the right to claim the refund was established, and the former law is continued in effect for that purpose.

ARTICLE _____. FRANCHISE TAX APPLICABILITY AND EXCLUSIONS

SECTION _____.01. Section 171.0001, Tax Code, is amended by adding Subdivisions (1-a), (10-a), (10-b), and (11-b) to read as follows:

(1-a) "Artist" means a natural person or an entity that contracts to perform or entertain at a live entertainment event.

(10-a) "Live entertainment event" means an event that occurs on a specific date to which tickets are sold in advance by a third-party vendor and at which:

(A) a natural person or a group of natural persons, physically present at the venue, performs for the purpose of entertaining a ticket holder who is present at the event;

(B) a traveling circus or animal show performs for the purpose of entertaining a ticket holder who is present at the event; or

(C) a historical, museum-quality artifact is on display in an exhibition.

(10-b) "Live event promotion services" means services related to the promotion, coordination, operation, or management of a live entertainment event.

The term includes services related to:

(A) the provision of staff for the live entertainment event; or

(B) the scheduling and promotion of an artist performing or entertaining at the live entertainment event.

(11-b) "Qualified live event promotion company" means a taxable entity that:

(A) receives at least 60 percent of the entity's annual total revenue from the provision or arrangement for the provision of three or more live event promotion services;

(B) maintains a permanent nonresidential office from which the live event promotion services are provided or arranged;

(C) employs 10 or more full-time employees during all or part of the period for which taxable margin is calculated;

(D) does not provide services for a wedding or carnival; and

(E) is not a movie theater.

SECTION ____ .02. Section 171.0002(c), Tax Code, is amended to read as follows:

(c) "Taxable entity" does not include an entity that is:

(1) a grantor trust as defined by Sections 671 and 7701(a)(30)(E), Internal Revenue Code, all of the grantors and beneficiaries of which are natural persons or charitable entities as described in Section 501(c)(3), Internal Revenue Code, excluding a trust taxable as a business entity pursuant to Treasury Regulation Section 301.7701-4(b);

(2) an estate of a natural person as defined by Section 7701(a)(30)(D), Internal Revenue Code, excluding an estate taxable as a business entity pursuant to Treasury Regulation Section 301.7701-4(b);

(3) an escrow;

(4) a real estate investment trust (REIT) as defined by Section 856, Internal Revenue Code, and its "qualified REIT subsidiary" entities as defined by Section 856(i)(2), Internal Revenue Code, provided that:

(A) a REIT with any amount of its assets in direct holdings of real estate, other than real estate it occupies for business purposes, as opposed to holding interests in limited partnerships or other entities that directly hold the real estate, is a taxable entity; and

(B) a limited partnership or other entity that directly holds the real estate as described in Paragraph (A) is not exempt under this subdivision, without regard to whether a REIT holds an interest in it;

(5) a real estate mortgage investment conduit (REMIC), as defined by Section 860D, Internal Revenue Code;

(6) a nonprofit self-insurance trust created under Chapter 2212, Insurance Code, or a predecessor statute;

(7) a trust qualified under Section 401(a), Internal Revenue Code; [✕]

(8) a trust or other entity that is exempt under Section 501(c)(9), Internal Revenue Code; or

(9) an S corporation, as that term is defined by Section 1361, Internal Revenue Code, that is owned entirely by an employee stock ownership plan, as that term is defined by Section 4975(e), Internal Revenue Code.

SECTION ____ .03. Section 171.1011, Tax Code, is amended by adding Subsections (g-5) and (g-7) to read as follows:

(g-5) A taxable entity that is a qualified live event promotion company shall exclude from its total revenue, to the extent included under Subsection (c)(1)(A), (c)(2)(A), or (c)(3), a payment made to an artist in connection with the provision of a live entertainment event or live event promotion services.

(g-7) A taxable entity that is a qualified courier and logistics company shall exclude from its total revenue, to the extent included under Subsection (c)(1)(A), (c)(2)(A), or (c)(3), subcontracting payments made by the taxable entity to nonemployee agents for the performance of delivery services on behalf of the taxable entity. For purposes of this subsection, "qualified courier and logistics company" means a taxable entity that:

(1) receives at least 80 percent of the taxable entity's annual total revenue from its entire business from a combination of at least two of the following courier and logistics services:

(A) expedited same-day delivery of an envelope, package, parcel, roll of architectural drawings, box, or pallet;

(B) temporary storage and delivery of the property of another entity, including an envelope, package, parcel, roll of architectural drawings, box, or pallet; and

(C) brokerage of same-day or expedited courier and logistics services to be completed by a person or entity under a contract that includes a contractual obligation by the taxable entity to make payments to the person or entity for those services;

(2) during the period on which margin is based, is registered as a motor carrier under Chapter 643, Transportation Code, and if the taxable entity operates on an interstate basis, is registered as a motor carrier or broker under the unified carrier registration system, as defined by Section 643.001, Transportation Code, during that period;

(3) maintains an automobile liability insurance policy covering individuals operating vehicles owned, hired, or otherwise used in the taxable entity's business, with a combined single limit for each occurrence of at least \$1 million;

(4) maintains at least \$25,000 of cargo insurance;

(5) maintains a permanent nonresidential office from which the courier and logistics services are provided or arranged;

(6) has at least five full-time employees during the period on which margin is based;

(7) is not doing business as a livery service, floral delivery service, motor coach service, taxicab service, building supply delivery service, water supply service, fuel or energy supply service, restaurant supply service, commercial moving and storage company, or overnight delivery service; and

(8) is not delivering items that the taxable entity or an affiliated entity sold.

SECTION ____.04. This article applies only to a report originally due on or after January 1, 2012.

SECTION ____.05. This article takes effect January 1, 2012.

Amendment No. 74 was adopted by (Record 1226): 139 Yeas, 2 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; 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; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.;

King, T.; 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; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; White; Woolley; Workman; Zedler; Zerwas.

Nays — Kleinschmidt; Pitts.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Phillips; Pickett.

Absent — Coleman; Geren; Hartnett; Hernandez Luna; Scott; Weber.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1226. I intended to vote no.

Carter

When Record No. 1226 was taken, I was in the house but away from my desk. I would have voted yes.

Geren

I was shown voting no on Record No. 1226. I intended to vote yes.

Kleinschmidt

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. 30).

CSSB 1811 - (consideration continued)

Amendment No. 75

Representative Thompson offered the following amendment to **CSSB 1811**:
Floor Packet Page No. 702

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . TREATMENT OF CERTAIN EXEMPT ORGANIZATIONS
FOR SALES AND USE TAX PURPOSES

SECTION ____ .01. Section 151.310, Tax Code, is amended by adding Subsections (c-1), (c-2), (g), and (h) to read as follows:

(c-1) For purposes of Subsection (c), an organization that qualifies for an exemption under Subsection (a)(1) or (2) is the seller of a taxable item at a tax-free sale or auction authorized by Subsection (c) if the organization:

(1) obtains the taxable item in a transaction that is a purchase;

(2) purchases the taxable item for a wholesale price stated on an invoice or receipt;

(3) bears the risk of loss with respect to the taxable item after the purchase; and

(4) is not contractually obligated to resell the taxable item at a price established by the person from whom the organization obtains the taxable item.

(c-2) An organization does not fail to meet the requirements of Subsection (c-1) solely because the organization:

(1) returns a taxable item to the person from whom the item was obtained in exchange for a refund of the purchase price; or

(2) resells a taxable item at a price suggested or recommended by the person from whom the item was obtained.

(g) An organization that is the seller of a taxable item as provided by Subsection (c-1) is entitled to claim an exemption under Section 151.302 on the purchase of the taxable item for resale at a tax-free sale or auction authorized by Subsection (c) or another sale that is not tax-free.

(h) Notwithstanding Section 151.024, an organization that is the seller of a taxable item as provided by Subsection (c-1) may not be regarded under Section 151.024 as the agent of the dealer, distributor, supervisor, or employer from whom the organization obtains the taxable item.

SECTION ____ .02. The changes in law made by this article to Section 151.310, Tax Code, apply to any tax period with respect to which the limitation period prescribed by Section 111.201, Tax Code, has not expired on the effective date of this Act.

Amendment No. 76

Representative Simpson offered the following amendment to Amendment No. 75:

Amend Amendment No. 75 to **CSSB 1811** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____ . (a) Section 151.336, Tax Code, is amended to read as follows:

Sec. 151.336. CERTAIN COINS AND PRECIOUS METALS. ~~[(a)]~~ The sale of gold, silver, or numismatic coins or of platinum, gold, or silver bullion is exempted from the taxes ~~[sales tax]~~ imposed by this chapter ~~[Subchapter C at any sale to a purchaser in which the total sales price of all of the items sold equals \$1,000 or more].~~

~~[(b) An item exempt under Subsection (a) is exempt from the use tax imposed by Subchapter D to the purchaser until the item is subsequently transferred.]~~

(b) The change in law made by this section does not affect tax liability accruing before the effective date of this section. That liability continues in effect as if this section had not been enacted, and the former law is continued in effect for the collection of taxes due and for civil and criminal enforcement of the liability for those taxes.

(c) This section 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 this section to have immediate effect, this section takes effect September 1, 2011.

Amendment No. 76 was adopted.

Amendment No. 75, as amended, was adopted.

Amendment No. 77

Representative Villarreal offered the following amendment to **CSSB 1811**:

Floor Packet Page No. 713

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering the subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . TAX REDUCTION FOR CERTAIN HIGH-COST GAS

SECTION ____ .01. Section 201.057, Tax Code, is amended by adding Subsection (f-1) to read as follows:

(f-1) The comptroller may charge a fee for an application under Subsection (f) in an amount necessary to defray the cost of auditing persons who receive a tax reduction under this section. The fee may not exceed \$300.

(Bohac in the chair)

(Phillips now present)

Amendment No. 77 failed of adoption by (Record 1227): 39 Yeas, 98 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Giddings; Gonzales, V.; Gonzalez; Gutierrez; Hernandez Luna; Howard, D.; Johnson; Lucio; Lyne; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Miles; Naishtat; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Nays — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; 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; Madden; Margo; Miller, D.; Miller, S.; Morrison; Muñoz; 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.; Torres; Truitt; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Pickett.

Absent — Christian; Coleman; Davis, Y.; Elkins; Gallego; Guillen; Hartnett; Hochberg; Menendez; Weber.

Amendment No. 78

Representative Lavender offered the following amendment to **CSSB 1811**:
Floor Packet Page No. 722

Amend **CSSB 1811** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) Section 23.51(2), Tax Code, is amended to read as follows:

(2) "Agricultural use" includes but is not limited to the following activities: cultivating the soil, producing crops for human food, animal feed, or planting seed or for the production of fibers; floriculture, viticulture, and horticulture; raising or keeping livestock; raising or keeping exotic animals for the production of human food or of fiber, leather, pelts, or other tangible products having a commercial value; planting cover crops or leaving land idle for the purpose of participating in a governmental program, provided the land is not used for residential purposes or a purpose inconsistent with agricultural use; and planting cover crops or leaving land idle in conjunction with normal crop or livestock rotation procedure. The term also includes the use of land to produce or harvest logs and posts for the use in constructing or repairing fences, pens, barns, or other agricultural improvements on adjacent qualified open-space land having the same owner and devoted to a different agricultural use. The term also includes the use of land for wildlife management. The term also includes the use of land to raise or keep bees for pollination or for the production of human food or other tangible products having a commercial value, provided that the land used is not less than 5 or more than 20 acres.

(b) This section applies only to the appraisal of land for ad valorem tax purposes for a tax year that begins on or after the effective date of this Act.

Amendment No. 78 was adopted by (Record 1228): 109 Yeas, 32 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Branch; Brown; Burkett; Burnam; Callegari; Carter; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, S.; Deshotel; Driver; Dutton; Elkins; Farrar; Fletcher; Gallego; Garza; Giddings; Gonzales, L.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Harper-Brown; Hernandez Luna; Hochberg; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Parker; Patrick; Paxton; Perry; Phillips;

Price; Quintanilla; Raymond; Riddle; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Simpson; Smith, T.; Smith, W.; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Veasey; Weber; White; Woolley; Workman; Zerwas.

Nays — Berman; Bonnen; Button; Cain; Castro; Davis, J.; Dukes; Eissler; Farias; Flynn; Frullo; Geren; Gonzales, V.; Harless; Hilderbran; Hopson; Howard, D.; King, S.; Legler; Miller, D.; Otto; Peña; Pitts; Reynolds; Ritter; Shelton; Smithee; Truitt; Turner; Vo; Walle; Zedler.

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

Absent, Excused — Pickett.

Absent — Davis, Y.; Eiland; Hardcastle; Hartnett; Lewis; Villarreal.

STATEMENTS OF VOTE

I was shown voting no on Record No. 1228. I intended to vote yes.

Bonnen

I was shown voting no on Record No. 1228. I intended to vote yes.

Hilderbran

Amendment No. 79

Representative Gonzalez offered the following amendment to **CSSB 1811**:

Floor Packet Page No. 736

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . STATE TRAFFIC FINE

SECTION __.01. Section 542.4031(a), Transportation Code, is amended to read as follows:

(a) In addition to the fine prescribed by Section 542.401 or another section of this subtitle, as applicable, a person who enters a plea of guilty or nolo contendere to or is convicted of an offense under this subtitle shall pay \$45 [~~\$30~~] as a state traffic fine. The person shall pay the state traffic fine when the person enters the person's plea of guilty or nolo contendere, or on the date of conviction, whichever is earlier. The state traffic fine shall be paid regardless of whether:

- (1) a sentence is imposed on the person;
- (2) the court defers final disposition of the person's case; or
- (3) the person is placed on community supervision, including deferred adjudication community supervision.

SECTION __.02. The change in law made by this article applies only to an offense committed on or after the effective date of this article. An offense committed before the effective date of this article is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this article if any element of the offense occurred before that date.

Amendment No. 79 failed of adoption.

Amendment No. 80

Representative Eiland offered the following amendment to **CSSB 1811**:

Floor Packet Page No. 750

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering the subsequent ARTICLES and SECTIONS of the bill appropriately:

ARTICLE ____ . FUNDING FOR TOTAL REVENUE EXEMPTION FOR
FRANCHISE TAX AND PROPERTY TAX RELIEF

SECTION ____ .01. (a) Subtitle C, Title 2, Utilities Code, is amended by adding Chapter 67 to read as follows:

CHAPTER 67. SUBSCRIPTION VIDEO SERVICES

Sec. 67.001. DEFINITIONS. In this chapter:

(1) "Provider" means a provider of subscription video services.

(2) "Subscription video services" means the distribution or broadcasting of video programming or services by satellite directly to a subscriber's or paying customer's receiving equipment. The term does not include any video service provided by a commercial mobile service provider as defined in 47 U.S.C. Section 332(d). The term includes:

(A) the rental of receiving equipment used by the subscriber or paying customer to obtain the service;

(B) the provision of premium channels; and

(C) the installation or repair of receiving equipment used by the subscriber or paying customer to obtain the service.

Sec. 67.002. SUBSCRIPTION VIDEO ASSESSMENT. (a) There is imposed on each provider an assessment of 6-1/4 percent of gross revenues derived from the provision of subscription video services in this state.

(b) The assessment imposed by Subsection (a) does not apply to gross revenue from Internet access services as defined by Section 151.00394(a), Tax Code, including Internet access services purchased, used, or sold to provide subscription video services.

(c) A provider of subscription video services is entitled to exclude the following amounts from gross revenues subject to the assessment imposed by Subsection (a):

(1) bad debts to the extent and in the same manner as provided by Section 151.426, Tax Code;

(2) gross revenue derived from a contract to sell or transfer subscription video services for further commercial broadcast, rebroadcast, transmission, retransmission, licensing, relicensing, distribution, redistribution, or exhibition of the product, wholly or partly, to another person or persons;

(3) gross revenue received by an affiliate or any other person in exchange for supplying goods and services used by a provider;

(4) refunds, rebates, or discounts made to a subscriber, advertiser, or other person;

(5) a fee, tax, or other assessment imposed by the United States or any state or local government that is permitted or required to be added to the sales price of subscription video services, if the fee, tax, or other assessment is stated separately on a subscriber's bill;

(6) revenue from the sale of capital assets or surplus equipment not used by the purchaser to receive subscription video services from the provider;

(7) late payment fees collected from subscribers of subscription video services; and

(8) revenue from advertising services.

Sec. 67.003. INFORMATION SHOWN ON SUBSCRIBER BILL. A provider may show, as a separate line item on each regular bill of each subscriber, the amount of the total bill resulting from any assessment imposed under this chapter.

Sec. 67.004. ASSESSMENT DUE DATES. The assessment imposed by this chapter is due and payable to the comptroller on or before the last day of the first month following the end of each calendar quarter.

Sec. 67.005. ASSESSMENT REPORT. (a) A provider required to pay an assessment under this chapter shall file an assessment report with the comptroller on a form prescribed by the comptroller. The assessment report is due on the date the assessment is due under Section 67.004.

(b) The assessment report must include a statement of the gross revenues received from the provision of subscription video services and any other information required by the comptroller.

Sec. 67.006. SUBSCRIPTION REPORT. (a) A provider subject to the assessment imposed by this chapter shall file a subscription report with the comptroller on a form prescribed by the comptroller. The subscription report is due annually not later than December 31.

(b) The subscription report must include a statement of the number of subscribers the provider had on December 1 of the calendar year in which the report is due:

(1) in the incorporated area of each municipality in which the provider provides subscription video services; and

(2) in the unincorporated areas of each county in which the provider provides subscription video services.

(c) A provider shall base the number of subscribers reported in Subsections (b)(1) and (2) on the service address of each subscriber. For purposes of this section, "service address" means the location where the subscriber receives subscription video services.

Sec. 67.007. RECORDS. (a) A provider on whom the assessment is imposed by this chapter shall maintain the necessary records, and any other information required by the comptroller, to determine:

(1) the amount of the assessment that the provider is required to remit under this chapter; and

(2) the number of subscription video service subscribers in the incorporated area of each municipality and in the unincorporated areas of each county.

(b) The records shall be open at all times to inspection by the comptroller.

Sec. 67.008. PENALTY FOR FAILURE TO FILE REPORT OR PAY ASSESSMENT. (a) A person who fails to file an assessment report as required by Section 67.005 or who fails to pay an assessment imposed by this chapter

when due forfeits five percent of the amount of the assessment due as a penalty, and if the person fails to file the assessment report or pay the assessment within 30 days after the day on which the assessment or assessment report is due, the person forfeits an additional five percent.

(b) A person who fails to file a subscription report as required by Section 67.006 forfeits five percent of the amount of the most recent assessment due as a penalty, and if the person fails to file the subscription report within 30 days after the day on which the subscription report is due, the person forfeits an additional five percent.

(c) The minimum penalty imposed by this section is \$1.

Sec. 67.009. ALLOCATION OF REVENUE. (a) The comptroller shall deposit 75 percent of the revenue collected from the assessment imposed by this chapter to the credit of the property tax relief fund under Section 403.109, Government Code.

(b) The comptroller shall deposit the remaining revenue collected from the assessment imposed by this chapter to the credit of the subscription video assessment clearance fund established under Section 67.010.

Sec. 67.010. SUBSCRIPTION VIDEO ASSESSMENT CLEARANCE FUND. (a) The subscription video assessment clearance fund is a special fund in the state treasury outside the general revenue fund. The fund is exempt from the application of Section 403.095, Government Code.

(b) The fund consists of revenue credited to the fund under Section 67.009(b).

(c) Not later than the last day of the second month following a calendar quarter, the comptroller shall:

(1) determine the total number of subscription video service subscribers in this state and in the incorporated area of each municipality and the unincorporated areas of each county, according to the most recent subscription report filed by each provider under Section 67.006; and

(2) issue warrants to those municipalities and counties as provided by Subsection (d).

(d) The comptroller shall distribute the amount in the subscription video assessment clearance fund deposited during the previous calendar quarter, less any retention authorized by Subsection (e), by issuing a warrant drawn on the fund to:

(1) each municipality with subscription video service subscribers in the incorporated area of the municipality in an amount equal to the amount in the fund, less the retention amount, multiplied by the ratio that the total number of subscription video service subscribers in that incorporated area bears to the total number of subscribers in this state; and

(2) each county with subscription video service subscribers in the unincorporated areas of the county in an amount equal to the amount in the fund, less the retention amount, multiplied by the ratio that the total number of subscription video service subscribers in those unincorporated areas bears to the total number of subscribers in this state.

(e) The comptroller may retain not more than five percent of the balance of the fund to process:

(1) a refund of an overpayment of the assessment imposed by this chapter; or

(2) a correction in the allocation of revenue received under this chapter.

(f) A distribution received by a municipality or county under this section shall be used only to reduce the effective tax rate of ad valorem taxes imposed by the municipality or county and for that purpose only, the distribution shall be treated in the same manner as and added to any revenue generated under Section 321.101(b), Tax Code, or Chapter 323, Tax Code, for the purpose of property tax reduction and computation of the municipality's or county's tax rate under Section 26.041, Tax Code.

Sec. 67.011. RULES. The comptroller may adopt rules necessary to enforce this chapter.

(b) The change in law made by this section applies to the provision of subscription video services, as defined by Section 67.001, Utilities Code, as added by this section, occurring on or after the effective date of this section. The provision of subscription video services, as defined by Section 67.001, Utilities Code, as added by this section, occurring before the effective date of this section is governed by the law in effect on the date the provision of subscription video services occurred, and the former law is continued in effect for that purpose.

(c) The comptroller of public accounts shall issue initial warrants as provided by Section 67.010, Utilities Code, as added by this section, for the fiscal quarter beginning on the effective date of this section not later than February 29, 2012.

(d) This section takes effect October 1, 2011.

SECTION ____.02. Section 1(c), Chapter 286 (**HB 4765**), Acts of the 81st Legislature, Regular Session, 2009, is repealed.

SECTION ____.03. Section 2, Chapter 286 (**HB 4765**), Acts of the 81st Legislature, Regular Session, 2009, which amended former Subsection (d), Section 171.002, Tax Code, is repealed.

SECTION ____.04. Section 3, Chapter 286 (**HB 4765**), Acts of the 81st Legislature, Regular Session, 2009, which amended former Subsection (a), Section 171.0021, Tax Code, is repealed.

SECTION ____.05. Section 171.0021, Tax Code, is repealed.

SECTION ____.06. Section 171.1016(d), Tax Code, is repealed.

SECTION ____.07. Except as otherwise provided by this article, 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 this article to have immediate effect, this article takes effect September 1, 2011.

Amendment No. 80 - Point of Order

Representative P. King raised a point of order against further consideration of Amendment No. 80 under Rule 8, Section 3 of the House Rules on the grounds that it violates the one subject rule.

The chair sustained the point of order.

The ruling precluded further consideration of Amendment No. 80.

Amendment No. 81

Representative Eiland offered the following amendment to **CSSB 1811**:

Floor Packet Page No. 763

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering the subsequent SECTIONS of the bill appropriately:

SECTION _____. Section 10, Article 4413(37), Revised Statutes, is amended by amending Subsection (b) and adding Subsection (e) to read as follows:

(b) An insurer shall pay to the authority a fee equal to \$2 [~~\$4~~] multiplied by the total number of motor vehicle years of insurance for insurance policies delivered, issued for delivery, or renewed by the insurer. The fee shall be paid not later than:

(1) March 1 of each year for a policy issued, delivered, or renewed from July 1 through December 31 of the previous calendar year; and

(2) August 1 of each year for a policy issued, delivered, or renewed from January 1 through June 30 of that year.

(e) Fifty percent of each fee collected under Subsection (b) may be appropriated only to the authority for the purposes of this article.

SECTION _____. The change in law made by this Act applies only to an insurance policy issued, delivered, or renewed on or after the effective date of this Act. An insurance policy issued, delivered, or renewed before the effective date of this Act is governed by the law in effect on the date the insurance policy was issued, delivered, or renewed, and the former law is continued in effect

Amendment No. 81 was withdrawn.

Amendment No. 82

Representative Guillen offered the following amendment to **CSSB 1811**:

Floor Packet Page No. 711

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering the subsequent ARTICLES of the bill accordingly:

ARTICLE _____. ELIGIBILITY OF SURVIVING SPOUSE OF DISABLED VETERAN TO PAY AD VALOREM TAXES ON RESIDENCE HOMESTEAD IN INSTALLMENTS

SECTION _____.01. Section 31.031, Tax Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) This section applies only to:

(1) [~~If before the delinquency date~~] an individual who is:

(A) disabled or at least 65 years of age; and

(B) [~~is~~] qualified for an exemption under Section 11.13(c); or

(2) an individual who is:

(A) the unmarried surviving spouse of a disabled veteran; and

(B) qualified for an exemption under Section 11.22.

(a-1) If before the delinquency date an individual to whom this section applies pays at least one-fourth of a taxing unit's taxes imposed on property that the person owns and occupies as a residence homestead, accompanied by notice to the taxing unit that the person will pay the remaining taxes in installments, the person may pay the remaining taxes without penalty or interest in three equal installments. The first installment must be paid before April 1, the second installment before June 1, and the third installment before August 1.

SECTION ____.02. This article applies only to an ad valorem tax year that begins on or after the effective date of this article.

SECTION ____.03. This article takes effect January 1, 2012.

Amendment No. 82 was adopted.

Amendment No. 83

Representative Villarreal offered the following amendment to **CSSB 1811**:

Floor Packet Page No. 768

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE _____. TEXAS FISCAL STABILITY COMMISSION

SECTION ____.01. In this article, "commission" means the Texas Fiscal Stability Commission.

SECTION ____.02. (a) The mission of the commission is to provide the members of this state's legislature with recommendations for improving this state's ability to provide a stable, long-term source of revenue for educating the people of this state from pre-kindergarten through higher education while maintaining low state and local tax rates relative to other states and ensuring tax burdens of households and business entities are equitably shared.

(b) The commission shall develop a comprehensive plan that includes tax and budget recommendations to eliminate this state's structural revenue shortfall.

SECTION ____.03. (a) The commission is composed of 19 members as follows:

(1) the chair of the House Appropriations Committee and House Ways and Means Committee;

(2) the chair and vice chair of the Senate Committee on Finance;

(3) two state representatives and three members of the public appointed by the speaker of the house of representatives;

(4) two state senators and three members of the public appointed by the lieutenant governor; and

(5) five members of the public appointed by the governor.

(b) A person specified by Subsection (a) of this section to appoint a commission member shall make the appointment not later than November 1, 2011.

(c) The lieutenant governor and speaker of the house of representatives shall select one member of the commission to serve as the chair and another member to serve as the vice chair.

(d) The commission shall meet at the call of the chair.

(e) The commission shall hold public hearings at locations throughout this state to hear testimony on issues related to its mission.

(f) A commission member may not receive compensation for serving on the commission but is entitled to reimbursement of travel expenses incurred by the member while conducting the business of the commission as provided by the General Appropriations Act.

(g) Not later than June 1, 2012, the commission shall submit the state fiscal stability plan under Section _____.02 of this article to the Senate Finance Committee, the House Appropriations Committee, the House Ways and Means Committee, and the Legislative Budget Board.

(h) The commission is abolished September 1, 2013.

SECTION _____.04. This article expires September 1, 2013.

SECTION _____.05. 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. 83 was adopted. (Frullo, Harper-Brown, Kolkhorst, and V. Taylor recorded voting no.)

Amendment No. 84

Representative Castro offered the following amendment to **CSSB 1811**:

Floor Packet Page No. 777

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE _____. GENERAL REVENUE ATTRIBUTABLE TO ACT

SECTION _____.01. (a) Before September 1 of each year, the comptroller shall determine the additional general revenue available to the state for the state fiscal year that began on the preceding September 1 that is attributable to changes in law made by this Act. In making the determination, the comptroller shall exclude any revenue dedicated to a specific purpose by the constitution of this state.

(b) Notwithstanding any other law but subject to Subsection (c) of this section, the comptroller shall transfer from the undedicated portion of the general revenue fund to the credit of the foundation school fund the total amount of additional general revenue as determined under Subsection (a) of this section. An amount transferred under this subsection for a state fiscal year is appropriated to the Texas Education Agency for that fiscal year to be used for Foundation School Program purposes and is in addition to other amounts appropriated for Foundation School Program purposes for that state fiscal year.

(c) The amount transferred to the credit of the foundation school fund under Subsection (b) of this section may not exceed the amount necessary to fund the Foundation School Program at the level at which that program was funded for the 2010-2011 school year, including funding at that level for enrollment growth.

Amendment No. 84 was adopted. (Eissler, Frullo, Harless, Harper-Brown, Kolkhorst, Patrick, and Truitt recorded voting no.)

(Murphy in the chair)

Amendment No. 85

Representative Otto offered the following amendment to **CSSB 1811**:
Floor Packet Page No. 771

Amend **CSSB 1811** (house committee report) by adding the following appropriately numbered ARTICLES to the bill and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE ___. REDUCTION IN GENERAL APPROPRIATIONS ACT

SECTION ___.01. An active, former, or retired visiting judge or justice is not entitled to an amount from the state for expenses, per diem, travel, or salary that exceeds the amount authorized for those purposes by the General Appropriations Act.

SECTION ___.02. A local administrative district judge is not entitled to a salary from the state under Section 659.012(d), Government Code, that exceeds the amount authorized for that salary by the General Appropriations Act.

SECTION ___.03. An active district judge is not entitled to travel expenses under Section 24.019, Government Code, in an amount that exceeds the amount authorized for those expenses by the General Appropriations Act.

SECTION ___.04. A judge, justice, or prosecuting attorney is not entitled to an amount from the state for a salary, a salary supplement, office expenses or reimbursement of office expenses, or travel that exceeds the amount authorized for those purposes by the General Appropriations Act.

SECTION ___.05. (a) A county is not entitled to receive from the state supplemental salary compensation for county prosecutors under Section 46.0031, Government Code, or longevity pay supplements reimbursement under Section 41.255, Government Code, or any other supplements for prosecutors, in an amount that exceeds the amount appropriated for those purposes by the General Appropriations Act.

(b) A county is not entitled to state contributions for salaries or supplements under Chapter 25 or 26, Government Code, in an amount that exceeds the amounts appropriated for those purposes in the General Appropriations Act.

(c) A county is not entitled to reimbursement under Article 11.071, Code of Criminal Procedure, for reimbursement for compensation of counsel under that article in an amount that exceeds the amount appropriated for that purpose in the General Appropriations Act.

SECTION ___06. A person reimbursed by the state for travel and expenses for attendance as a witness as provided by Article 35.27, Code of Criminal Procedure, is not entitled to an amount that exceeds the amount appropriated for that purpose by the General Appropriations Act.

ARTICLE ___. FISCAL MATTERS REGARDING ASSISTANT
PROSECUTORS

SECTION ___01. Section 41.255(f), Government Code, is amended to read as follows:

(f) A county is not required to pay longevity supplements if the county does not receive funds from the comptroller as provided by Subsection (d). If sufficient funds are not available to meet the requests made by counties for funds for payment of assistant prosecutors qualified for longevity supplements:

(1) [;] the comptroller shall apportion the available funds to the eligible counties by reducing the amount payable to each county on an equal percentage basis;

(2) a county is not entitled to receive the balance of the funds at a later date; and

(3) the longevity pay program under this chapter is suspended to the extent of the insufficiency. ~~[A county that receives from the comptroller an amount less than the amount certified by the county to the comptroller under Subsection (d) shall apportion the funds received by reducing the amount payable to eligible assistant prosecutors on an equal percentage basis, but is not required to use county funds to make up any difference between the amount certified and the amount received.]~~

SECTION ___02. Section 41.255(g), Government Code, is repealed.

ARTICLE ___. FISCAL MATTERS REGARDING PROCESS SERVERS

SECTION ___01. Subchapter A, Chapter 51, Government Code, is amended by adding Section 51.008 to read as follows:

Sec. 51.008. FEES FOR PROCESS SERVER CERTIFICATION. (a) The process server review board established by supreme court order may recommend to the supreme court the fees to be charged for process server certification and renewal of certification. The supreme court must approve the fees recommended by the process server review board before the fees may be collected.

(b) If a certification is issued or renewed for a term that is less than the certification period provided by supreme court rule, the fee for the certification shall be prorated so that the process server pays only that portion of the fee that is allocable to the period during which the certification is valid. On renewal of the certification on the new expiration date, the process server must pay the entire certification renewal fee.

(c) The Office of Court Administration of the Texas Judicial System may collect the fees recommended by the process server review board and approved by the supreme court. Fees collected under this section shall be sent to the comptroller for deposit to the credit of the general revenue fund.

(d) Fees collected under this section may be appropriated to the Office of Court Administration of the Texas Judicial System for the support of regulatory programs for process servers and guardians.

SECTION __.02. Subchapter B, Chapter 72, Government Code, is amended by adding Sections 72.013 and 72.014 to read as follows:

Sec. 72.013. PROCESS SERVER REVIEW BOARD. A person appointed to the process server review board established by supreme court order serves without compensation but is entitled to reimbursement for actual and necessary expenses incurred in traveling and performing official board duties.

Sec. 72.014. CERTIFICATION DIVISION. The office shall establish a certification division to oversee the regulatory programs assigned to the office by law or by the supreme court.

SECTION __.03. (a) The fees recommended and approved under Section 51.008, Government Code, as added by this article, apply to:

(1) each person who holds a process server certification on the effective date of this Act; and

(2) each person who applies for process server certification on or after the effective date of this Act.

(b) The Office of Court Administration of the Texas Judicial System shall prorate the process server certification fee so that a person who holds a process server certification on the effective date of this Act pays only that portion of the fee that is allocable to the period during which the certification is valid. On renewal of the certification on the new expiration date, the entire certification renewal fee is payable.

ARTICLE __. FISCAL MATTERS REGARDING JUDICIAL AND COURT PERSONNEL TRAINING FUND

SECTION __.01. Section 56.001, Government Code, is amended to read as follows:

Sec. 56.001. JUDICIAL AND COURT PERSONNEL TRAINING FUND. (a) The judicial and court personnel training fund is an account in the general revenue fund. Money in the judicial and court personnel training fund may be appropriated only to [created in the state treasury and shall be administered by] the court of criminal appeals for the uses authorized in Section 56.003.

(b) [(+)] On requisition of the court of criminal appeals, the comptroller shall draw a warrant on the fund for the amount specified in the requisition for a use authorized in Section 56.003. A warrant may not exceed the amount appropriated for any one fiscal year. ~~[At the end of each state fiscal year, any unexpended balance in the fund in excess of \$500,000 shall be transferred to the general revenue fund.]~~

ARTICLE __. FISCAL MATTERS REGARDING PAYMENT OF JURORS

SECTION __.01. Section 61.001(a), Government Code, is amended to read as follows:

(a) Except as provided by Subsection (c), a person who reports for jury service in response to the process of a court is entitled to receive as reimbursement for travel and other expenses an amount:

(1) not less than \$6 for the first day or fraction of the first day the person is in attendance in court in response to the process and discharges the person's duty for that day; and

(2) not less than the amount provided in the General Appropriations Act [§40] for each day or fraction of each day the person is in attendance in court in response to the process after the first day and discharges the person's duty for that day.

SECTION __.02. Sections 61.0015(a) and (e), Government Code, are amended to read as follows:

(a) The state shall reimburse a county the appropriate amount as provided in the General Appropriations Act [§34 a day] for the reimbursement paid under Section 61.001 to a person who reports for jury service in response to the process of a court for each day or fraction of each day after the first day in attendance in court in response to the process.

(e) If a payment on a county's claim for reimbursement is reduced under Subsection (d), or if a county fails to file the claim for reimbursement in a timely manner, the comptroller may, as provided by rule, apportion the payment of the balance owed the county. The comptroller's rules may permit a different rate of reimbursement for each quarterly payment under Subsection (c) [shall:

(1) pay the balance owed to the county when sufficient money described by Subsection (e) is available; or

(2) carry forward the balance owed to the county and pay the balance to the county when the next payment is required].

Amendment No. 86

Representatives Eiland and Turner offered the following amendment to Amendment No. 85:

Amend Amendment No. 85 by Otto to **CSSB 1811** (page 771, prefiled amendment packet), by striking the Article titled "FISCAL MATTERS REGARDING PAYMENT OF JURORS" (page 5, line 15 through page 6, line 18 of the amendment) and substituting the following:

ARTICLE __. FISCAL MATTERS REGARDING PAYMENT OF JURORS.

SECTION __.01. Section 61.001, Government Code, is amended by adding Subsections (a-1) and (a-2) to read as follows:

(a-1) Notwithstanding Subsection (a), and except as provided by Subsection (c), during the state fiscal biennium beginning September 1, 2011, a person who reports for jury service in response to the process of a court is entitled to receive as reimbursement for travel and other expenses an amount:

(1) not less than \$6 for the first day or fraction of the first day the person is in attendance in court in response to the process and discharges the person's duty for that day; and

(2) not less than the amount provided in the General Appropriations Act for each day or fraction of each day the person is in attendance in court in response to the process after the first day and discharges the person's duty for that day.

(a-2) This subsection and Subsection (a-1) expire September 1, 2013.

SECTION __.02. Section 61.0015, Government Code, is amended by adding Subsections (a-1), (a-2), and (e-1) to read as follows:

(a-1) Notwithstanding Subsection (a), during the state fiscal biennium beginning September 1, 2011, the state shall reimburse a county the appropriate amount as provided in the General Appropriations Act for the reimbursement paid under Section 61.001 to a person who reports for jury service in response to the process of a court for each day or fraction of each day after the first day in attendance in court in response to the process.

(a-2) This subsection and Subsections (a-1) and (e-1) expire September 1, 2013.

(e-1) Notwithstanding Subsection (e), during the state fiscal biennium beginning September 1, 2011, if a payment on a county's claim for reimbursement is reduced under Subsection (d), or if a county fails to file the claim for reimbursement in a timely manner, the comptroller may, as provided by rule, apportion the payment of the balance owed the county. The comptroller's rules may permit a different rate of reimbursement for each quarterly payment under Subsection (c).

Amendment No. 86 was adopted.

Amendment No. 85, as amended, was adopted.

(Speaker in the chair)

Amendment No. 87

Representative Workman offered the following amendment to **CSSB 1811**:
Floor Packet Page No. 52

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . ADJUDICATION OF CLAIMS ARISING UNDER WRITTEN
CONTRACTS WITH STATE AGENCIES

SECTION ____.01. Title 5, Civil Practice and Remedies Code, is amended by adding Chapter 114 to read as follows:

CHAPTER 114. ADJUDICATION OF CLAIMS ARISING UNDER WRITTEN
CONTRACTS WITH STATE AGENCIES

Sec. 114.001. DEFINITIONS. In this chapter:

(1) "Adjudication" of a claim means the bringing of a civil suit and prosecution to final judgment in county or state court and includes the bringing of an arbitration proceeding and prosecution to final resolution in accordance with any mandatory procedures established in the contract subject to this chapter for the arbitration proceedings.

(2) "Contract subject to this chapter" means a written contract stating the essential terms of the agreement for providing goods or services to the state agency that is properly executed on behalf of the state agency.

(3) "State agency" means an agency, department, commission, bureau, board, office, council, court, or other entity that is in any branch of state government and that is created by the constitution or a statute of this state,

including a university system or a system of higher education. The term does not include a county, municipality, court of a county or municipality, special purpose district, or other political subdivision of this state.

Sec. 114.002. APPLICABILITY. This chapter applies only to a claim for breach of contract in which the matter in controversy exceeds \$250,000, exclusive of interest.

Sec. 114.003. WAIVER OF IMMUNITY TO SUIT FOR CERTAIN CLAIMS. A state agency that is authorized by statute or the constitution to enter into a contract and that enters into a contract subject to this chapter waives sovereign immunity to suit for the purpose of adjudicating a claim for breach of an express or implied provision of the contract, subject to the terms and conditions of this chapter.

Sec. 114.004. LIMITATIONS ON ADJUDICATION AWARDS. (a) The total amount of money awarded in an adjudication brought against a state agency for breach of an express or implied provision of a contract subject to this chapter is limited to the following:

(1) the balance due and owed by the state agency under the contract as it may have been amended, including any amount owed as compensation for the increased cost to perform the work as a direct result of owner-caused delays or acceleration;

(2) the amount owed for change orders or additional work required to carry out the contract; and

(3) interest as allowed by law.

(b) Damages awarded in an adjudication brought against a state agency arising under a contract subject to this chapter may not include:

(1) consequential damages, except as allowed under Subsection (a)(1);

(2) exemplary damages; or

(3) damages for unabsorbed home office overhead.

Sec. 114.005. CONTRACTUAL ADJUDICATION PROCEDURES ENFORCEABLE. Adjudication procedures, including requirements for serving notices or engaging in alternative dispute resolution proceedings before bringing a suit or an arbitration proceeding, that are stated in the contract subject to this chapter or that are established by the state agency and expressly incorporated into the contract are enforceable except to the extent those procedures conflict with the terms of this chapter.

Sec. 114.006. NO WAIVER OF OTHER DEFENSES. This chapter does not waive a defense or a limitation on damages available to a party to a contract, other than a bar against suit based on sovereign immunity.

Sec. 114.007. NO WAIVER OF IMMUNITY TO SUIT IN FEDERAL COURT. This chapter does not waive sovereign immunity to suit in federal court.

Sec. 114.008. NO WAIVER OF IMMUNITY TO SUIT FOR TORT LIABILITY. This chapter does not waive sovereign immunity to a claim arising from a cause of action for negligence.

Sec. 114.009. EMPLOYMENT CONTRACTS EXEMPT. This chapter does not apply to an employment contract between a state agency and an employee of that agency.

Sec. 114.010. NO RECOVERY OF ATTORNEY'S FEES. Attorney's fees incurred by a state agency or any other party in the adjudication of a claim by or against a state agency shall not be awarded to any party in the adjudication unless the state agency has entered into a written agreement that expressly authorizes the prevailing party in the adjudication to recover its reasonable and necessary attorney's fees.

Sec. 114.011. VENUE. A suit under this chapter may be brought in a district court in:

(1) a county in which the events or omissions giving rise to the claim occurred; or

(2) Travis County.

SECTION __.02. Section 2260.002, Government Code, is amended to read as follows:

Sec. 2260.002. APPLICABILITY. This chapter does not apply to:

(1) a claim for personal injury or wrongful death arising from the breach of a contract; [ø]

(2) a contract executed or awarded on or before August 30, 1999; or

(3) a claim for breach of contract to which Chapter 114, Civil Practice and Remedies Code, applies.

SECTION __.03. (a) Chapter 114, Civil Practice and Remedies Code, as added by this article, applies only to a claim arising under a contract executed on or after September 1, 2011. A claim that arises under a contract executed before September 1, 2011, is governed by the law applicable to the claim immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(b) Nothing in this article is intended to create, rescind, expand, or limit any waiver of sovereign immunity to suit applicable to any contract executed before September 1, 2011.

Amendment No. 87 was adopted. (Alvarado, Burkett, Callegari, Creighton, Crownover, Eissler, Fletcher, L. Gonzales, Harless, Harper-Brown, Hopson, Kolkhorst, Landtroop, Lavender, Lewis, Patrick, Perry, L. Taylor, Truitt, and Zerwas recorded voting no.)

Amendment No. 88

Representative Hilderbran offered the following amendment to **CSSB 1811**:
Floor Packet Page No. 761

Amend **CSSB 1811** (house committee report) by adding the following:

SECTION 1. Section 1(c), Chapter 286 (**HB 4765**), Acts of the 81st Legislature, Regular Session, 2009, is amended to read as follows:

(c) This [~~If this section takes effect, this~~] section expires December 31, 2013 [~~2014~~].

SECTION 2. Section 2(b), Chapter 286 (**HB 4765**), Acts of the 81st Legislature, Regular Session, 2009, is amended to read as follows:

(b) This section takes effect January 1, 2014 [2012, if ~~HB 2154~~, Acts of the 81st Legislature, Regular Session, 2009, amends Section 155.0211, Tax Code, in a manner that results in an increase in the revenue from the tax under that section during the state fiscal biennium beginning September 1, 2009, that is attributable to that change, and that Act is enacted and becomes law. If ~~HB 2154~~, Acts of the 81st Legislature, Regular Session, 2009, does not amend Section 155.0211, Tax Code, in that manner or is not enacted or does not become law, this section takes effect January 1, 2010].

SECTION 3. Section 3(b), Chapter 286 (**HB 4765**), Acts of the 81st Legislature, Regular Session, 2009, is amended to read as follows:

(b) This section takes effect January 1, 2014 [2012, if ~~HB 2154~~, Acts of the 81st Legislature, Regular Session, 2009, amends Section 155.0211, Tax Code, in a manner that results in an increase in the revenue from the tax under that section during the state fiscal biennium beginning September 1, 2009, that is attributable to that change, and that Act is enacted and becomes law. If ~~HB 2154~~, Acts of the 81st Legislature, Regular Session, 2009, does not amend Section 155.0211, Tax Code, in that manner or is not enacted or does not become law, this section takes effect January 1, 2010].

SECTION 4. This Act takes effect only if **SB 1811**, Acts of the 82nd Legislature, Regular Session, 2011, results in an increase in the revenue collected from state taxes imposed during the state fiscal biennium beginning September 1, 2011, that is attributable to the changes provided by that Act, and that Act is enacted and becomes law. If **SB 1811**, Acts of the 82nd Legislature, Regular Session, 2011, does not result in an increase in the revenue collected from state taxes imposed or is not enacted or does not become law, this Act has no effect.

SECTION 5. This Act takes effect immediately if it 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 Act takes effect September 1, 2011.

Amendment No. 88 was adopted.

Amendment No. 89

Representative Landtroop offered the following amendment to **CSSB 1811**:

Floor Packet Page No. 726

Amend **CSSB 1811** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS accordingly:

SECTION _____. Section 171.1012, Tax Code, is amended by adding Subsection (e-1) to read as follows:

(e-1) In addition to other amounts that are not includable as cost of goods sold under Subsection (e) or other law, the cost of goods sold does not include the amount paid by a taxable entity in relation to the taxable entity's goods for labor costs for coverage for elective abortions under a health benefits plan or other

health care plan. To the extent otherwise authorized by this chapter, the taxable entity may include as cost of goods sold the amount paid by the taxable entity for labor costs for coverage for other benefits and services under the health benefits plan or other health care plan. For purposes of this subsection, "elective abortion" does not include an abortion that:

(1) is determined to be medically necessary because of a life-threatening physical condition aggravated by, caused by, or arising from a pregnancy that, as certified by a physician, places the woman in danger of death or a serious risk of substantial impairment of a major bodily function unless an abortion is performed.

SECTION _____. Section 171.1013, Tax Code, is amended by adding Subsection (c-2) to read as follows:

(c-2) Notwithstanding Subsections (b)(2) and (b-1), a taxable entity that elects to subtract compensation for the purpose of computing its taxable margin under Section 171.101 may not subtract any amount the taxable entity paid for coverage for elective abortions under a health benefits plan or other health care plan. The taxable entity may subtract the amount the taxable entity paid for coverage for other benefits and services under the health benefits plan or other health care plan if otherwise authorized by Subsection (b)(2) or (b-1). For purposes of this subsection, "elective abortion" does not include an abortion that:

(1) is determined to be medically necessary because of a life-threatening physical condition aggravated by, caused by, or arising from a pregnancy that, as certified by a physician, places the woman in danger of death or a serious risk of substantial impairment of a major bodily function unless an abortion is performed.

SECTION _____. Sections 171.1012 and 171.1013, as amended by this Act, apply only to a report originally due on or after the effective date of this Act.

Amendment No. 90

Representative P. King offered the following amendment to Amendment No. 89:

Amend Amendment No. 89 by Landtroop to **CSSB 1811** (page 726 of the prefiled amendment packet) immediately following page 2, line 16 of the amendment add the following:

Amend **CSSB 1811** (house committee report) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE _____. STATE COSTS FOR ATTORNEYS AD LITEM AND GUARDIANS AD LITEM APPOINTED TO REPRESENT MINORS IN JUDICIAL BYPASS ABORTION PROCEEDINGS

SECTION _____.01. (a) Not later than December 1, 2011, the supreme court by rule shall establish procedures for the supreme court and each county court at law, court having probate jurisdiction, district court, and court of appeals in this state to conduct a financial audit to determine for the state fiscal year beginning

September 1, 2011, the amount of state funds used to pay the costs of attorneys ad litem and guardians ad litem appointed to represent minors under Section 33.003 or 33.004, Family Code.

(b) In the procedures adopted under Subsection (a) of this section, the supreme court must require each state court to submit to the supreme court a report on the results of the financial audit conducted by the court not later than November 1, 2012.

(c) Not later than January 1, 2013, the supreme court shall submit to the lieutenant governor and the speaker of the house of representatives a report that summarizes the results of financial audits conducted in the state courts and includes the total amount of state funds used in the state fiscal year beginning September 1, 2011, to pay the costs of attorneys ad litem and guardians ad litem appointed to represent minors under Section 33.003 or 33.004, Family Code.

Amendment No. 90 was adopted.

Amendment No. 89, as amended, was adopted. (Alvarado and D. Howard recorded voting no.)

CSSB 1811, as amended, was passed to third reading by (Record 1229): 96 Yeas, 49 Nays, 1 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; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eiland; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; 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; 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.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Pickett.

Absent — Alvarado; Creighton; Zerwas.

STATEMENTS OF VOTE

When Record No. 1229 was taken, I was in the house but away from my desk. I would have voted no.

Alvarado

I was shown voting yes on Record No. 1229. I intended to vote no.

Carter

When Record No. 1229 was taken, I was in the house but away from my desk. I would have voted yes.

Creighton

When Record No. 1229 was taken, I was in the house but away from my desk. I would have voted yes.

Zerwas

ADJOURNMENT

Representative Veasey moved that the house adjourn until 10 a.m. today, Saturday, May 21.

The motion prevailed.

The house accordingly, at 1:07 a.m. Saturday, May 21, adjourned until 10 a.m. today.

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 1927 to Ways and Means.

List No. 2

SB 1581 to Appropriations.

List No. 3

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

SB 1581 to Public Education.

SIGNED BY THE SPEAKER

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

Senate List No. 30

SB 430, SB 662, SB 688, SB 764, SB 800, SCR 50, SCR 53, SCR 54

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

Friday, May 20, 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 257 Hilderbran SPONSOR: Patrick
Relating to certain unclaimed property that is presumed abandoned.
(Committee Substitute)

HB 361 Otto SPONSOR: Seliger
Relating to the agricultural advisory board of an appraisal district.

HB 414 Aycock SPONSOR: Hegar
Relating to the conducting of licensing examinations by the State Board of Veterinary Medical Examiners.
(Amended)

HB 590 Thompson SPONSOR: Patrick
Relating to amended sales tax reports and the reallocation of sales tax revenue.
(Amended)

HB 596 Parker SPONSOR: Harris
Relating to offenses involving operating a motorboat in a circular course.

HB 707 Laubenberg SPONSOR: Estes
Relating to the validation of certain governmental acts and proceedings of certain municipalities relating to certain public improvement districts.

HB 1120 Weber SPONSOR: Jackson
Relating to the dissolution of the Country Place Management District.

HB 1395 Parker SPONSOR: Watson
Relating to the requirements to operate personal watercraft and certain boats.

- HB 1525** Alvarado SPONSOR: Gallegos
Relating to the board of directors of the Greater East End Management District.
- HB 1711** Davis, John SPONSOR: Jackson
Relating to disaster remediation contracts.
(Amended)
- HB 1771** Madden SPONSOR: Harris
Relating to the establishment of the Specialty Courts Advisory Council.
- HB 1830** Naishtat SPONSOR: Harris
Relating to the method of delivery of certain notices sent by statutory probate court associate judges.
- HB 1866** Gonzalez, Naomi SPONSOR: Rodriguez
Relating to the designation of State Highway 20 as a historic highway.
- HB 1992** Hardcastle SPONSOR: Williams
Relating to the authority of the Texas Animal Health Commission to set and collect fees.
(Committee Substitute)
- HB 2048** Lyne SPONSOR: Deuell
Relating to the collection and enforcement of state and local hotel occupancy taxes.
(Amended)
- HB 2295** Frullo SPONSOR: Hegar
Relating to the administration of the universal service fund.
- HB 2366** Truitt SPONSOR: Nelson
Relating to the authority of an open-enrollment charter school operated by a municipality to give a preference in admissions to children of employees of the municipality.
- HB 2519** Kuempel SPONSOR: Watson
Relating to the regulation of certain motor vehicle auctions.
- HB 2690** Deshotel SPONSOR: Williams
Relating to authorizing local governments to convey real property interests to other local governments for less than fair market value.
- HB 2809** Phillips SPONSOR: Estes
Relating to the authority of the board of the Greater Texoma Utility Authority to approve changes in a construction contract.
- HB 2900** Hartnett SPONSOR: Harris
Relating to guardianship matters and proceedings.
(Amended)
- HB 3329** Keffer SPONSOR: Fraser
Relating to a daily temporary private club permit for a nonprofit corporation.
(Amended)
- HB 3391** Miller, Doug SPONSOR: Seliger
Relating to rainwater harvesting and other water conservation initiatives.
(Amended)
- HB 3506** Villarreal SPONSOR: Davis

Relating to the use of transportation allotment funds by school districts to provide bus passes or cards to certain students.

HB 3857 Dutton SPONSOR: Gallegos
Relating to the creation of the Near Northside Management District.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Friday, May 20, 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 753 Raymond SPONSOR: Zaffirini
Relating to the recruitment and retention of certain caseworkers employed by the Department of Family and Protective Services.
(Amended)

HB 1495 Munoz, Jr. SPONSOR: Hinojosa
Relating to the application of the Information Resources Management Act to public junior colleges and public junior college districts.
(Amended)

HB 1665 King, Susan SPONSOR: Fraser
Relating to the notification requirements regarding certain land use regulations in an area near military facilities.
(Amended)

HB 1818 Harper-Brown SPONSOR: Hinojosa
Relating to the continuation and functions of the Texas State Affordable Housing Corporation; providing penalties.
(Committee Substitute/Amended)

HB 1887 Villarreal SPONSOR: Hinojosa
Relating to tax administration of and procedures for property tax protests and appeals; changing the elements of an offense.
(Committee Substitute/Amended)

HB 1951 Taylor, Larry SPONSOR: Hegar

Relating to the continuation and operation of the Texas Department of Insurance and the operation of certain insurance programs; imposing administrative penalties.

(Committee Substitute/Amended)

HB 2742 Kleinschmidt SPONSOR: Estes
Relating to the business of structural pest control.

HB 2817 Taylor, Larry SPONSOR: Duncan
Relating to certain election practices and procedures.
(Committee Substitute)

HB 2825 Otto SPONSOR: Williams
Relating to the composition and appointment of the board of directors of a corporation to which the board of regents of The University of Texas System delegates investment authority for the permanent university fund or other funds under the control of the board of regents.

HB 3410 Smithee SPONSOR: Duncan
Relating to the managing underwriters for surplus lines insurance transactions and to the collection of surplus lines insurance premium taxes for those transactions.
(Amended)

HB 3573 King, Susan SPONSOR: Fraser
Relating to limiting the disclosure of certain information regarding certain charitable organizations, trusts, private foundations, and grant-making organizations.

HB 3788 Marquez SPONSOR: Davis
Relating to the authority of a county civil service commission to administer oaths and issue subpoenas; providing a penalty.
(Amended)

HCR 151 Lavender SPONSOR: Eltife
In memory of Bowie County Transport Deputy Sherri Jones.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Friday, May 20, 2011 - 3

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 1581 Ogden SPONSOR: Aycock
Relating to state fiscal matters, and certain administrative and business matters,
related to public and higher education.

Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

May 19

Agriculture and Livestock - **SB 616**

Business and Industry - **SB 1425**

Corrections - **SB 1209, SB 1617**

County Affairs - **HB 3832**

Criminal Jurisprudence - **SB 295, SB 407**

Culture, Recreation, and Tourism - **SB 1841**

Defense and Veterans' Affairs - **SB 1493, SB 1737**

Economic and Small Business Development - **HCR 147, SB 627, SB 1175**

Higher Education - **SB 32, SB 145, SB 149, SB 162, SB 568, SB 850, SB 975, SB 1730, SB 1909**

Homeland Security and Public Safety - **SB 86, SB 150, SB 364, SB 530, SB 876, SB 1237, SB 1292**

Human Services - **SB 76**

Insurance - **SB 1686**

Judiciary and Civil Jurisprudence - **SB 473, SB 481, SB 482, SB 791, SB 819, SB 1159, SB 1196, SB 1228, SB 1545, SB 1560, SB 1751, SB 1887**

Land and Resource Management - **SB 1044, SB 1789**

Licensing and Administrative Procedures - **SB 1170, SB 1733**

Natural Resources - **SB 573, SB 609, SB 635, SB 765, SB 987, SB 1073, SB 1361**

Pensions, Investments, and Financial Services - **SB 812, SB 1319, SB 1664, SB 1671, SB 1810**

Public Education - **HCR 152, SB 224, SB 1042, SB 1094, SB 1113, SB 1114, SB 1383, SB 1557, SB 1620**

Public Health - **SB 8, SB 81, SB 620, SB 1360, SB 1857**

State Affairs - **SB 669, SB 809, SB 855, SB 899, SB 981, SB 1002, SB 1069, SB 1393, SB 1605, SB 1638, SB 1907, SB 1910**

Ways and Means - **SB 326, SB 422, SB 597, SB 682, SB 915, SB 1070, SB 1120, SB 1130, SB 1185, SB 1404, SB 1413, SB 1441**

ENGROSSED

May 19 - HB 1690, HB 1693, HB 3743, HB 3848, HB 3864, HB 3865, HB 3866

SIGNED BY THE GOVERNOR

May 19 - HB 15, HB 46, HB 906, HB 984, HB 1032, HB 1346, HB 1625, HB 2561, HCR 45

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

EIGHTY-SECOND DAY — SATURDAY, MAY 21, 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 1230).

Present — Mr. Speaker; Aliseda; Allen; Alonzo; 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.

Absent — Alvarado.

Invocations were offered by Bill Rasco, pulpit minister, Spring Creek Church of Christ, Tomball, and Kerry Baker, rabbi, Austin.

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

REGULAR ORDER OF BUSINESS SUSPENDED

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

HR 2163 - ADOPTED
(by Brown)

Representative Brown moved to suspend all necessary rules to take up and consider at this time **HR 2163**.

The motion prevailed.

The following resolution was laid before the house:

HR 2163, Commemorating the 40th anniversary of the Texas Sea Grant College Program.

HR 2163 was adopted.

LEAVE OF ABSENCE GRANTED

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

Hernandez Luna on motion of D. Howard.

(Kuempel in the chair)

HJR 130 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

Representative Branch called up with senate amendments for consideration at this time,

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 concur in the senate amendments to **HJR 130**.

The motion to concur in the senate amendments to **HJR 130** prevailed by (Record 1231): 141 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; 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; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; 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; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds;

Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Hernandez Luna.

Absent — Allen; Alvarado; Johnson; Miles; Naishtat; Smith, T.

STATEMENTS OF VOTE

When Record No. 1231 was taken, I was temporarily out of the house chamber. I would have voted yes.

Alvarado

When Record No. 1231 was taken, I was in the house but away from my desk. I would have voted yes.

T. Smith

Senate Committee Substitute

CSHJR 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.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

WHEREAS, On October 29, 2010, the United States Department of Education released Final Regulations on Program Integrity Issues in an effort to strengthen federal student aid programs at postsecondary institutions; one provision seeks to clarify the minimum a state must do to authorize a postsecondary institution so that the institution is able to participate in federal student aid and other federal funding programs; and

WHEREAS, Specifically, 34 C.F.R. Section 600.9 was amended to require that postsecondary institutions be "established by name as an educational institution by a State through a charter, statute, constitutional provision, or other action" and that they be "authorized to operate educational programs beyond secondary education, including programs leading to a degree or certificate"; and

WHEREAS, Section 61.003, Texas Education Code, cites state universities by name and Section 61.063, Texas Education Code, establishes a process for naming public community colleges, but state law regards private institutions of higher education differently; and

WHEREAS, Rather than naming them, Section 61.003, Texas Education Code, defines "private or independent institutions of higher education" as those institutions organized under the Texas Non-Profit Corporation Act, now part of the Texas Business Organizations Code, that are exempt from taxation under Article VIII, Section 2, Texas Constitution, and Section 501(c)(3), Internal

Revenue Code of 1986, and that are accredited by the Commission on Colleges of the Southern Association of Colleges and Schools, the Liaison Committee on Medical Education, or the American Bar Association; and

WHEREAS, Such institutions are exempt from Section 61.301, Texas Education Code, which provides for the "regulation of private postsecondary educational institutions," because they are accredited by an accrediting agency recognized by the Texas Higher Education Coordinating Board; and

WHEREAS, The state is home to many institutions covered by Section 61.003, Texas Education Code, some of which have educated students since the mid-1800s, and all of which have been in operation for at least 20 years; each is eligible to participate in one or more state-funded student financial aid programs subject to audit by the Texas Higher Education Coordinating Board, and those that participate in such programs provide student enrollment and graduation data to the coordinating board for accountability purposes; moreover, consumer complaints about the institutions can be made to the Office of the Attorney General, consumer protection division, and complaints concerning financial impropriety and ethical misconduct can be made to the Office of the Attorney General, charitable trust division; and

WHEREAS, The state's private postsecondary educational institutions include: Abilene Christian University, Amberton University, Austin College, Baylor University, Baylor College of Medicine, the College of St. Thomas More, Concordia University Texas, Dallas Baptist University, East Texas Baptist University, Hardin-Simmons University, Houston Baptist University, Howard Payne University, Huston-Tillotson University, Jacksonville College, Jarvis Christian College, Le Tourneau University, Lon Morris College, Lubbock Christian University, McMurry University, Our Lady of the Lake University, Parker University, Paul Quinn College, Rice University, St. Edward's University, St. Mary's University, Schreiner University, Southern Methodist University, South Texas College of Law, Southwestern University, Southwestern Adventist University, Southwestern Assemblies of God University, Southwestern Christian College, Texas Chiropractic College, Texas Christian University, Texas College, Texas Lutheran University, Texas Wesleyan University, Trinity University, University of Dallas, University of the Incarnate Word, University of Mary Hardin-Baylor, University of St. Thomas, Wayland Baptist University, and Wiley College; now, therefore, be it

RESOLVED, That the 82nd Legislature of the State of Texas hereby notify the United States Department of Education that the aforementioned colleges and universities are authorized in the State of Texas to operate educational programs beyond secondary education, including programs leading to a degree or certificate, and that therefore the State of Texas has met the conditions of 34 C.F.R. Section 600.9; and, be it further

RESOLVED, That the Texas secretary of state forward official copies of this resolution to the secretary of education, to the president of each college and university named, to the president of the Senate and the speaker of the House of Representatives of the United States Congress, and to all the members of the

Texas delegation to Congress with the request that this resolution be entered in the Congressional Record as a memorial to the Congress of the United States of America.

**HB 2973 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Hunter called up with senate amendments for consideration at this time,

HB 2973, A bill to be entitled An Act relating to encouraging public participation by citizens by protecting a person's right to petition, right of free speech, and right of association from meritless lawsuits arising from actions taken in furtherance of those rights.

Representative Hunter moved to concur in the senate amendments to **HB 2973**.

The motion to concur in the senate amendments to **HB 2973** prevailed by (Record 1232): 141 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; 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; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; 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; Kuempel(C).

Absent, Excused — Hernandez Luna.

Absent — Alvarado; Johnson; Lyne; Miles; Naishtat; Raymond.

STATEMENT OF VOTE

When Record No. 1232 was taken, I was temporarily out of the house chamber. I would have voted yes.

Alvarado

Senate Committee Substitute

CSHB 2973, A bill to be entitled An Act relating to encouraging public participation by citizens by protecting a person's right to petition, right of free speech, and right of association from meritless lawsuits arising from actions taken in furtherance of those rights.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. This Act may be cited as the Citizens Participation Act.

SECTION 2. Subtitle B, Title 2, Civil Practice and Remedies Code, is amended by adding Chapter 27 to read as follows:

CHAPTER 27. ACTIONS INVOLVING THE EXERCISE OF CERTAIN CONSTITUTIONAL RIGHTS

Sec. 27.001. DEFINITIONS. In this chapter:

(1) "Communication" includes the making or submitting of a statement or document in any form or medium, including oral, visual, written, audiovisual, or electronic.

(2) "Exercise of the right of association" means a communication between individuals who join together to collectively express, promote, pursue, or defend common interests.

(3) "Exercise of the right of free speech" means a communication made in connection with a matter of public concern.

(4) "Exercise of the right to petition" means any of the following:

(A) a communication in or pertaining to:

(i) a judicial proceeding;

(ii) an official proceeding, other than a judicial proceeding, to administer the law;

(iii) an executive or other proceeding before a department of the state or federal government or a subdivision of the state or federal government;

(iv) a legislative proceeding, including a proceeding of a legislative committee;

(v) a proceeding before an entity that requires by rule that public notice be given before proceedings of that entity;

(vi) a proceeding in or before a managing board of an educational or eleemosynary institution supported directly or indirectly from public revenue;

(vii) a proceeding of the governing body of any political subdivision of this state;

(viii) a report of or debate and statements made in a proceeding described by Subparagraph (iii), (iv), (v), (vi), or (vii); or

(ix) a public meeting dealing with a public purpose, including statements and discussions at the meeting or other matters of public concern occurring at the meeting;

(B) a communication in connection with an issue under consideration or review by a legislative, executive, judicial, or other governmental body or in another governmental or official proceeding;

(C) a communication that is reasonably likely to encourage consideration or review of an issue by a legislative, executive, judicial, or other governmental body or in another governmental or official proceeding;

(D) a communication reasonably likely to enlist public participation in an effort to effect consideration of an issue by a legislative, executive, judicial, or other governmental body or in another governmental or official proceeding; and

(E) any other communication that falls within the protection of the right to petition government under the Constitution of the United States or the constitution of this state.

(5) "Governmental proceeding" means a proceeding, other than a judicial proceeding, by an officer, official, or body of this state or a political subdivision of this state, including a board or commission, or by an officer, official, or body of the federal government.

(6) "Legal action" means a lawsuit, cause of action, petition, complaint, cross-claim, or counterclaim or any other judicial pleading or filing that requests legal or equitable relief.

(7) "Matter of public concern" includes an issue related to:

(A) health or safety;

(B) environmental, economic, or community well-being;

(C) the government;

(D) a public official or public figure; or

(E) a good, product, or service in the marketplace.

(8) "Official proceeding" means any type of administrative, executive, legislative, or judicial proceeding that may be conducted before a public servant.

(9) "Public servant" means a person elected, selected, appointed, employed, or otherwise designated as one of the following, even if the person has not yet qualified for office or assumed the person's duties:

(A) an officer, employee, or agent of government;

(B) a juror;

(C) an arbitrator, referee, or other person who is authorized by law or private written agreement to hear or determine a cause or controversy;

(D) an attorney or notary public when participating in the performance of a governmental function; or

(E) a person who is performing a governmental function under a claim of right but is not legally qualified to do so.

Sec. 27.002. PURPOSE. The purpose of this chapter is to encourage and safeguard the constitutional rights of persons to petition, speak freely, associate freely, and otherwise participate in government to the maximum extent permitted by law and, at the same time, protect the rights of a person to file meritorious lawsuits for demonstrable injury.

Sec. 27.003. MOTION TO DISMISS. (a) If a legal action is based on, relates to, or is in response to a party's exercise of the right of free speech, right to petition, or right of association, that party may file a motion to dismiss the legal action.

(b) A motion to dismiss a legal action under this section must be filed not later than the 60th day after the date of service of the legal action. The court may extend the time to file a motion under this section on a showing of good cause.

(c) Except as provided by Section 27.006(b), on the filing of a motion under this section, all discovery in the legal action is suspended until the court has ruled on the motion to dismiss.

Sec. 27.004. HEARING. A hearing on a motion under Section 27.003 must be set not later than the 30th day after the date of service of the motion unless the docket conditions of the court require a later hearing.

Sec. 27.005. RULING. (a) The court must rule on a motion under Section 27.003 not later than the 30th day following the date of the hearing on the motion.

(b) Except as provided by Subsection (c), on the motion of a party under Section 27.003, a court shall dismiss a legal action against the moving party if the moving party shows by a preponderance of the evidence that the legal action is based on, relates to, or is in response to the party's exercise of:

- (1) the right of free speech;
- (2) the right to petition; or
- (3) the right of association.

(c) The court may not dismiss a legal action under this section if the party bringing the legal action establishes by clear and specific evidence a prima facie case for each essential element of the claim in question.

Sec. 27.006. EVIDENCE. (a) In determining whether a legal action should be dismissed under this chapter, the court shall consider the pleadings and supporting and opposing affidavits stating the facts on which the liability or defense is based.

(b) On a motion by a party or on the court's own motion and on a showing of good cause, the court may allow specified and limited discovery relevant to the motion.

Sec. 27.007. ADDITIONAL FINDINGS. (a) At the request of a party making a motion under Section 27.003, the court shall issue findings regarding whether the legal action was brought to deter or prevent the moving party from exercising constitutional rights and is brought for an improper purpose, including to harass or to cause unnecessary delay or to increase the cost of litigation.

(b) The court must issue findings under Subsection (a) not later than the 30th day after the date a request under that subsection is made.

Sec. 27.008. APPEAL. (a) If a court does not rule on a motion to dismiss under Section 27.003 in the time prescribed by Section 27.005, the motion is considered to have been denied by operation of law and the moving party may appeal.

(b) An appellate court shall expedite an appeal or other writ, whether interlocutory or not, from a trial court order on a motion to dismiss a legal action under Section 27.003 or from a trial court's failure to rule on that motion in the time prescribed by Section 27.005.

(c) An appeal or other writ under this section must be filed on or before the 60th day after the date the trial court's order is signed or the time prescribed by Section 27.005 expires, as applicable.

Sec. 27.009. DAMAGES AND COSTS. (a) If the court orders dismissal of a legal action under this chapter, the court shall award to the moving party:

(1) court costs, reasonable attorney's fees, and other expenses incurred in defending against the legal action as justice and equity may require; and

(2) sanctions against the party who brought the legal action as the court determines sufficient to deter the party who brought the legal action from bringing similar actions described in this chapter.

(b) If the court finds that a motion to dismiss filed under this chapter is frivolous or solely intended to delay, the court may award court costs and reasonable attorney's fees to the responding party.

Sec. 27.010. EXEMPTIONS. (a) This chapter does not apply to an enforcement action that is brought in the name of this state or a political subdivision of this state by the attorney general, a district attorney, a criminal district attorney, or a county attorney.

(b) This chapter does not apply to a legal action brought against a person primarily engaged in the business of selling or leasing goods or services, if the statement or conduct arises out of the sale or lease of goods, services, or an insurance product or a commercial transaction in which the intended audience is an actual or potential buyer or customer.

(c) This chapter does not apply to a legal action seeking recovery for bodily injury, wrongful death, or survival or to statements made regarding that legal action.

Sec. 27.011. CONSTRUCTION. (a) This chapter does not abrogate or lessen any other defense, remedy, immunity, or privilege available under other constitutional, statutory, case, or common law or rule provisions.

(b) This chapter shall be construed liberally to effectuate its purpose and intent fully.

SECTION 3. The change in law made by this Act applies only to a legal action filed on or after the effective date of this Act. A legal action filed before the effective date of this Act is governed by the law in effect immediately before that date, and that law is continued in effect for that purpose.

SECTION 4. This Act takes effect immediately if it 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 Act takes effect September 1, 2011.

HB 3342 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Naishtat called up with senate amendments for consideration at this time,

HB 3342, A bill to be entitled An Act relating to representation of and by the state and joinder of the state in certain mental health proceedings.

Representative Naishtat moved to concur in the senate amendments to **HB 3342**.

The motion to concur in the senate amendments to **HB 3342** prevailed by (Record 1233): 141 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; 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; 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; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; McClendon; Menendez; 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; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Hernandez Luna.

Absent — Alvarado; Giddings; Johnson; Martinez Fischer; Miles; Turner.

STATEMENTS OF VOTE

When Record No. 1233 was taken, I was temporarily out of the house chamber. I would have voted yes.

Alvarado

When Record No. 1233 was taken, I was in the house but away from my desk. I would have voted yes.

Giddings

When Record No. 1233 was taken, I was in the house but away from my desk. I would have voted yes.

Martinez Fischer

Senate Committee Substitute

CSHB 3342, A bill to be entitled An Act relating to representation of and by the state and joinder of the state in certain mental health proceedings.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 571.016, Health and Safety Code, is amended to read as follows:

Sec. 571.016. REPRESENTATION OF STATE. Unless specified otherwise, in a hearing held under this subtitle, including a hearing held under Subchapter G, Chapter 574:

(1) the county attorney shall represent the state; or

(2) if the county has no county attorney, the district attorney, the criminal district attorney, or a court-appointed special prosecutor shall represent the state.

SECTION 2. Chapter 571, Health and Safety Code, is amended by adding Section 571.0167 to read as follows:

Sec. 571.0167. HABEAS CORPUS PROCEEDINGS. (a) A petition for a writ of habeas corpus arising from a commitment order must be filed in the court of appeals for the county in which the order is entered.

(b) The state shall be made a party in a habeas corpus proceeding described in subsection (a). The appropriate attorney prescribed by Section 571.016 shall represent the state.

(c) In a habeas corpus proceeding in which a state inpatient mental facility or a physician employed by a state inpatient mental health facility is a party as a result of enforcing a commitment order, the appropriate attorney prescribed by Section 571.016 shall represent the facility or physician, or both the facility and physician if both are parties, unless the attorney determines that representation violates the Texas Disciplinary Rules of Professional Conduct.

SECTION 3. The change in law made by this Act applies only to a hearing or proceeding that commences on or after the effective date of this Act. A hearing or proceeding that commences before the effective date of this Act is governed by the law in effect on the date the hearing or proceeding commenced, and the former law is continued in effect for that purpose.

SECTION 4. This Act takes effect immediately if it 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 Act takes effect September 1, 2011.

LEAVE OF ABSENCE GRANTED

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

Woolley on motion of Kleinschmidt.

HB 417 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Anchia called up with senate amendments for consideration at this time,

HB 417, A bill to be entitled An Act relating to claims for compensation for wrongful imprisonment.

HB 417 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE HANCOCK: Representative Anchia, initially looking at this, it looked like there might be some concerns with this legislation, especially when it came across from the senate. Are you aware of that?

REPRESENTATIVE ANCHIA: Yes, sir.

HANCOCK: And so, what we've done in the last 24 hours is kind of check around with the various offices. And what we've discovered in the legislation, and with regards to the senate, is this was very carefully and very narrowly crafted, so it deals with a very specific instance, that there were conversations that took place in all offices, and there is agreement on this legislation. Is that you understanding?

ANCHIA: That's my understanding, Representative Hancock. And I think the language you're referring to is that which dealt with the Graves situation. The governor had talked about wanting to help Anthony Graves, and what happened in the Graves situation is there wasn't an actual finding of innocence by the judge. Regrettably, that didn't happen in the original order. Ultimately, a special prosecutor was appointed. The special prosecutor says, "Hey, this guy is innocent," but because our statute said you had to have a finding of actual innocence from a judge, he was stuck in limbo. So this has been narrowly crafted by the attorney general, the comptroller's office, and the governor's office to deal with that specific situation.

HANCOCK: And, also, there was a provision in there regarding health insurance, and just for clarification for the body, that did come through the Insurance Committee. For clarification, and also to be placed in the journal, my understanding, and our understanding in Insurance, was that the insurance available would be available, but yet the state would not be responsible for the payment of that insurance. It simply allows access to insurance.

ANCHIA: That's correct. So in the case of exonerees, they would be able to buy in. That's why there was no fiscal note to the state, and they would cover all parts of the premium. And if you would like to do some legislative intent on that, I'm happy to put that in the record.

HANCOCK: If you don't mind.

REMARKS ORDERED PRINTED

Representative Hancock moved to print remarks between Representative Anchia and Representative Hancock.

The motion prevailed.

Representative Anchia moved to concur in the senate amendments to **HB 417**.

The motion to concur in the senate amendments to **HB 417** prevailed by (Record 1234): 143 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Hernandez Luna; Woolley.

Absent — Alvarado; Johnson; Martinez.

STATEMENT OF VOTE

When Record No. 1234 was taken, I was temporarily out of the house chamber. I would have voted yes.

Alvarado

Senate Committee Substitute

CSHB 417, A bill to be entitled An Act relating to claims for compensation for wrongful imprisonment.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Subchapter A, Chapter 103, Civil Practice and Remedies Code, is amended to read as follows:

SUBCHAPTER A. ELIGIBILITY; NOTICE OF ELIGIBILITY [~~AND CHOICE OF COMPENSATION METHOD~~]

SECTION 2. Section 103.001(a), Civil Practice and Remedies Code, is amended to read as follows:

(a) A person is entitled to compensation if:

(1) the person has served in whole or in part a sentence in prison under the laws of this state; and

(2) the person:

(A) has received a full pardon on the basis of innocence for the crime for which the person was sentenced; ~~[or]~~

(B) has been granted relief on the basis of actual innocence of the crime for which the person was sentenced; or

(C) has been granted relief in accordance with a writ of habeas corpus and:

(i) the state district court in which the charge against the person was pending has entered an order dismissing the charge; and

(ii) the district court's dismissal order is based on a motion to dismiss in which the state's attorney states that no credible evidence exists that inculpates the defendant and, either in the motion or in an affidavit, the state's attorney states that the state's attorney believes that the defendant is actually innocent of the crime for which the person was sentenced.

SECTION 3. Subchapter A, Chapter 103, Civil Practice and Remedies Code, is amended by adding Section 103.002 to read as follows:

Sec. 103.002. NOTICE TO WRONGFULLY IMPRISONED PERSON. (a) In this section:

(1) "Department" means the Texas Department of Criminal Justice.

(2) "Penal institution" has the meaning assigned by Article 62.001, Code of Criminal Procedure.

(3) "Wrongfully imprisoned person" has the meaning assigned by Section 501.091, Government Code, as added by Chapter 1389 (SB 1847), Acts of the 81st Legislature, Regular Session, 2009.

(b) The department shall provide to each wrongfully imprisoned person information, both orally and in writing, that includes:

(1) guidance on how to obtain compensation under this chapter; and

(2) a list of and contact information for nonprofit advocacy groups, identified by the department, that assist wrongfully imprisoned persons in filing claims for compensation under this chapter.

(c) The department must provide the information required under Subsection (b):

(1) at the time of the release of the wrongfully imprisoned person from a penal institution; or

(2) as soon as practicable after the department has reason to believe that the person is entitled to compensation under Section 103.001(a).

SECTION 4. Section 103.003, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 103.003. LIMITATION ON TIME TO FILE. A person seeking compensation under this chapter must file an application with the comptroller for compensation under Subchapter B not ~~[Not]~~ later than the third anniversary of the date:

(1) the person on whose imprisonment the claim is based received a [the] pardon as provided by Section 103.001(a)(2)(A);

(2) the person was granted relief as provided by Section 103.001(a)(2)(B); or

(3) an order of dismissal described by Section 103.001(a)(2)(C) was signed ~~[was granted relief as required by Section 103.001, a person seeking compensation under this chapter must file an application with the comptroller for compensation under Subchapter B].~~

SECTION 5. Sections 103.051(a), (b-1), and (d), Civil Practice and Remedies Code, are amended to read as follows:

(a) To apply for compensation under this subchapter, the claimant must file with the comptroller's judiciary section:

(1) an application for compensation provided for that purpose by the comptroller;

(2) a verified copy of the pardon, ~~or~~ court order, motion to dismiss, and affidavit, as applicable, justifying the application for compensation;

(3) a statement provided by the Texas Department of Criminal Justice and any county or municipality that incarcerated the person on whose imprisonment the claim is based in connection with the relevant sentence verifying the length of incarceration;

(4) if applicable, a statement from the Department of Public Safety verifying registration as a sex offender and length of registration;

(5) if applicable, a statement from the Texas Department of Criminal Justice verifying the length of time spent on parole; and

(6) if the claimant is applying for compensation under Section 103.052(a)(2), a certified copy of each child support order under which child support payments became due during the time the claimant served in prison and copies of the official child support payment records described by Section 234.009, Family Code, for that period.

(b-1) In determining the eligibility of a claimant, the comptroller shall consider only the verified copies of documents ~~[copy of the pardon or court order]~~ filed ~~[by the claimant]~~ under Subsection (a)(2) ~~[(a)]~~. If the filed documents do ~~[pardon or court order does]~~ not clearly indicate on their ~~[its]~~ face that the person is entitled to compensation under Section 103.001(a)(2) ~~[pardon or the court order was granted or rendered on the basis of the claimant's actual innocence of the crime for which the claimant was sentenced]~~, the comptroller shall deny the claim. The comptroller's duty to determine the eligibility of a claimant under this section is purely ministerial.

(d) If the comptroller denies the claim, the comptroller must state the reason for the denial. Not later than the 30th ~~[10th]~~ day after the date the denial is received, the claimant must submit an application to cure any problem identified. Not later than the 45th day after the date an application is received under this subsection, the comptroller shall determine the claimant's eligibility and the amount owed.

SECTION 6. Section 103.054, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 103.054. PAYMENT OF CERTAIN TUITION AND FEES. If requested by the claimant before the seventh anniversary of the relevant date described by Section 103.003 ~~[the claimant received the pardon or was granted relief as required by Section 103.001]~~, tuition for up to 120 credit hours, including tuition charged under Section 54.0513, Education Code, or any other law granting an educational institution discretion to set the tuition rate, and any

mandatory fees associated with attendance at the institution, charged by a career center or public institution of higher education shall be paid on behalf of the claimant.

SECTION 7. Chapter 103, Civil Practice and Remedies Code, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. FEES

Sec. 103.101. FEES LIMITED; PREREQUISITES TO FEE AGREEMENT. (a) A person, including an attorney, may not charge or collect a fee for preparing, filing, or curing a claimant's application under Section 103.051 unless the fee is based on a reasonable hourly rate.

(b) An attorney may enter into a fee agreement with a claimant for services related to an application under Section 103.051 only after the attorney has disclosed in writing to the claimant the hourly rate that will be charged for the services.

(c) An attorney may not collect a fee for preparing, filing, or curing a claimant's application under Section 103.051 before a final determination is made by the comptroller that the claimant is eligible or ineligible for compensation under this chapter.

Sec. 103.102. SUBMISSION OF FEE REPORT. (a) Together with an application for compensation under this chapter or not later than the 14th day after the date the application or cured application is filed, a person seeking payment for preparing, filing, or curing the application must file a fee report with the comptroller's judiciary section.

(b) A fee report under this section must include:

(1) the total dollar amount sought for fees;

(2) the number of hours the person worked preparing, filing, or curing the application; and

(3) the name of the applicant.

(c) A fee report under this section is public information subject to Chapter 552, Government Code.

SECTION 8. Section 501.091, Government Code, as added by Chapter 1389 (SB 1847), Acts of the 81st Legislature, Regular Session, 2009, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) In this section, "wrongfully imprisoned person" means a person who:

(1) has served in whole or in part a sentence in a facility operated by or under contract with the department; and

(2) has:

(A) received a pardon for innocence for the crime for which the person was sentenced; ~~or~~

(B) ~~otherwise~~ been granted relief on the basis of actual innocence of the crime for which the person was sentenced; or

(C) been granted relief in accordance with a writ of habeas corpus and:

(i) the state district court in which the charge against the person was pending has entered an order dismissing the charge; and

(ii) the district court's dismissal order is based on a motion to dismiss in which the state's attorney states that no credible evidence exists that inculpates the defendant and, either in the motion or in an affidavit, the state's attorney states that the state's attorney believes that the defendant is actually innocent of the crime for which the person was sentenced.

(d) The department shall provide information to wrongfully imprisoned persons as required by Section 103.002, Civil Practice and Remedies Code.

SECTION 9. Section 501.091, Government Code, as added by Chapter 180 (HB 1736), Acts of the 81st Legislature, Regular Session, 2009, is repealed.

SECTION 10. Subchapter C, Chapter 103, Civil Practice and Remedies Code, as added by this Act, applies only to an attorney's fee agreement entered into on or after January 1, 2012. An attorney's fee agreement entered into before January 1, 2012, 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 11. Section 103.001(a)(2)(C), Civil Practice and Remedies Code, as added by this Act, applies to a person who has received an order of dismissal signed on or after September 1, 2009.

SECTION 12. This Act takes effect immediately if it 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 Act takes effect September 1, 2011.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **CSHB 417** (senate committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. The heading to Subchapter A, Chapter 103, Civil Practice and Remedies Code, is amended to read as follows:

SUBCHAPTER A. ELIGIBILITY; NOTICE OF ELIGIBILITY [~~AND CHOICE OF COMPENSATION METHOD~~]

SECTION 2. Section 103.001, Civil Practice and Remedies Code, is amended by amending Subsection (a) and adding Subsections (d) and (e) to read as follows:

(a) A person is entitled to compensation if:

(1) the person has served in whole or in part a sentence in prison under the laws of this state; and

(2) the person:

(A) has received a full pardon on the basis of innocence for the crime for which the person was sentenced; ~~[or]~~

(B) has been granted relief in accordance with a writ of habeas corpus that is based on a court finding or determination that the person is actually innocent of the crime for which the person was sentenced; or

(C) has been granted relief in accordance with a writ of habeas corpus and:

(i) the state district court in which the charge against the person was pending has entered an order dismissing the charge; and

(ii) the district court's dismissal order is based on a motion to dismiss in which the state's attorney states that no credible evidence exists that inculpatates the defendant and, either in the motion or in an affidavit, the state's attorney states that the state's attorney believes that the defendant is actually innocent of the crime for which the person was sentenced [on the basis of actual innocence of the crime for which the person was sentenced].

(d) Subject to this section, a person entitled to compensation under Subsection (a) is also eligible to obtain group health benefit plan coverage through the Texas Department of Criminal Justice as if the person were an employee of the department. This subsection does not entitle the person's spouse or other dependent or family member to group health benefit plan coverage. Coverage may be obtained under this subsection for a period of time equal to the total period the claimant served for the crime for which the claimant was wrongfully imprisoned, including any period during which the claimant was released on parole or to mandatory supervision or required to register under Chapter 62, Code of Criminal Procedure. A person who elects to obtain coverage under this subsection shall pay a monthly contribution equal to the total amount of the monthly contributions for that coverage for an employee of the department.

(e) Notwithstanding Section 103.053(c), annuity payments may be reduced by an amount necessary to make the payments required by Subsection (d), and that amount shall be transferred to an appropriate account as provided by the comptroller by rule to fund that coverage.

SECTION 3. Subchapter A, Chapter 103, Civil Practice and Remedies Code, is amended by adding Section 103.002 to read as follows:

Sec. 103.002. NOTICE TO WRONGFULLY IMPRISONED PERSON. (a) In this section:

(1) "Department" means the Texas Department of Criminal Justice.

(2) "Penal institution" has the meaning assigned by Article 62.001, Code of Criminal Procedure.

(3) "Wrongfully imprisoned person" has the meaning assigned by Section 501.091, Government Code, as added by Chapter 1389 (SB 1847), Acts of the 81st Legislature, Regular Session, 2009.

(b) The department shall provide to each wrongfully imprisoned person information, both orally and in writing, that includes:

(1) guidance on how to obtain compensation under this chapter; and

(2) a list of and contact information for nonprofit advocacy groups, identified by the department, that assist wrongfully imprisoned persons in filing claims for compensation under this chapter.

(c) The department must provide the information required under Subsection (b):

(1) at the time of the release of the wrongfully imprisoned person from a penal institution; or

(2) as soon as practicable after the department has reason to believe that the person is entitled to compensation under Section 103.001(a).

SECTION 4. Section 103.003, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 103.003. LIMITATION ON TIME TO FILE. A person seeking compensation under this chapter must file an application with the comptroller for compensation under Subchapter B not [Not] later than the third anniversary of the date:

(1) the person on whose imprisonment the claim is based received a [the] pardon as provided by Section 103.001(a)(2)(A);

(2) the person's application for a writ of habeas corpus was granted as provided by Section 103.001(a)(2)(B); or

(3) an order of dismissal described by Section 103.001(a)(2)(C) was signed [was granted relief as required by Section 103.001, a person seeking compensation under this chapter must file an application with the comptroller for compensation under Subchapter B].

SECTION 5. Section 103.051, Civil Practice and Remedies Code, is amended by amending Subsections (a), (b-1), and (d) and adding Subsection (f) to read as follows:

(a) To apply for compensation under this subchapter, the claimant must file with the comptroller's judiciary section:

(1) an application for compensation provided for that purpose by the comptroller;

(2) a verified copy of the pardon, ~~[or]~~ court order, motion to dismiss, and affidavit, as applicable, justifying the application for compensation;

(3) a statement provided by the Texas Department of Criminal Justice and any county or municipality that incarcerated the person on whose imprisonment the claim is based in connection with the relevant sentence verifying the length of incarceration;

(4) if applicable, a statement from the Department of Public Safety verifying registration as a sex offender and length of registration;

(5) if applicable, a statement from the Texas Department of Criminal Justice verifying the length of time spent on parole; and

(6) if the claimant is applying for compensation under Section 103.052(a)(2), a certified copy of each child support order under which child support payments became due during the time the claimant served in prison and copies of the official child support payment records described by Section 234.009, Family Code, for that period.

(b-1) In determining the eligibility of a claimant, the comptroller shall consider only the verified copies of documents ~~[copy of the pardon or court order]~~ filed ~~[by the claimant]~~ under Subsection (a)(2) ~~[(a)]~~. If the filed documents do ~~[pardon or court order does]~~ not clearly indicate on their ~~[its]~~ face that the person is entitled to compensation under Section 103.001(a)(2) ~~[pardon or the court order was granted or rendered on the basis of the claimant's actual innocence of the crime for which the claimant was sentenced]~~, the comptroller shall deny the claim. The comptroller's duty to determine the eligibility of a claimant under this section is purely ministerial.

(d) If the comptroller denies the claim, the comptroller must state the reason for the denial. Not later than the 30th ~~[10th]~~ day after the date the denial is received, the claimant must submit an application to cure any problem identified.

Not later than the 45th day after the date an application is received under this subsection, the comptroller shall determine the claimant's eligibility and the amount owed.

(f) To apply for coverage through the Texas Department of Criminal Justice under Section 103.001(d), the claimant must file with the department:

(1) an application for coverage provided for that purpose by the department; and

(2) a statement by the comptroller that the comptroller has determined the claimant to be eligible for compensation under this subchapter.

SECTION 6. Section 103.054, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 103.054. PAYMENT OF CERTAIN TUITION AND FEES. If requested by the claimant before the seventh anniversary of the relevant date described by Section 103.003 [~~the claimant received the pardon or was granted relief as required by Section 103.004~~], tuition for up to 120 credit hours, including tuition charged under Section 54.0513, Education Code, or any other law granting an educational institution discretion to set the tuition rate, and any mandatory fees associated with attendance at the institution, charged by a career center or public institution of higher education shall be paid on behalf of the claimant.

SECTION 7. Chapter 103, Civil Practice and Remedies Code, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. FEES

Sec. 103.101. FEES LIMITED; PREREQUISITES TO FEE AGREEMENT. (a) A person, including an attorney, may not charge or collect a fee for preparing, filing, or curing a claimant's application under Section 103.051 unless the fee is based on a reasonable hourly rate.

(b) An attorney may enter into a fee agreement with a claimant for services related to an application under Section 103.051 only after the attorney has disclosed in writing to the claimant the hourly rate that will be charged for the services.

(c) An attorney may not collect a fee for preparing, filing, or curing a claimant's application under Section 103.051 before a final determination is made by the comptroller that the claimant is eligible or ineligible for compensation under this chapter.

Sec. 103.102. SUBMISSION OF FEE REPORT. (a) Together with an application for compensation under this chapter or not later than the 14th day after the date the application or cured application is filed, a person seeking payment for preparing, filing, or curing the application must file a fee report with the comptroller's judiciary section.

(b) A fee report under this section must include:

(1) the total dollar amount sought for fees;

(2) the number of hours the person worked preparing, filing, or curing the application; and

(3) the name of the applicant.

(c) A fee report under this section is public information subject to Chapter 552, Government Code.

SECTION 8. Section 501.091, Government Code, as added by Chapter 1389 (SB 1847), Acts of the 81st Legislature, Regular Session, 2009, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) In this section, "wrongfully imprisoned person" means a person who:

(1) has served in whole or in part a sentence in a facility operated by or under contract with the department; and

(2) has:

(A) received a pardon for innocence for the crime for which the person was sentenced; ~~[or]~~

(B) been granted relief in accordance with a writ of habeas corpus that is based on a court finding or determination that the person is actually innocent of the crime for which the person was sentenced; or

(C) been granted relief in accordance with a writ of habeas corpus and:

(i) the state district court in which the charge against the person was pending has entered an order dismissing the charge; and

(ii) the district court's dismissal order is based on a motion to dismiss in which the state's attorney states that no credible evidence exists that inculpates the defendant and, either in the motion or in an affidavit, the state's attorney states that the state's attorney believes that the defendant is actually innocent of the crime for which the person was sentenced ~~[otherwise been granted relief on the basis of actual innocence of the crime for which the person was sentenced].~~

(d) The department shall provide information to wrongfully imprisoned persons as required by Section 103.002, Civil Practice and Remedies Code.

SECTION 9. Subchapter C, Chapter 1551, Insurance Code, is amended by adding Section 1551.115 to read as follows:

Sec. 1551.115. PARTICIPATION BY WRONGFULLY IMPRISONED PERSONS. Subject to Section 103.001, Civil Practice and Remedies Code, a person who is entitled to compensation under Chapter 103, Civil Practice and Remedies Code, is eligible to obtain health benefit plan coverage under the group benefits program in the manner and to the extent that an employee of the Texas Department of Criminal Justice would be entitled to coverage, except that this section does not entitle the person's spouse or other dependent or family member to coverage.

SECTION 10. Section 501.091(a), Government Code, as added by Chapter 180 (HB 1736), Acts of the 81st Legislature, Regular Session, 2009, is repealed.

SECTION 11. Section 103.001(a)(2)(C), Civil Practice and Remedies Code, as added by this Act, applies to a person who has received an order of dismissal signed on or after September 1, 2009.

SECTION 12. Sections 103.001(d) and (e) and 103.051(f), Civil Practice and Remedies Code, and Section 1551.115, Insurance Code, as added by this Act, apply to a person the comptroller of public accounts has determined to be eligible for compensation as provided by Section 103.051(b), Civil Practice and Remedies Code, on or after September 1, 2011.

SECTION 13. Subchapter C, Chapter 103, Civil Practice and Remedies Code, as added by this Act, applies only to an attorney's fee agreement entered into on or after January 1, 2012. An attorney's fee agreement entered into before January 1, 2012, 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 14. This Act takes effect immediately if it 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 Act takes effect September 1, 2011.

HB 3510 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Hamilton called up with senate amendments for consideration at this time,

HB 3510, A bill to be entitled An Act relating to the regulation of the towing, booting, and storage of vehicles.

Representative Hamilton moved to concur in the senate amendments to **HB 3510**.

The motion to concur in the senate amendments to **HB 3510** prevailed by (Record 1235): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; 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.; 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; Hilderbran; Hochberg; Hopson; 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; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Workman; Zedler; Zerwas.

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

Absent, Excused — Hernandez Luna; Woolley.

Absent — Alvarado; Davis, Y.; Reynolds.

STATEMENTS OF VOTE

When Record No. 1235 was taken, I was temporarily out of the house chamber. I would have voted yes.

Alvarado

I was shown voting yes on Record No. 1235. I intended to vote no.

P. King

Senate Committee Substitute

CSHB 3510, A bill to be entitled An Act relating to the regulation of the towing, booting, and storage of vehicles.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 2303.1511, Occupations Code, is amended by adding Subsection (c) to read as follows:

(c) This section does not apply to a vehicle received as a result of an incident management tow requested by a law enforcement agency unless the law enforcement agency requests a report of incident management tows within the jurisdiction of the agency. In this subsection, "incident management tow" has the meaning assigned by Section 2308.002.

SECTION 2. Section 2303.154(a), Occupations Code, is amended to read as follows:

(a) If a vehicle is not claimed by a person permitted to claim the vehicle or ~~[is not taken into custody by]~~ a law enforcement agency has not taken an action in response to a notice under Section 683.031(c) [Chapter 683], Transportation Code, before the 15th [41st] day after the date notice is mailed or published under Section 2303.151 or 2303.152, the operator of the vehicle storage facility shall send a second notice to the registered owner and the primary lienholder of the vehicle.

SECTION 3. Section 2303.160(c), Occupations Code, is amended to read as follows:

(c) Subsection (b) does not require a vehicle storage facility to release a vehicle to the owner or operator of the vehicle if the owner or operator of the vehicle does not:

(1) pay the charges for services regulated under this chapter or Chapter 2308, including charges for an incident management tow, as defined by Section 2308.002 [associated with delivery or storage of the vehicle]; and

(2) present valid photo identification issued by this state, another state, [or] a federal agency, or a foreign government.

SECTION 4. Sections 2308.002(5-a) and (7), Occupations Code, are amended to read as follows:

(5-a) "Incident management tow" means any tow of a vehicle in which the tow truck is summoned to the scene [~~because~~] of a traffic accident or to an incident, including the removal of a vehicle, commercial cargo, and commercial debris from an accident or incident scene.

(7) "Parking facility" means public or private property used, wholly or partly, for restricted or paid vehicle parking. The term includes:

(A) a restricted space on a portion of an otherwise unrestricted parking facility; and

(B) a commercial parking lot, a parking garage, and a parking area serving or adjacent to a business, church, school, home that charges a fee for parking, apartment complex, property governed by a property owners' association, or government-owned property leased to a private person, including:

(i) a portion of the right-of-way of a public roadway that is leased by a governmental entity to the parking facility owner; and

(ii) the area between the facility's property line abutting a county or municipal public roadway and the center line of the roadway's drainage way or the curb of the roadway, whichever is farther from the facility's property line.

SECTION 5. Section 2308.057, Occupations Code, is amended to read as follows:

Sec. 2308.057. RULES. (a) The commission shall adopt rules for permitting tow trucks and licensing towing operators, towing companies, booting companies, and boot operators. The commission may adopt different rules applicable to each type of permit or license.

(a-1) The commission shall adopt [~~including~~] rules for denial of applications and permits if the applicant, a partner, principal, officer, or general manager of the applicant, or other license or permit holder has:

(1) a criminal conviction, or has pleaded guilty or nolo contendere to an offense, before the date of the application, for:

(A) a felony; or

(B) a misdemeanor punishable by confinement in jail or by a fine in an amount that exceeds \$500;

(2) violated an order of the commission or executive director, including an order for sanctions or administrative penalties;

(3) failed to submit a license or permit bond in an amount established by the commission;

(4) knowingly submitted false or incomplete information on the application; or

(5) filed an application to permit a tow truck previously permitted by a license or permit holder.

(b) The commission by rule shall adopt:

(1) standards of conduct for license and permit holders under this chapter; and

(2) requirements for a consent tow, private property tow, and incident management tow.

SECTION 6. Section 2308.159(c), Occupations Code, is amended to read as follows:

(c) A license holder may renew a license issued under this chapter by:

- (1) submitting an application on a form prescribed by the executive director;
- (2) submitting evidence demonstrating compliance with the requirements for the license type as required by this chapter or commission rule;
- (3) paying a renewal fee; and
- (4) ~~(2)~~ completing continuing education as required by Section 2308.157.

SECTION 7. Subchapter E, Chapter 2308, Occupations Code, is amended by adding Section 2308.2065 to read as follows:

Sec. 2308.2065. FEES FOR NONCONSENT TOWS; REFUNDS. (a) A license or permit holder may not charge a fee for a nonconsent tow that is greater than:

(1) the fee for a nonconsent tow established under Section 2308.0575;
or

(2) a fee for a nonconsent tow authorized by a political subdivision.

(b) A license or permit holder may not charge a fee for a service related to a nonconsent tow that is not included in the list of fees established:

(1) under Section 2308.0575; or

(2) by a political subdivision.

(c) The department may require a license or permit holder to refund to a vehicle owner or operator the:

(1) amount charged to the owner or operator in excess of the amounts established by commission rule or by a political subdivision; or

(2) total amount of the charges for a service not listed in the amounts established by commission rule or by a political subdivision.

SECTION 8. The heading to Section 2308.255, Occupations Code, is amended to read as follows:

Sec. 2308.255. TOWING COMPANY'S OR BOOT OPERATOR'S AUTHORITY TO REMOVE AND STORE OR BOOT UNAUTHORIZED VEHICLE.

SECTION 9. Sections 2308.255(a) and (d), Occupations Code, are amended to read as follows:

(a) A towing company that is insured as provided by Subsection (c) may, without the consent of an owner or operator of an unauthorized vehicle, remove and store the vehicle at a vehicle storage facility at the expense of the owner or operator of the vehicle if:

(1) the towing company has received written verification from the parking facility owner that:

(A) the parking facility owner has installed the signs required by Section 2308.252(a)(1); or

(B) the owner or operator received notice under Section 2308.252(a)(2) or the parking facility owner gave notice complying with Section 2308.252(a)(3); or

(2) on request the parking facility owner provides to the owner or operator of the vehicle information on the name of the towing company and vehicle storage facility that will be used to remove and store the vehicle and the vehicle is:

(A) left in violation of Section 2308.251; ~~or~~

(B) in or obstructing a portion of a paved driveway; or

(C) on a ~~abutting~~ public roadway used for entering or exiting the facility and the removal is approved by a peace officer.

(d) A towing company may remove and store a vehicle under Subsection (a) and a boot operator may boot a vehicle under Section 2308.257 only if the parking facility owner:

(1) requests that the towing company remove and store or that the boot operator boot the specific vehicle; or

(2) has a standing written agreement with the towing company or boot operator to enforce parking restrictions in the parking facility ~~[from which the vehicle will be removed].~~

SECTION 10. Section 2308.257, Occupations Code, as added by Chapter 757 (SB 702), Acts of the 81st Legislature, Regular Session, 2009, is redesignated as Section 2308.2555, Occupations Code, to read as follows:

Sec. 2308.2555 ~~[2308.257]~~. REMOVAL OF CERTAIN UNAUTHORIZED VEHICLES IN RURAL AREAS. (a) This section applies only to an abandoned vehicle that has damaged a fence on private property in a rural area.

(b) A law enforcement agency directing a towing company or tow operator to remove an abandoned vehicle that is located on private property shall provide the towing company or tow operator with the name and telephone number of the property owner or the owner's agent if the owner or agent has provided the information to the law enforcement agency.

(c) A towing company or tow operator provided with information under Subsection (b) shall contact the property owner or the owner's agent before entering private property to tow a vehicle described by Subsection (a).

SECTION 11. Subchapter F, Chapter 2308, Occupations Code, is amended by adding Section 2308.2565 to read as follows:

Sec. 2308.2565. VEHICLE STORAGE FACILITY DUTY TO REPORT AFTER ACCEPTING UNAUTHORIZED VEHICLE. (a) Except for an incident management tow requested by a law enforcement agency, a vehicle storage facility accepting a vehicle that is towed under this chapter shall within two hours after receiving the vehicle report to the police department of the municipality from which the vehicle was towed or, if the vehicle was towed from a location that is not in a municipality with a police department, to the sheriff of the county from which the vehicle was towed:

(1) a general description of the vehicle;

(2) the state and number of the vehicle's license plate, if any;

(3) the vehicle identification number of the vehicle, if it can be ascertained;

(4) the location from which the vehicle was towed; and

(5) the name and location of the vehicle storage facility in which the vehicle is being stored.

(b) A law enforcement agency may request a vehicle storage facility to provide a report, in a manner prescribed by the law enforcement agency, of incident management tows within the jurisdiction of the agency. A vehicle storage facility must provide the report not later than 48 hours after the time the facility receives the request.

SECTION 12. Section 2308.301(b), Occupations Code, is amended to read as follows:

(b) Except as provided by Section 2308.305, an unauthorized vehicle may be towed under Section 2308.252(a)(1) or booted under Section 2308.257 only if each sign prohibiting unauthorized vehicles:

- (1) is made of weather-resistant material;
- (2) is at least 18 inches wide and 24 inches tall;
- (3) contains the international symbol for towing vehicles;
- (4) contains a statement describing who may park in the parking facility and prohibiting all others;

(5) bears the words, as applicable:

(A) "Unauthorized Vehicles Will Be Towed or Booted at Owner's or Operator's Expense";

(B) "Unauthorized Vehicles Will Be Towed at Owner's or Operator's Expense"; or

(C) "Unauthorized Vehicles Will Be Booted at Owner's or Operator's Expense";

(6) contains a statement of the days and hours of towing and booting enforcement; and

(7) contains a number, including the area code, of a telephone that is answered 24 hours a day to enable an owner or operator of a vehicle to locate a towed vehicle or to arrange for removal of a boot from a vehicle.

SECTION 13. Section 2308.302(c), Occupations Code, is amended to read as follows:

(c) The portion of the sign immediately below the international towing symbol must:

(1) [~~contain the words "Towing And Booting Enforced"~~] in lettering at least two inches in height, contain the words, as applicable:

(A) "Towing and Booting Enforced";

(B) "Towing Enforced"; or

(C) "Booting Enforced"; and

(2) [~~The lettering on this portion of the sign must~~] consist of white letters on a bright red background.

SECTION 14. Section 2308.401, Occupations Code, is amended by adding Subsection (c) to read as follows:

(c) This section does not apply to a sign required under Section 2308.301 provided by a towing or booting company to a parking facility owner.

SECTION 15. Section 2308.402, Occupations Code, is amended by adding Subsection (c) to read as follows:

(c) This section does not apply to a sign required under Section 2308.301 provided by a towing or booting company to a parking facility owner.

SECTION 16. Sections 2308.458(b), (c), and (e), Occupations Code, are amended to read as follows:

(b) The court shall notify the person who requested the hearing for a towed vehicle, the parking facility owner or law enforcement agency that authorized the removal of the vehicle, the towing company, and the vehicle storage facility in which the vehicle was placed of the date, time, and place of the hearing in a manner provided by Rule 21a, Texas Rules of Civil Procedure. The notice of the hearing to the towing company and the parking facility owner or law enforcement agency that authorized the removal of the vehicle must include a copy of the request for hearing. Notice to the law enforcement agency that authorized the removal of the vehicle is sufficient as notice to the political subdivision in which the law enforcement agency is located.

(c) The issues in a hearing regarding a towed vehicle under this chapter are:

(1) whether probable cause existed for the removal and placement of the vehicle;

(2) whether a towing charge imposed or collected in connection with the removal or placement of the vehicle was greater than the amount authorized by the political subdivision under Section 2308.201 or 2308.202;

(3) whether a towing charge imposed or collected in connection with the removal or placement of the vehicle was greater than the amount authorized under Section 2308.203 ~~[or 2308.204]~~; or

(4) whether a towing charge imposed or collected in connection with the removal or placement of the vehicle was greater than the amount authorized ~~[filed with the department]~~ under Section 2308.0575 ~~[2308.206]~~.

(e) The court may award:

(1) court costs and attorney's fees to the prevailing party;

(2) the reasonable cost of photographs submitted under Section 2308.456(b)(8) to a vehicle owner or operator who is the prevailing party;

(3) an amount equal to the amount that the towing charge or booting removal charge and associated parking fees exceeded fees regulated by a political subdivision or authorized by this code or by Chapter 2303; and

(4) reimbursement of fees paid for vehicle towing, storage, or removal of a boot.

SECTION 17. Section 2308.504(b), Occupations Code, is amended to read as follows:

(b) An offense under this section is a Class C misdemeanor. An offense under this section is enforceable by law enforcement.

SECTION 18. Section 2308.505(b), Occupations Code, is amended to read as follows:

(b) An offense under this section is a misdemeanor punishable by a fine of not less than \$200 or more than \$1,000 per violation. An offense under this section is enforceable by law enforcement.

SECTION 19. (a) The following sections of the Occupations Code are repealed:

- (1) Section 2308.204;
- (2) Section 2308.206; and
- (3) Section 2308.404(d).

(b) Section 2308.256(a), Occupations Code, as amended by Chapter 1310 (**HB 2571**), Acts of the 81st Legislature, Regular Session, 2009, is repealed to conform to the repeal of Section 2308.256, Occupations Code, by Chapter 757 (**SB 702**), Acts of the 81st Legislature, Regular Session, 2009.

SECTION 20. (a) The change in law made by this Act to Section 2308.159, Occupations Code, applies only to an application for renewal of a license made on or after September 1, 2011.

(b) An application for renewal of a license made before September 1, 2011, is governed by the law as it existed immediately before September 1, 2011, and that law is continued in effect for that purpose.

(c) The Texas Commission of Licensing and Regulation shall adopt rules to implement the changes in law made by this Act to Chapters 2303 and 2308, Occupations Code, not later than January 1, 2012.

(d) The changes in law made by Section 2303.154, Occupations Code, as amended by this Act, apply to a vehicle accepted by a vehicle storage facility on or after the effective date of this Act. A vehicle accepted before the effective date of this Act is governed by the law in effect at the time the vehicle was accepted, and the former law is continued in effect for that purpose.

SECTION 21. To the extent of any conflict, this Act prevails over another Act of the 82nd Legislature, Regular Session, 2011, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 22. This Act takes effect September 1, 2011.

HB 1814 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Lucio called up with senate amendments for consideration at this time,

HB 1814, A bill to be entitled An Act relating to the provision of water and certain equipment by water supply or sewer service corporations for use in fire suppression and the liability of those corporations.

Representative Lucio moved to concur in the senate amendments to **HB 1814**.

The motion to concur in the senate amendments to **HB 1814** prevailed by (Record 1236): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hochberg; Hopson; 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; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Workman; Zedler; Zerwas.

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

Absent, Excused — Hernandez Luna; Woolley.

Absent — Alvarado; Flynn; Schwertner.

STATEMENTS OF VOTE

When Record No. 1236 was taken, I was temporarily out of the house chamber. I would have voted yes.

Alvarado

When Record No. 1236 was taken, my vote failed to register. I would have voted yes.

Schwertner

Senate Committee Substitute

CSHB 1814, A bill entitled to be An Act relating to the provision of water and certain equipment by water supply or sewer service corporations for use in fire suppression and the liability of those corporations.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 67.0105, Water Code, is amended to read as follows:

Sec. 67.0105. ~~[CONTRACT FOR]~~ WATER FOR FIRE SUPPRESSION.

(a) A corporation may provide a water supply to a governmental entity or volunteer fire department for use in fire suppression.

(a-1) A corporation may enter into a contract with a governmental entity [~~municipality~~] or a volunteer fire department to supply water [~~either~~] to [~~municipally owned~~] fire hydrants owned by the governmental entity or the [~~or to~~] corporation [~~fire hydrants~~] for use in fire suppression by the governmental entity's [~~municipality's~~] fire department or a volunteer fire department. The contract must be under terms that are mutually beneficial to the contracting parties.

(b) The furnishing of a water supply and fire hydrant equipment by a governmental entity [~~municipality~~] or a volunteer fire department directly or through another entity by a lease, contract, or any other manner is an essential governmental function and not a proprietary function for all purposes, including the application of Chapter 101, Civil Practice and Remedies Code.

(c) A corporation that provides [~~contracts with~~] a governmental entity [municipality] or volunteer fire department with [to provide] a water supply or fire hydrant equipment to carry out the governmental function described by Subsection (b) may be liable for damages only to the extent that the governmental entity [municipality] or volunteer fire department would be liable if the governmental entity [municipality] or volunteer fire department were performing the governmental function directly.

SECTION 2. Section 341.0358, Health and Safety Code, is amended by adding Subsection (g) to read as follows:

(g) This section also applies to a municipality with a population of more than 36,000 and less than 41,000 located in two counties, one of which is a county with a population of more than 1.8 million.

SECTION 3. The change in law made by this Act applies only to a cause of action that accrues on or after the effective date of this Act. A cause of action that accrues before the effective date of this Act is governed by the law in effect immediately before that date, and that law is continued in effect for that purpose.

SECTION 4. This Act takes effect September 1, 2011.

HB 1899 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Pickett called up with senate amendments for consideration at this time,

HB 1899, A bill to be entitled An Act relating to the posting of signs in school crossing zones regarding the prohibited use of a wireless communication device while operating a motor vehicle.

Representative Pickett moved to concur in the senate amendments to **HB 1899**.

The motion to concur in the senate amendments to **HB 1899** prevailed by (Record 1237): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Anchia; Anderson, C.; Aycock; Beck; Berman; Bohac; Bonnen; 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; Frullo; Gallego; Garza; Geren; 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.; 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; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield;

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

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

Absent, Excused — Hernandez Luna; Woolley.

Absent — Alvarado; Anderson, R.; Coleman; Flynn.

STATEMENT OF VOTE

When Record No. 1237 was taken, I was temporarily out of the house chamber. I would have voted yes.

Alvarado

Senate Committee Substitute

CSHB 1899, A bill to be entitled An Act relating to the posting of signs in school crossing zones regarding the prohibited use of a wireless communication device while operating a motor vehicle.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 545.425, Transportation Code, is amended by amending Subsections (b-1) and (f) and adding Subsections (b-2), (b-3), (b-4), and (d-1) to read as follows:

(b-1) Except as provided by Subsection (b-2), a [A] municipality, county, or other political subdivision that enforces this section shall post a sign that complies with the standards described by this subsection at the entrance to each school crossing zone in the municipality, county, or other political subdivision. The department shall adopt standards that:

(1) allow for a sign required to be posted under this subsection to be attached to an existing sign at a minimal cost; and

(2) require that a sign required to be posted under this subsection inform an operator that:

(A) the use of a wireless communication device is prohibited in the school crossing zone; and

(B) the operator is subject to a fine if the operator uses a wireless communication device in the school crossing zone.

(b-2) A municipality, county, or other political subdivision that by ordinance or rule prohibits the use of a wireless communication device while operating a motor vehicle throughout the jurisdiction of the political subdivision is not required to post a sign as required by Subsection (b-1) if the political subdivision:

(1) posts signs that are located at each point at which a state highway, U.S. highway, or interstate highway enters the political subdivision and that state:

(A) that an operator is prohibited from using a wireless communication device while operating a motor vehicle in the political subdivision; and

(B) that the operator is subject to a fine if the operator uses a wireless communication device while operating a motor vehicle in the political subdivision; and

(2) subject to all applicable United States Department of Transportation Federal Highway Administration rules, posts a message that complies with Subdivision (1) on any dynamic message sign operated by the political subdivision located on a state highway, U.S. highway, or interstate highway in the political subdivision.

(b-3) A sign posted under Subsection (b-2)(1) must be readable to an operator traveling at the applicable speed limit.

(b-4) The political subdivision shall pay the costs associated with the posting of signs under Subsection (b-2).

(d-1) The affirmative defense available in Subsection (d)(2) is not available for an offense under Subsection (b) committed in a school crossing zone located in a municipality, county, or other political subdivision that is in compliance with Subsection (b-2).

(f) Except as provided by Subsection (b-2), this [This] section preempts all local ordinances, rules, or regulations that are inconsistent with specific provisions of this section adopted by a political subdivision of this state relating to the use of a wireless communication device by the operator of a motor vehicle.

SECTION 2. This Act takes effect September 1, 2011.

**HB 2457 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

Representative J. Davis called up with senate amendments for consideration at this time,

HB 2457, A bill to be entitled An Act relating to the amendment of Texas Enterprise Fund grant agreements.

Representative J. Davis moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 2457**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 2457**: J. Davis, chair; Strama, Peña, Reynolds, and Murphy.

**HB 3302 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

Representative Reynolds called up with senate amendments for consideration at this time,

HB 3302, A bill to be entitled An Act relating to the authority of certain Type A economic development corporations to undertake certain categories of projects.

Representative Reynolds moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 3302**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 3302**: Reynolds, chair; Murphy, Vo, Miles, and R. Anderson.

HB 2488 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

Representative Scott called up with senate amendments for consideration at this time,

HB 2488, A bill to be entitled An Act relating to access to a child's medical records by the child's attorney ad litem, guardian ad litem, or amicus attorney.

Representative Scott moved to concur in the senate amendments to **HB 2488**.

The motion to concur in the senate amendments to **HB 2488** prevailed by (Record 1238): 141 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; 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; Garza; Geren; 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.; King, T.; Kolkhorst; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; 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.; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Workman; Zedler; Zerwas.

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

Absent, Excused — Hernandez Luna; Woolley.

Absent — Alvarado; Coleman; Kleinschmidt; Miles; Smithee.

STATEMENTS OF VOTE

When Record No. 1238 was taken, I was temporarily out of the house chamber. I would have voted yes.

Alvarado

When Record No. 1238 was taken, my vote failed to register. I would have voted yes.

Smithee

Senate Committee Substitute

CSHB 2488, A bill to be entitled An Act relating to access to a child's medical records by the child's attorney ad litem, guardian ad litem, or amicus attorney.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 107.006, Family Code, is amended by amending Subsections (a) and (c) and adding Subsections (d), (e), and (f) to read as follows:

(a) In ~~In~~ ~~[Except as provided by Subsection (e), in]~~ conjunction with an appointment under this chapter, other than an appointment of an attorney ad litem for an adult or a parent, the court shall issue an order authorizing the attorney ad litem, guardian ad litem for the child, or amicus attorney to have immediate access to the child and any information relating to the child.

(c) Without requiring a further order or release, the custodian of a [A] medical, mental health, or drug or alcohol treatment record of a child that is privileged or confidential under other law shall release the record [may be released] to a person authorized to access the record [appointed] under Subsection (a), except that a child's drug or alcohol treatment record that is confidential under 42 U.S.C. Section 290dd-2 may only be released as provided under applicable federal regulations [only in accordance with the other law].

(d) The disclosure of a confidential record under this section does not affect the confidentiality of the record, and the person provided access to the record may not disclose the record further except as provided by court order or other law.

(e) Notwithstanding the provisions of this section, the requirements of Section 159.008, Occupations Code, apply.

(f) Records obtained under this section shall be destroyed on termination of the appointment.

SECTION 2. This Act takes effect immediately if it 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 Act takes effect September 1, 2011.

**HB 3372 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative T. King called up with senate amendments for consideration at this time,

HB 3372, A bill to be entitled An Act relating to standards for a structure that is connected to a public water supply system and has a rainwater harvesting system.

Representative T. King moved to concur in the senate amendments to **HB 3372**.

The motion to concur in the senate amendments to **HB 3372** prevailed by (Record 1239): 139 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Frullo; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; 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; 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; Veasey; Villarreal; Vo; Walle; Weber; White; Workman; Zedler; Zerwas.

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

Absent, Excused — Hernandez Luna; Woolley.

Absent — Alvarado; Cook; Flynn; Gallego; Hardcastle; Hochberg; Turner.

STATEMENT OF VOTE

When Record No. 1239 was taken, I was temporarily out of the house chamber. I would have voted yes.

Alvarado

Senate Committee Substitute

CSHB 3372, A bill to be entitled An Act relating to rainwater harvesting systems that are connected to public water supply systems.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 341.042, Health and Safety Code, is amended by amending Subsection (b) and adding Subsections (b-1), (b-2), (b-3), and (b-4) to read as follows:

(b) The commission by rule shall provide that if a structure is connected to a public water supply system and has a rainwater harvesting system for indoor use,[‡

~~[(1)]~~ the structure must have appropriate cross-connection safeguards[; ~~and~~

~~[(2) the rainwater harvesting system may be used only for nonpotable indoor purposes].~~

(b-1) The commission shall work with the department to develop rules regarding the installation and maintenance of rainwater harvesting systems that are used for indoor potable purposes and connected to a public water supply system. The rules must contain criteria that are sufficient to ensure that:

(1) safe sanitary drinking water standards are met; and

(2) harvested rainwater does not come into communication with a public water supply system's drinking water at a location off of the property on which the rainwater harvesting system is located.

(b-2) A person who installs and maintains rainwater harvesting systems that are connected to a public water supply system and are used for potable purposes must be licensed by the Texas State Board of Plumbing Examiners as a master plumber or journeyman plumber and hold an endorsement issued by the board as a water supply protection specialist.

(b-3) A person who intends to connect a rainwater harvesting system to a public water supply system for use for potable purposes must give written notice of that intention to the municipality in which the rainwater harvesting system is located or the owner or operator of the public water supply system before connecting the rainwater harvesting system to the public water supply system.

(b-4) A municipally owned water or wastewater utility, a municipality, or the owner or operator of a public water supply system may not be held liable for any adverse health effects allegedly caused by the consumption of water collected by a rainwater harvesting system that is connected to a public water supply system and is used for potable purposes if the municipally owned water or wastewater utility, municipality, or public water supply system is in compliance with the sanitary standards for drinking water applicable to the municipally owned water or wastewater utility, municipality, or public water supply system.

SECTION 2. This Act takes effect September 1, 2011.

HB 3531 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Strama called up with senate amendments for consideration at this time,

HB 3531, A bill to be entitled An Act relating to a system for monitoring prescriptions of certain drugs under the Medicaid program for children in foster care.

Representative Strama moved to concur in the senate amendments to **HB 3531**.

The motion to concur in the senate amendments to **HB 3531** prevailed by (Record 1240): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; 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; Frullo; Gallego; Garza; Geren; 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.; 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; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Workman; Zedler; Zerwas.

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

Absent, Excused — Hernandez Luna; Woolley.

Absent — Alvarado; Button; Coleman; Flynn.

STATEMENT OF VOTE

When Record No. 1240 was taken, I was temporarily out of the house chamber. I would have voted yes.

Alvarado

Senate Committee Substitute

CSHB 3531, A bill to be entitled An Act relating to a system for monitoring prescriptions of certain drugs under the Medicaid program for children in foster care.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 533, Government Code, is amended by adding Section 533.0161 to read as follows:

Sec. 533.0161. MONITORING OF PSYCHOTROPIC DRUG PRESCRIPTIONS FOR CERTAIN CHILDREN. (a) In this section, "psychotropic drug" has the meaning assigned by Section 261.111, Family Code.

(b) The commission shall implement a system under which the commission will use Medicaid prescription drug data to monitor the prescribing of psychotropic drugs for children who are:

(1) in the conservatorship of the Department of Family and Protective Services; and

(2) enrolled in the STAR Health Medicaid managed care program.

(c) The commission shall include as a component of the monitoring system required by this section a medical review of a prescription to which Subsection (b) applies when that review is appropriate.

SECTION 2. If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

SECTION 3. This Act takes effect September 1, 2011.

HB 240 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Parker called up with senate amendments for consideration at this time,

HB 240, A bill to be entitled An Act relating to requiring the Texas Commission on Environmental Quality to adopt rules preventing accidental or unintentional access to on-site sewage disposal systems.

Representative Parker moved to concur in the senate amendments to **HB 240**.

The motion to concur in the senate amendments to **HB 240** prevailed by (Record 1241): 140 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Cook; Craddick; Creighton; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hochberg; Hopson; 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; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Workman; Zedler; Zerwas.

Nays — Phillips.

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

Absent, Excused — Hernandez Luna; Woolley.

Absent — Alvarado; Coleman; Crownover; Flynn; Taylor, L.

STATEMENTS OF VOTE

When Record No. 1241 was taken, I was temporarily out of the house chamber. I would have voted yes.

Alvarado

When Record No. 1241 was taken, I was in the house but away from my desk. I would have voted yes.

Crownover

When Record No. 1241 was taken, I was in the house but away from my desk. I would have voted yes.

L. Taylor

Senate Committee Substitute

CSHB 240, A bill to be entitled An Act relating to requiring the Texas Commission on Environmental Quality to adopt rules preventing access to on-site sewage disposal systems.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 366.012(a), Health and Safety Code, is amended to read as follows:

(a) To assure the effective and efficient administration of this chapter, the commission shall:

(1) adopt rules governing the installation of on-site sewage disposal systems, including rules concerning the:

- (A) review and approval of on-site sewage disposal systems; and
- (B) temporary waiver of a permit for an emergency repair; and

(2) adopt rules under this chapter that:

(A) encourage the use of economically feasible alternative techniques and technologies for on-site sewage disposal systems that can be used in soils not suitable for conventional on-site sewage disposal; ~~and~~

(B) address the separation of graywater, as defined by Section 341.039, in a residence served by an on-site sewage disposal system; and

(C) require on-site sewage disposal systems, including risers and covers, installed after September 1, 2012, to be designed to prevent access to the system by anyone other than:

- (i) the owner of the system; or
- (ii) a person described by Section 366.071(a) or (b).

SECTION 2. This Act takes effect September 1, 2011.

LEAVE OF ABSENCE GRANTED

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

Flynn on motion of Berman.

**HB 2609 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Guillen called up with senate amendments for consideration at this time,

HB 2609, A bill to be entitled An Act relating to employment at or by certain facilities serving the elderly or persons with disabilities.

Representative Guillen moved to concur in the senate amendments to **HB 2609**.

The motion to concur in the senate amendments to **HB 2609** prevailed by (Record 1242): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Bohac; Bonnen; 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; Frullo; Gallego; Garza; Geren; 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.; 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; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Workman; Zedler; Zerwas.

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

Absent, Excused — Flynn; Hernandez Luna; Woolley.

Absent — Alvarado; Berman; Coleman.

STATEMENTS OF VOTE

When Record No. 1242 was taken, I was temporarily out of the house chamber. I would have voted yes.

Alvarado

When Record No. 1242 was taken, I was in the house but away from my desk. I would have voted yes.

Berman

Senate Committee Substitute

CSHB 2609, A bill to be entitled An Act relating to convictions barring employment at or by certain facilities serving the elderly or persons with disabilities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 250.006(a), Health and Safety Code, is amended to read as follows:

(a) A person for whom the facility is entitled to obtain criminal history record information may not be employed in a facility if the person has been convicted of an offense listed in this subsection:

- (1) an offense under Chapter 19, Penal Code (criminal homicide);
- (2) an offense under Chapter 20, Penal Code (kidnapping and unlawful restraint);
- (3) an offense under Section 21.02, Penal Code (continuous sexual abuse of young child or children), or Section 21.11, Penal Code (indecent with a child);
- (4) an offense under Section 22.011, Penal Code (sexual assault);
- (5) an offense under Section 22.02, Penal Code (aggravated assault);
- (6) an offense under Section 22.04, Penal Code (injury to a child, elderly individual, or disabled individual);
- (7) an offense under Section 22.041, Penal Code (abandoning or endangering child);
- (8) an offense under Section 22.08, Penal Code (aiding suicide);
- (9) an offense under Section 25.031, Penal Code (agreement to abduct from custody);
- (10) an offense under Section 25.08, Penal Code (sale or purchase of a child);
- (11) an offense under Section 28.02, Penal Code (arson);
- (12) an offense under Section 29.02, Penal Code (robbery);
- (13) an offense under Section 29.03, Penal Code (aggravated robbery);
- (14) an offense under Section 21.08, Penal Code (indecent exposure);
- (15) an offense under Section 21.12, Penal Code (improper relationship between educator and student);
- (16) an offense under Section 21.15, Penal Code (improper photography or visual recording);
- (17) an offense under Section 22.05, Penal Code (deadly conduct);
- (18) an offense under Section 22.021, Penal Code (aggravated sexual assault);
- (19) an offense under Section 22.07, Penal Code (terroristic threat);
- (20) an offense under Section 33.021, Penal Code (online solicitation of a minor);
- (21) an offense under Section 34.02, Penal Code (money laundering);
- (22) an offense under Section 35A.02, Penal Code (Medicaid fraud);
- (23) an offense under Section 36.06, Penal Code (obstruction or retaliation);

(24) an offense under Section 42.09, Penal Code (cruelty to livestock animals), or under Section 42.092, Penal Code (cruelty to nonlivestock animals); or

(25) [~~(24)~~] a conviction under the laws of another state, federal law, or the Uniform Code of Military Justice for an offense containing elements that are substantially similar to the elements of an offense listed by this subsection.

SECTION 2. This Act takes effect September 1, 2011.

HB 2716 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Darby called up with senate amendments for consideration at this time,

HB 2716, A bill to be entitled An Act relating to the management and preservation of the county clerk's records and to the county clerk's records archive.

Representative Darby moved to concur in the senate amendments to **HB 2716**.

The motion to concur in the senate amendments to **HB 2716** prevailed by (Record 1243): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; 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; Frullo; Gallego; Garza; Geren; 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.; King, T.; Kleinschmidt; Kolkhorst; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Workman; Zedler; Zerwas.

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

Absent, Excused — Flynn; Hernandez Luna; Woolley.

Absent — Alvarado; Coleman; Landtroop.

STATEMENT OF VOTE

When Record No. 1243 was taken, I was temporarily out of the house chamber. I would have voted yes.

Alvarado

Senate Committee Substitute

CSHB 2716, A bill to be entitled An Act relating to fees charged for the management and preservation of the county clerk's records.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 118.0216(c), Local Government Code, is amended to read as follows:

(c) The [In a county that is adjacent to an international boundary, the] fee shall be deposited in a separate records management and preservation account in the general fund of the county.

SECTION 2. Sections 118.025(d), (e), (g), and (i), Local Government Code, are amended to read as follows:

(d) The fee shall be deposited in a separate records archive account in the general fund of the county. Any interest accrued remains with the account.

(e) The funds generated from the collection of a fee under this section may be expended only for the preservation and restoration of the county clerk's records archive. The county clerk shall designate the public documents that are part of the records archive for purposes of this section. The designation of public documents by the county clerk under this subsection is subject to approval by the commissioners court in a public meeting during the budget process.

(g) Before collecting the fee under this section, the [The] county clerk shall prepare an annual written plan for funding the preservation and restoration of the county clerk's records archive. The commissioners court shall publish notice of a public hearing on the plan in a newspaper of general circulation in the county not later than the 15th day before the date of the hearing. After the public hearing, the plan shall be considered for approval by the commissioners court. Funds from the records archive account may be expended only as provided by the plan. All expenditures from the records archive account shall comply with Subchapter C, Chapter 262. The hearing may be held during the budget process. After establishing the fee, the plan may be approved annually during the budget process.

(i) The fee is subject to approval by the commissioners court in a public meeting during the budget process.

SECTION 3. Section 118.025(j), Local Government Code, is repealed.

SECTION 4. This Act takes effect immediately if it 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 Act takes effect September 1, 2011.

**HB 2959 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Price called up with senate amendments for consideration at this time,

HB 2959, A bill to be entitled An Act relating to the required transfer of records to a new county chair of a political party; providing a penalty.

Representative Price moved to concur in the senate amendments to **HB 2959**.

The motion to concur in the senate amendments to **HB 2959** prevailed by (Record 1244): 139 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; 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; Frullo; Gallego; Garza; Geren; 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.; King, T.; Kleinschmidt; Kolkhorst; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Workman; Zedler; Zerwas.

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

Absent, Excused — Flynn; Hernandez Luna; Woolley.

Absent — Alvarado; Coleman; Mallory Caraway; Menendez; Miles; Parker.

STATEMENTS OF VOTE

When Record No. 1244 was taken, I was temporarily out of the house chamber. I would have voted yes.

Alvarado

When Record No. 1244 was taken, my vote failed to register. I would have voted yes.

Parker

Senate Committee Substitute

CSHB 2959, A bill to be entitled An Act relating to the required transfer of records to a new county chair of a political party; providing a penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 171.028, Election Code, is amended by adding Subsections (c) and (d) to read as follows:

(c) A person commits an offense if the person fails to transfer records as required by Subsection (a).

(d) An offense under Subsection (c) is a Class C misdemeanor.

SECTION 2. This Act takes effect September 1, 2011.

**HB 1127 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Gutierrez called up with senate amendments for consideration at this time,

HB 1127, A bill to be entitled An Act relating to notice of relief available to certain members of the military required to be provided in certain real property documentation.

Representative Gutierrez moved to concur in the senate amendments to **HB 1127**.

The motion to concur in the senate amendments to **HB 1127** prevailed by (Record 1245): 138 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; 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; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; 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; Kolkhorst; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; 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; Veasey; Villarreal; Vo; Walle; Weber; White; Workman; Zedler; Zerwas.

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

Absent, Excused — Flynn; Hernandez Luna; Woolley.

Absent — Alvarado; Coleman; Hancock; Menendez; Miles; Quintanilla; Turner.

STATEMENT OF VOTE

When Record No. 1245 was taken, I was temporarily out of the house chamber. I would have voted yes.

Alvarado

Senate Committee Substitute

CSHB 1127, A bill to be entitled An Act relating to notice of relief available to certain members of the military required to be provided in certain real property documentation.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 24.0051(d), Property Code, is amended to read as follows:

(d) In a suit described by Subsection (c), the citation required by Rule 739, Texas Rules of Civil Procedure, must include the following notice to the defendant on the first page of the citation in English and Spanish and in conspicuous bold print:

SUIT TO EVICT

THIS SUIT TO EVICT INVOLVES IMMEDIATE DEADLINES. A TENANT WHO IS SERVING ON ACTIVE MILITARY DUTY MAY HAVE SPECIAL RIGHTS OR RELIEF RELATED TO THIS SUIT UNDER FEDERAL LAW, INCLUDING THE SERVICEMEMBERS CIVIL RELIEF ACT (50 U.S.C. APP. SECTION 501 ET SEQ.), OR STATE LAW, INCLUDING SECTION 92.017, TEXAS PROPERTY CODE. CALL THE STATE BAR OF TEXAS TOLL-FREE AT 1-877-9TEXBAR IF YOU NEED HELP LOCATING AN ATTORNEY. IF YOU CANNOT AFFORD TO HIRE AN ATTORNEY, YOU MAY BE ELIGIBLE FOR FREE OR LOW-COST LEGAL ASSISTANCE.

SECTION 2. Section 51.002, Property Code, is amended by adding Subsection (i) to read as follows:

(i) A notice served on a debtor under this section must contain, in addition to any other statements required under this section, language substantially similar to the following:

"Assert and protect your rights as a member of the armed forces of the United States. If you are or your spouse is serving on active military duty, including active military duty as a member of the Texas National Guard or the National Guard of another state or as a member of a reserve component of the armed forces of the United States, please send written notice of the active duty military service to the sender of this notice immediately."

SECTION 3. Section 209.006(b), Property Code, is amended to read as follows:

(b) The notice must:

(1) describe the violation or property damage that is the basis for the suspension action, charge, or fine and state any amount due the association from the owner; and

(2) inform the owner that the owner:

(A) is entitled to a reasonable period to cure the violation and avoid the fine or suspension unless the owner was given notice and a reasonable opportunity to cure a similar violation within the preceding six months; ~~and~~

(B) may request a hearing under Section 209.007 on or before the 30th day after the date the owner receives the notice; and

(C) may have special rights or relief related to the enforcement action under federal law, including the Servicemembers Civil Relief Act (50 U.S.C. app. Section 501 et seq.), if the owner is serving on active military duty.

SECTION 4. The change in law made by Section 24.0051, Property Code, as amended by this Act, applies only to a suit for which notice is required under Chapter 24, Property Code, that is filed on or after the effective date of this Act. A suit for which notice is required under Chapter 24, Property Code, that is filed before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 5. The change in law made by Section 51.002, Property Code, as amended by this Act, applies only to a sale for which a notice is required under that section on or after the effective date of this Act. A sale for which notice is required under Section 51.002, Property Code, before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 6. The change in law made by Section 209.006, Property Code, as amended by this Act, applies only to an enforcement action for which a notice is required under that section that commences on or after the effective date of this Act. An enforcement action for which notice is required under Section 209.006, Property Code, that commences before the effective date of this Act is governed by the law in effect when the enforcement action commenced, and that law is continued in effect for that purpose.

SECTION 7. This Act takes effect January 1, 2012.

HB 252 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Hilderbran called up with senate amendments for consideration at this time,

HB 252, A bill to be entitled An Act relating to application and eligibility for an exemption from ad valorem taxation of the residence homestead of a person.

Representative Hilderbran moved to concur in the senate amendments to **HB 252**.

The motion to concur in the senate amendments to **HB 252** prevailed by (Record 1246): 136 Yeas, 0 Nays, 3 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Anchia; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; 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; Frullo; Gallego; Garza; Geren; 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; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Landtroop; Larson; Laubenberg;

Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez Fischer; McClendon; Menendez; 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; Scctt; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Veasey; Villarreal; Vo; Walle; Weber; White; Workman; Zedler; Zerwas.

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

Absent, Excused — Flynn; Hernandez Luna; Woolley.

Absent — Alvarado; Anderson, C.; Burkett; Coleman; Isaac; Kleinschmidt; Miles; Turner.

STATEMENTS OF VOTE

When Record No. 1246 was taken, I was temporarily out of the house chamber. I would have voted yes.

Alvarado

When Record No. 1246 was taken, my vote failed to register. I would have voted yes.

C. Anderson

When Record No. 1246 was taken, I was in the house but away from my desk. I would have voted yes.

Isaac

Senate Committee Substitute

CSHB 252, A bill to be entitled An Act relating to eligibility for an exemption from ad valorem taxation of the residence homestead of a person.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 11.43, Tax Code, is amended by amending Subsection (j) and adding Subsections (n) and (o) to read as follows:

(j) In addition to the items required by Subsection (f), an [Am] application for a residence homestead [am] exemption prescribed by the comptroller and authorized by [under] Section 11.13 must:

(1) list each owner of the residence homestead and the interest of each owner;

(2) state that the applicant does not claim an exemption under that section on another residence homestead in this state or claim a residence homestead exemption on a residence homestead outside this state;

(3) state that each fact contained in the application is true; [am]

(4) include a copy of the applicant's driver's license or state-issued personal identification certificate and:

(A) a copy of the applicant's vehicle registration receipt; or

(B) if the applicant does not own a vehicle, an affidavit to that effect signed by the applicant and a copy of a utility bill for the property subject to the claimed exemption in the applicant's name;

(5) state ~~[include a sworn statement]~~ that the applicant has read and understands the notice of the penalties required by Subsection (f); and

(6) be signed by the applicant.

(n) A chief appraiser may not allow an exemption provided by Section 11.13 unless:

(1) the address on the driver's license or state-issued personal identification certificate provided by the applicant under Subsection (j) corresponds to the address on the applicant's vehicle registration receipt or utility bill provided under that subsection; and

(2) the address indicated in Subdivision (1) corresponds to the address of the property for which the exemption is claimed.

(o) The application form for an exemption authorized by Section 11.13 must require an applicant for an exemption under Subsection (c) or (d) of that section who is not specifically identified on a deed or other appropriate instrument recorded in the applicable real property records as an owner of the residence homestead to provide an affidavit or other compelling evidence establishing the applicant's ownership of an interest in the homestead.

SECTION 2. The change in law made by this Act applies only to an application for a residence homestead exemption filed with a chief appraiser on or after the effective date of this Act. An application for a residence homestead exemption filed with a chief appraiser before the effective date of this Act is governed by the law in effect when the application was filed, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2011.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **CSHB 252** (senate committee printing) as follows:

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

SECTION _____. (a) Section 11.432, Tax Code, is amended to read as follows:

Sec. 11.432. HOMESTEAD EXEMPTION FOR MANUFACTURED HOME. (a) Except as provided by Subsection (a-1), for ~~[For]~~ a manufactured home to qualify as a residence homestead ~~[for an exemption]~~ under Section 11.13, the application for ~~[the]~~ exemption required by Section 11.43 must be accompanied by:

(1) a copy of the statement of ownership and location for the manufactured home issued by the manufactured housing division of the Texas Department of Housing and Community Affairs under Section 1201.207, Occupations Code, showing that the individual applying for the exemption is the owner of the manufactured home;

(2) a ~~[or be accompanied by a verified]~~ copy of the purchase contract or payment receipt showing that the applicant is the purchaser of the manufactured home; or

(3) a sworn affidavit by the applicant stating that:

(A) the applicant is the owner of the manufactured home;

(B) the seller of the manufactured home did not provide the applicant with a purchase contract; and

(C) the applicant could not locate the seller after making a good faith effort~~[, unless a photostatic copy of the current title page for the home is displayed on the computer website of the Texas Department of Housing and Community Affairs].~~

(a-1) An [The] appraisal district may rely upon the computer records of the Texas Department of Housing and Community Affairs to verify an applicant's ownership of a manufactured home. An applicant is not required to submit an accompanying document described by Subsection (a) if the appraisal district verifies the applicant's ownership under this subsection ~~[determine whether a manufactured home qualifies for an exemption].~~

(b) The land on which a manufactured home is located qualifies as a residence homestead ~~[for an exemption]~~ under Section 11.13 only if:

(1) the land is owned by one or more individuals, including the applicant ~~[manufactured home qualifies for an exemption as provided by Subsection (a)]; [and]~~

(2) the applicant occupies the manufactured home as the applicant's principal residence; and

(3) the applicant demonstrates ownership of the manufactured home under Subsection (a) or the appraisal district determines the applicant's ownership under Subsection (a-1) ~~[manufactured home is listed together with the land on which it is located under Section 25.08].~~

(c) The owner of land that qualifies as a residence homestead under this section ~~[consumer]~~ is entitled to obtain the homestead exemptions provided by Section 11.13 and any other benefit granted under this title to the owner of a residence homestead regardless of whether the applicant ~~[owner]~~ has elected to treat the manufactured home as real property or personal property and regardless of whether the manufactured home is listed on the tax rolls with the real property to which it is attached or listed on the tax rolls separately.

(d) [(e)] In this section, "manufactured home" has the meaning assigned by Section 1201.003, Occupations Code.

(b) Section 25.08, Tax Code, is amended by adding Subsection (g) to read as follows:

(g) The chief appraiser shall apportion a residence homestead exemption for property consisting of land and a manufactured home listed separately on the tax roll on a pro rata basis based on the appraised value of the land and the manufactured home.

(c) Section 11.432, Tax Code, as amended by this Act, applies only to an application for a residence homestead exemption filed on or after the effective date of this section. An application filed before the effective date of this section is governed by the law in effect when the application was filed, and that law is continued in effect for that purpose.

(d) Section 25.08, Tax Code, as amended by this Act, applies only to an apportionment of a residence homestead exemption for a tax year beginning on or after the effective date of this section.

(e) This section takes effect January 1, 2012.

(2) In SECTION 2 of the bill, between "Act" and "applies" (page 1, line 58), insert "to Section 11.43, Tax Code,".

(3) In SECTION 3 of the bill (page 2, line 2), strike "This Act" and substitute "Except as otherwise provided by this Act, this Act".

**HB 1057 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Anchia called up with senate amendments for consideration at this time,

HB 1057, A bill to be entitled An Act relating to business leave time for certain municipal firefighters and police officers.

Representative Anchia moved to concur in the senate amendments to **HB 1057**.

The motion to concur in the senate amendments to **HB 1057** prevailed by (Record 1247): 138 Yeas, 2 Nays, 2 Present, not voting.

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

Nays — Craddick; Paxton.

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

Absent, Excused — Flynn; Hernandez Luna; Woolley.

Absent — Alvarado; Coleman; Laubenberg; Miles; Shelton.

STATEMENTS OF VOTE

When Record No. 1247 was taken, I was temporarily out of the house chamber. I would have voted yes.

Alvarado

I was shown voting yes on Record No. 1247. I intended to vote no.

Berman

I was shown voting yes on Record No. 1247. I intended to vote no.

Darby

When Record No. 1247 was taken, my vote failed to register. I would have voted no.

Laubenberg

I was shown voting yes on Record No. 1247. I intended to vote no.

Legler

I was shown voting yes on Record No. 1247. I intended to vote no.

Parker

Senate Committee Substitute

CSHB 1057, A bill entitled to be An Act relating to business leave time for certain municipal firefighters and police officers.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 142, Local Government Code, is amended by adding Section 142.014 to read as follows:

Sec. 142.014. BUSINESS LEAVE TIME ACCOUNT FOR FIREFIGHTERS IN CERTAIN MUNICIPALITIES. (a) This section applies only to firefighters employed by a municipality with a population of one million or more that has not adopted Chapter 174 and to which Chapter 143 does not apply.

(b) In this section:

(1) "Business leave" means leave taken for the purpose of attending to the business of an employee organization.

(2) "Employee organization" includes:

(A) the Dallas Fire Fighters Association;

(B) the Dallas Black Fire Fighters Association; and

(C) the Dallas Hispanic Firefighters Association.

(c) If the constitution and bylaws of an employee organization authorize the employee organization to participate in the establishment and maintenance of a business leave time account as provided by this section, a firefighter who is a member of an employee organization may donate not more than one hour of accumulated vacation or compensatory time for each calendar quarter to the business leave time account of the employee organization to which the firefighter belongs. The municipality shall establish and maintain a separate business leave

time account for each employee organization that has approved or ratified the use of business leave time by its members under this section and has a specific provision in the constitution and bylaws of that employee organization.

(d) Only a firefighter who is a member of an employee organization may use for business leave purposes the time donated to the account of the employee organization. A firefighter may use for business leave purposes the time donated under this section without receiving a reduction in salary and without reimbursing the municipality.

(e) A request to use for business leave purposes the time in an employee organization's time account must be in writing and be submitted to the municipality by the president or the equivalent officer of the employee organization or by that officer's designee.

(f) The municipality shall grant a request for business leave that complies with Subsection (e) unless:

(1) denial of the request is necessary because of an emergency; or

(2) a grant of the request will result in having an insufficient number of firefighters to carry out the normal functions of the municipality.

(g) The municipality shall account for the time donated to each account and used from each account. The municipality shall credit and debit an account on an hour-for-hour basis regardless of the cash value of the time donated or used.

(h) An employee organization may not use for business leave purposes more than 4,000 hours from its business leave time account under this section in a calendar year unless the municipality approves the use of hours in excess of 4,000. This subsection does not prevent an employee organization from accumulating more than 4,000 hours, but only addresses the total number of donated hours that an employee organization may use in any calendar year.

(i) The use of business leave by a firefighter under this section is not a break in service for any purpose and is treated as any other paid leave.

SECTION 2. Sections 142.013(b) and (c), Local Government Code, are amended to read as follows:

(b) In this section:

(1) "Business leave" means leave taken for the purpose of attending to the business of an employee organization.

(2) "Employee organization" includes:

(A) the Texas Peace Officers Association;

(B) the Dallas Police Association;

(C) the Dallas Fraternal Order of Police; ~~and~~

(D) the Latino Peace Officers Association; and

(E) the Black Police Association of Greater Dallas.

(c) If the constitution and bylaws of an employee organization authorize the employee organization to participate in the establishment and maintenance of a business leave time account as provided by this section, a [A] police officer may donate not more than two hours for each month of accumulated vacation or compensatory time to the business leave time account of the ~~an~~ employee organization. The municipality shall establish and maintain a business leave time account for each employee organization.

SECTION 3. This Act takes effect immediately if it 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 Act takes effect September 1, 2011.

HB 8 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Darby called up with senate amendments for consideration at this time,

HB 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.

Representative Darby moved to concur in the senate amendments to **HB 8**.

The motion to concur in the senate amendments to **HB 8** prevailed by (Record 1248): 142 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; 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; Frullo; Gallego; Garza; Geren; 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.; 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; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Workman; Zedler; Zerwas.

Nays — Taylor, V.

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

Absent, Excused — Flynn; Hernandez Luna; Woolley.

Absent — Alvarado; Coleman.

STATEMENT OF VOTE

When Record No. 1248 was taken, I was temporarily out of the house chamber. I would have voted yes.

Alvarado

Senate Committee Substitute

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.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 5, Property Code, is amended by adding Subchapter G to read as follows:

SUBCHAPTER G. CERTAIN PRIVATE TRANSFER FEES PROHIBITED; PRESERVATION OF PRIVATE REAL PROPERTY RIGHTS

Sec. 5.201. DEFINITIONS. In this subchapter:

(1) "Encumbered property" means all property, including the property of a subsequent purchaser, subject to the same private transfer fee obligation.

(2) "Lender" means a lending institution, including a bank, trust company, banking association, savings and loan association, mortgage company, investment bank, credit union, life insurance company, and governmental agency, that customarily provides financing or an affiliate of a lending institution.

(3) "Payee" means a person who claims the right to receive or collect a private transfer fee payable under a private transfer fee obligation and who may or may not have a pecuniary interest in the obligation.

(4) "Private transfer fee" means an amount of money, regardless of the method of determining the amount, that is payable on the transfer of an interest in real property or payable for a right to make or accept a transfer.

(5) "Private transfer fee obligation" means an obligation to pay a private transfer fee created under:

(A) a declaration or other covenant recorded in the real property records in the county in which the property subject to the private transfer fee obligation is located;

(B) a contractual agreement or promise; or

(C) an unrecorded contractual agreement or promise.

(6) "Subsequent owner" means a person who acquires real property by transfer from a person other than the person who is the seller of the property on the date the private transfer fee obligation is created.

(7) "Subsequent purchaser" means a person who purchases real property from a person other than the person who is the seller on the date the private transfer fee obligation is created. The term includes a lender who provides a mortgage loan to a subsequent purchaser to purchase the property.

(8) "Transfer" means the sale, gift, conveyance, assignment, inheritance, or other transfer of an ownership interest in real property.

Sec. 5.202. CERTAIN PRIVATE TRANSFER FEE OBLIGATIONS VOID. (a) Except as provided by this subchapter, a private transfer fee obligation created on or after the effective date of this subchapter is not binding or enforceable against a subsequent owner or subsequent purchaser of an interest in real property and is void.

(b) For purposes of this subchapter, the following payments are not considered private transfer fee obligations:

(1) consideration paid by a purchaser to a seller for an interest in real property transferred, including, as applicable, a mineral interest transferred, including additional consideration paid to a seller for the property's appreciation, development, or sale after the interest in the property has been transferred to the purchaser, if the additional consideration is paid only once and that payment does not bind successors in interest to the property to any private transfer fee obligation;

(2) a commission paid to a licensed real estate broker under a written agreement between a seller or purchaser and the broker, including an additional commission for the property's appreciation, development, or sale after the interest in property is transferred to the purchaser;

(3) interest, a fee, a charge, or another type of payment to a lender under a loan secured by a mortgage on the property, including:

(A) a fee payable for the lender's consent to an assumption of the loan or transfer of the property subject to the mortgage;

(B) a fee or charge payable for an estoppel letter or certificate;

(C) a shared appreciation interest or profit participation; or

(D) other consideration payable in connection with the loan;

(4) rent, reimbursement, a fee, a charge, or another type of payment to a lessor under a lease, including a fee for consent to an assignment, sublease, encumbrance, or transfer of a lease;

(5) consideration paid to the holder of an option to purchase an interest in property, or to the holder of a right of first refusal or first offer to purchase an interest in property, for waiving, releasing, or not exercising the option or right when the property is transferred to another person;

(6) a fee payable to or imposed by a governmental entity in connection with recording the transfer of the property;

(7) dues, a fee, a charge, an assessment, a fine, a contribution, or another type of payment under a declaration or other covenant or under law, including a fee or charge payable for a change of ownership entered in the records of an association to which this subdivision applies or an estoppel letter or resale certificate issued under Section 207.003 by an association to which this subdivision applies or the person identified under Section 209.004(a)(6), provided that no portion of the fee or charge is required to be passed through to a third party designated or identifiable in the declaration or other covenant or law or in a document referenced in the declaration or other covenant or law, unless paid to:

(A) an association as defined by Section 82.003 or 221.002 or the person or entity managing the association as provided by Section 82.116(a)(5) or 221.032(b)(11), as applicable;

(B) a property owners' association as defined by Section 202.001 or 209.002 or the person or entity described by Section 209.004(a)(6); or

(C) a property owners' association as defined by Section 202.001 that does not require an owner of property governed by the association to be a member of the association or the person or entity described by Section 209.004(a)(6);

(8) dues, a fee, a charge, an assessment, a fine, a contribution, or another type of payment for the transfer of a club membership related to the property;

(9) dues, a fee, a charge, an assessment, a fine, a contribution, or another type of payment paid to an organization exempt from federal taxation under Section 501(c)(3) or 501(c)(4), Internal Revenue Code of 1986, only if the organization uses the payments to directly benefit the encumbered property by:

(A) supporting or maintaining only the encumbered property;

(B) constructing or repairing improvements only to the encumbered property; or

(C) providing activities or infrastructure to support quality of life, including cultural, educational, charitable, recreational, environmental, and conservation activities and infrastructure, that directly benefit the encumbered property; 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.

(c) The benefit described by Subsection (b)(9)(C) may collaterally benefit a community composed of:

(1) property that is adjacent to the encumbered property; or

(2) property a boundary of which is not more than 1,000 yards from a boundary of the encumbered property.

(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.

Sec. 5.203. NOTICE REQUIREMENTS FOR CONTINUATION OF EXISTING PRIVATE TRANSFER FEE OBLIGATIONS. (a) A person who receives a private transfer fee under a private transfer fee obligation created before the effective date of this subchapter must, on or before January 31, 2012, file for record a "Notice of Private Transfer Fee Obligation" as provided by this section in the real property records of each county in which the property is located.

(b) Multiple payees of a single private transfer fee under a private transfer fee obligation must designate one payee as the payee of record for the fee.

(c) A notice under Subsection (a) must:

(1) be printed in at least 14-point boldface type;

(2) state the amount of the private transfer fee and the method of determination, if applicable;

(3) state the date or any circumstance under which the private transfer fee obligation expires, if any;

(4) state the purpose for which the money from the private transfer fee obligation will be used;

(5) notwithstanding Subsection (b), state the name of each payee and each payee's contact information;

(6) state the name and address of the payee of record to whom the payment of the fee must be sent;

(7) include the acknowledged signature of each payee or authorized representative of each payee; and

(8) state the legal description of the property subject to the private transfer fee obligation.

(d) A person required to file a notice under this section shall:

(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) amend the notice to reflect any change in the name or address of any payee included in the notice not later than the 30th day after the date the change occurs.

(e) A person who amends a notice under Subsection (d)(2) must include:

(1) the recording information of the original notice filed as required by this section; and

(2) the legal description of the property subject to the private transfer fee obligation.

(f) If a person required to file a notice under this section fails to comply with this section:

(1) payment of the private transfer fee may not be a requirement for the conveyance of an interest in the property to a purchaser;

(2) the property is not subject to further obligation under the private transfer fee obligation; and

(3) the private transfer fee obligation is void.

Sec. 5.204. ADDITIONAL COMPLIANCE REQUIREMENT: TIMELY ACCEPTANCE OF FEES PAID UNDER EXISTING PRIVATE TRANSFER FEE OBLIGATIONS. (a) The payee of record on the date a private transfer fee is paid under a private transfer fee obligation subject to Section 5.203 must accept the payment on or before the 30th day after the date the payment is tendered to the payee.

(b) If the payee of record fails to comply with Subsection (a):

(1) the payment must be returned to the remitter;

(2) payment of the private transfer fee may not be a requirement for the conveyance of an interest in the property to a purchaser; and

(3) the property is not subject to further obligation under the private transfer fee obligation.

Sec. 5.205. DISCLOSURE OF EXISTING TRANSFER FEE OBLIGATION REQUIRED IN CONTRACT FOR SALE. A seller of real property that may be subject to a private transfer fee obligation shall provide written notice to a potential purchaser stating that the obligation may be governed by this subchapter.

Sec. 5.206. WAIVER VOID. A provision that purports to waive a purchaser's rights under this subchapter is void.

Sec. 5.207. INJUNCTIVE OR DECLARATORY RELIEF; PROVIDING PENALTIES. (a) The attorney general may institute an action for injunctive or declaratory relief to restrain a violation of this subchapter.

(b) In addition to instituting an action for injunctive or declaratory relief under Subsection (a), the attorney general may institute an action for civil penalties against a payee for a violation of this chapter. Except as provided by Subsection (c), a civil penalty assessed under this section may not exceed an amount equal to two times the amount of the private transfer fee charged or collected by the payee in violation of this subchapter.

(c) If the court in which an action under Subsection (b) is pending finds that a payee violated this subchapter with a frequency that constitutes a pattern or practice, the court may assess a civil penalty not to exceed \$250,000.

(d) The comptroller shall deposit to the credit of the general revenue fund all money collected under this section.

SECTION 2. Section 5.017, Property Code, is repealed.

SECTION 3. 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.

SECTION 4. This Act takes effect immediately if it 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 Act takes effect September 1, 2011.

HB 1573 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Gallego called up with senate amendments for consideration at this time,

HB 1573, A bill to be entitled An Act relating to certain pretrial and post-trial procedures in a criminal case.

Representative Gallego moved to concur in the senate amendments to **HB 1573**.

The motion to concur in the senate amendments to **HB 1573** prevailed by (Record 1249): 140 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Anchia; Anderson, C.; Anderson, R.; Aycocock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; 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; Frullo; Gallego; Garza; Geren; 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.; King, T.; Kleinschmidt; Kolkhorst; Landtroop; Larson; Laubenberg; Lavender; Legler; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Workman; Zedler; Zerwas.

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

Absent, Excused — Flynn; Hernandez Luna; Woolley.

Absent — Alvarado; Burnam; Coleman; Lewis; Menendez.

STATEMENT OF VOTE

When Record No. 1249 was taken, I was temporarily out of the house chamber. I would have voted yes.

Alvarado

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 1573** (senate committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Article 64.01, Code of Criminal Procedure, is amended by amending Subsections (a) and (b) and adding Subsection (a-1) to read as follows:

(a) In this section, "biological material":

(1) means an item that is in possession of the state and that contains blood, semen, hair, saliva, skin tissue or cells, fingernail scrapings, bone, bodily fluids, or other identifiable biological evidence that may be suitable for forensic DNA testing; and

(2) includes the contents of a sexual assault evidence collection kit.

(a-1) A convicted person may submit to the convicting court a motion for forensic DNA testing of evidence containing biological material. The motion must be accompanied by an affidavit, sworn to by the convicted person, containing statements of fact in support of the motion.

(b) The motion may request forensic DNA testing only of evidence described by Subsection (a-1) [~~(a)~~] that was secured in relation to the offense that is the basis of the challenged conviction and was in the possession of the state during the trial of the offense, but:

(1) was not previously subjected to DNA testing[;]

~~[(A) because DNA testing was:
 [(i) not available; or
 [(ii) available, but not technologically capable of providing probative results; or~~

~~[(B) through no fault of the convicted person, for reasons that are of a nature such that the interests of justice require DNA testing]; or~~

(2) although previously subjected to DNA testing, can be subjected to testing with newer testing techniques that provide a reasonable likelihood of results that are more accurate and probative than the results of the previous test.

SECTION _____. Chapter 64, Code of Criminal Procedure, is amended by adding Article 64.035 to read as follows:

Art. 64.035. UNIDENTIFIED DNA PROFILES. If an analyzed sample meets the applicable requirements of state or federal submission policies, on completion of the testing under Article 64.03, the convicting court shall order any unidentified DNA profile to be compared with the DNA profiles in:

(1) the DNA database established by the Federal Bureau of Investigation; and

(2) the DNA database maintained by the Department of Public Safety under Subchapter G, Chapter 411, Government Code.

SECTION _____. Article 64.04, Code of Criminal Procedure, is amended to read as follows:

Art. 64.04. FINDING. After examining the results of testing under Article 64.03 and any comparison of a DNA profile under Article 64.035, the convicting court shall hold a hearing and make a finding as to whether, had the results been available during the trial of the offense, it is reasonably probable that the person would not have been convicted.

SECTION _____. The change in law made by this Act in amending Chapter 64, Code of Criminal Procedure, applies to a motion for forensic DNA testing filed on or after the effective date of this Act. A motion for forensic DNA testing filed before the effective date of this Act is covered by the law in effect at the time the motion was filed, and the former law is continued in effect for that purpose.

HB 92 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Cook called up with senate amendments for consideration at this time,

HB 92, A bill to be entitled An Act relating to the regulation of slaughterers by certain counties.

Representative Cook moved to concur in the senate amendments to **HB 92**.

The motion to concur in the senate amendments to **HB 92** prevailed by (Record 1250): 138 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; 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; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; 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; 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; Zedler; Zerwas.

Nays — White.

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

Absent, Excused — Flynn; Hernandez Luna; Woolley.

Absent — Alvarado; Coleman; Gutierrez; Hartnett; Jackson; Workman.

STATEMENT OF VOTE

When Record No. 1250 was taken, I was temporarily out of the house chamber. I would have voted yes.

Alvarado

Senate Committee Substitute

CSHB 92, A bill to be entitled An Act relating to the regulation of slaughterers by certain counties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 148.001, Agriculture Code, is amended to read as follows:

Sec. 148.001. DEFINITION. In this chapter, "slaughterer" means a person engaged in the business of:

(1) slaughtering livestock for profit; or

(2) selling livestock, as a primary business, to be slaughtered by the purchaser on premises owned or operated by the seller, in a county:

(A) with a population of one million or more;

(B) that contains two or more municipalities with a population of 250,000 or more;

(C) that is adjacent to a county described by Paragraph (B); or

(D) that is adjacent to a county described by Paragraph (C) and:

(i) has a population of not more than 50,000 and contains a municipality with a population of at least 20,000; or

(ii) contains, wholly or partly, two or more municipalities with a population of 250,000 or more.

SECTION 2. Section 234.032, Local Government Code, is amended to read as follows:

Sec. 234.032. APPLICABILITY. This subchapter applies only in the unincorporated area of a county if the county:

(1) contains two or more municipalities with a population of 250,000 or more; ~~[or]~~

(2) is a county adjacent to a county described by Subdivision (1); or

(3) is a county adjacent to a county described by Subdivision (2) and:

(A) has a population of not more than 50,000 and contains a municipality with a population of at least 20,000; or

(B) contains, wholly or partly, two or more municipalities with a population of 250,000 or more.

SECTION 3. This Act takes effect September 1, 2011.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **CSHB 92** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 142.001(1), Agriculture Code, is amended to read as follows:

(1) "Estray" means stray livestock, stray exotic livestock, stray bison, or stray exotic fowl.

Senate Amendment No. 2 (Senate Floor Amendment No. 1 - Third Reading)

Amend **HB 92** on third reading by striking second reading Floor Amendment No. 1 by Estes.

LEAVE OF ABSENCE GRANTED

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

Alvarado on motion of Solomons.

HB 350 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Gallego called up with senate amendments for consideration at this time,

HB 350, A bill to be entitled An Act relating to discharging fines and costs assessed against certain juvenile defendants through community service or tutoring.

Representative Gallego moved to concur in the senate amendments to **HB 350**.

The motion to concur in the senate amendments to **HB 350** prevailed by (Record 1251): 140 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; 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; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; 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; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Workman; Zerwas.

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

Absent, Excused — Alvarado; Flynn; Hernandez Luna; Woolley.

Absent — Callegari; Coleman; Hughes; Zedler.

STATEMENT OF VOTE

When Record No. 1251 was taken, I was excused because of important business. I would have voted yes.

Alvarado

Senate Committee Substitute

CSHB 350, A bill to be entitled An Act relating to discharging fines and costs assessed against certain juvenile defendants through community service or tutoring.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 45, Code of Criminal Procedure, is amended by adding Article 45.0492 to read as follows:

Art. 45.0492. COMMUNITY SERVICE OR TUTORING IN SATISFACTION OF FINE OR COSTS FOR CERTAIN JUVENILE DEFENDANTS. (a) This article applies only to a defendant younger than 17 years of age who is assessed a fine or costs for a Class C misdemeanor occurring in a building or on the grounds of the primary or secondary school at which the defendant was enrolled at the time of the offense.

(b) A justice or judge may require a defendant described by Subsection (a) to discharge all or part of the fine or costs by performing community service or attending a tutoring program that is satisfactory to the court. A defendant may discharge an obligation to perform community service or attend a tutoring program under this article by paying at any time the fine and costs assessed.

(c) In the justice's or judge's order requiring a defendant to participate in community service work or a tutoring program under this article, the justice or judge must specify the number of hours the defendant is required to work or attend tutoring.

(d) The justice or judge may order the defendant to perform community service work under this article only for a governmental entity or a nonprofit organization that provides services to the general public that enhance social welfare and the general well-being of the community. A governmental entity or nonprofit organization that accepts a defendant under this article to perform community service must agree to supervise the defendant in the performance of the defendant's work and report on the defendant's work to the justice or judge who ordered the community service.

(e) A tutoring program that accepts a defendant under this article must agree to supervise the defendant in the attendance of the tutoring program and report on the defendant's work to the justice or judge who ordered the tutoring.

(f) A justice or judge may not order a defendant to perform more than 16 hours of community service per week or attend more than 16 hours of tutoring per week under this article unless the justice or judge determines that requiring additional hours of work or tutoring does not cause a hardship on the defendant or the defendant's family. For purposes of this subsection, "family" has the meaning assigned by Section 71.003, Family Code.

(g) A defendant is considered to have discharged not less than \$50 of fines or costs for each eight hours of community service performed or tutoring program attended under this article.

(h) A sheriff, employee of a sheriff's department, county commissioner, county employee, county judge, justice of the peace, municipal court judge, officer or employee of a political subdivision other than a county, nonprofit organization, or tutoring program is not liable for damages arising from an act or failure to act in connection with an activity performed by a defendant under this article if the act or failure to act:

(1) was performed pursuant to court order; and

(2) was not intentional, grossly negligent, or performed with conscious indifference or reckless disregard for the safety of others.

(i) A local juvenile probation department or a court-related services office may provide the administrative and other services necessary for supervision of a defendant required to perform community service under this article.

SECTION 2. Article 45.051(a-1), Code of Criminal Procedure, is amended to read as follows:

(a-1) Notwithstanding any other provision of law, as an alternative to requiring a defendant charged with one or more offenses to make payment of all court costs as required by Subsection (a), the judge may:

(1) allow the defendant to enter into an agreement for payment of those costs in installments during the defendant's period of probation;

(2) require an eligible defendant to discharge all or part of those costs by performing community service or attending a tutoring program under Article 45.049 or 45.0492; or

(3) take any combination of actions authorized by Subdivision (1) or (2).

SECTION 3. The changes in law made by this Act apply only to an offense committed or conduct that occurs on or after the effective date of this Act. An offense committed or conduct that occurs before the effective date of this Act is governed by the law in effect when the offense was committed or the conduct occurred, and the former law is continued in effect for that purpose. For purposes of this section, an offense is committed or conduct occurs before the effective date of this Act if any element of the offense or conduct occurs before the effective date.

SECTION 4. This Act takes effect September 1, 2011.

**HB 2476 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Hilderbran called up with senate amendments for consideration at this time,

HB 2476, A bill to be entitled An Act relating to the appraisal for ad valorem tax purposes of certain dealer's heavy equipment inventory; providing penalties.

Representative Hilderbran moved to concur in the senate amendments to **HB 2476**.

The motion to concur in the senate amendments to **HB 2476** prevailed by (Record 1252): 141 Yeas, 0 Nays, 3 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; 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; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Workman; Zedler; Zerwas.

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

Absent, Excused — Alvarado; Flynn; Hernandez Luna; Woolley.

Absent — Coleman; Hughes.

STATEMENT OF VOTE

When Record No. 1252 was taken, I was excused because of important business. I would have voted yes.

Alvarado

Senate Committee Substitute

CSHB 2476, A bill to be entitled An Act relating to the appraisal for ad valorem tax purposes of certain dealer's heavy equipment inventory; providing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 23.1241(a)(1), (2), (6), (7), (8), and (9), Tax Code, are amended to read as follows:

(1) "Dealer" means a person engaged in the business in this state of selling, leasing, or renting heavy equipment.

(2) "Dealer's heavy equipment inventory" means all items of heavy equipment that a dealer holds for sale, lease, or rent during a 12-month period ~~at retail~~. ~~[The term includes items of heavy equipment that are leased or rented but subject to a purchase option by the lessee or renter.]~~

(6) "Heavy equipment" means self-propelled, self-powered, or pull-type equipment, including farm equipment or a diesel engine, that weighs at least 1,500 ~~[3,000]~~ pounds and is intended to be used for agricultural, construction, industrial, maritime, mining, or forestry uses. The term does not include a motor vehicle that is required by:

(A) Chapter 501, Transportation Code, to be titled; or

(B) Chapter 502, Transportation Code, to be registered.

(7) "Sales price" means:

(A) the total amount of money paid or to be paid to a dealer for the purchase of an item of heavy equipment; or

(B) for a lease or rental ~~[with an option to purchase]~~, the total amount of the lease or rental payments ~~[plus any final consideration, excluding interest]~~.

(8) "Subsequent sale" means a dealer-financed sale of an item of heavy equipment that, at the time of the sale, has been the subject of a dealer-financed sale from the same dealer's heavy equipment inventory in the same calendar year. The term does not include a rental or lease with an unexercised purchase option or without a purchase option.

(9) "Total annual sales" means the total of the:

(A) sales price for each sale from a dealer's heavy equipment inventory in a 12-month period; and

(B) lease and rental payments received for each lease or rental of heavy equipment inventory in a 12-month period.

SECTION 2. Section 23.1241, Tax Code, is amended by amending Subsections (b), (e), and (j) and adding Subsection (b-1) to read as follows:

(b) For the purpose of the computation of property tax,[:

~~[(4)]~~ the market value of a dealer's heavy equipment inventory on January 1 is the total annual sales, less sales to dealers, fleet transactions, and subsequent sales, for the 12-month period corresponding to the preceding tax year, divided by 12~~;~~ ~~and~~

~~[(2) a sale is considered to occur when possession of an item of heavy equipment is transferred from the dealer to the purchaser].~~

(b-1) For the purpose of the computation of property tax on the market value of the dealer's heavy equipment inventory, the sales price of an item of heavy equipment that is sold during the preceding tax year after being leased or rented for a portion of that same tax year is considered to be the sum of the sales price of the item plus the total lease and rental payments received for the item in the preceding tax year.

(e) A dealer is presumed to be an owner of a dealer's heavy equipment inventory on January 1 if, in the 12-month period ending on December 31 of the preceding year, the dealer sold, leased, or rented an item of heavy equipment to a person other than a dealer. The presumption is not rebutted by the fact that a dealer has no item of heavy equipment physically on hand for sale from the dealer's heavy equipment inventory on January 1.

(j) In addition to other penalties provided by law, a dealer who fails to file or fails to timely file a declaration required by Subsection (f) shall forfeit a penalty. A tax lien attaches to the dealer's business personal property to secure payment of the penalty. The appropriate district attorney, criminal district attorney, or county attorney may ~~shall~~ collect the penalty established by this section in the name of the ~~chief appraiser or~~ collector. The chief appraiser may collect the penalty in the name of the chief appraiser. The chief appraiser or the appropriate district attorney, criminal district attorney, or county attorney may sue to enforce compliance with this section. Venue of an action brought under this subsection, including an action for injunctive relief, is in the county in which the violation occurred or in the county in which the owner maintains the owner's principal place of business or residence. The court may award attorney's fees to a chief appraiser, district attorney, criminal district attorney, or county attorney who prevails in a suit to collect a penalty or enforce compliance with this section. A penalty forfeited under this subsection is \$1,000 for each month or part of a month in which a declaration is not filed or timely filed after it is due.

SECTION 3. Sections 23.1242(b), (d), (e), (f), and (m), Tax Code, are amended to read as follows:

(b) Except for an item of heavy equipment sold to a dealer, an item of heavy equipment included in a fleet transaction, ~~[or]~~ an item of heavy equipment that is the subject of a subsequent sale, or an item of heavy equipment that is subject to a lease or rental, an owner or a person who has agreed by contract to pay the owner's current year property taxes levied against the owner's heavy equipment inventory shall assign a unit property tax to each item of heavy equipment sold from a dealer's heavy equipment inventory. In the case of a lease or rental, the owner shall assign a unit property tax to each item of heavy equipment leased or rented. The unit property tax of each item of heavy equipment is determined by multiplying the sales price of the item or the monthly lease or rental payment

received for the item, as applicable, by the unit property tax factor. If the transaction is a lease or rental, the owner shall collect the unit property tax from the lessee or renter at the time the lessee or renter submits payment for the lease or rental. The owner of the equipment shall state the amount of the unit property tax assigned as a separate line item on an invoice. On or before the 10th day of each month the owner shall, together with the statement filed by the owner as required by this section, deposit with the collector an amount equal to the total of unit property tax assigned to all items of heavy equipment sold, leased, or rented from the dealer's heavy equipment inventory in the preceding month to which a unit property tax was assigned. The money shall be deposited by the collector to the credit of the owner's escrow account for prepayment of property taxes as provided by this section. An escrow account required by this section is used to pay property taxes levied against the dealer's heavy equipment inventory, and the owner shall fund the escrow account as provided by this subsection.

(d) Except as provided by Section 23.1243, the [The] owner may not withdraw funds in an escrow account created under this section.

(e) The comptroller by rule shall adopt a dealer's heavy equipment inventory tax statement form. Each month, a dealer shall complete the form regardless of whether an item of heavy equipment is sold, leased, or rented. A dealer may use no other form for that purpose. The statement may include the information the comptroller considers appropriate but shall include at least the following:

(1) a description of each item of heavy equipment sold, leased, or rented including any unique identification or serial number affixed to the item by the manufacturer;

(2) the sales price of or lease or rental payment received for the item of heavy equipment, as applicable;

(3) the unit property tax of the item of heavy equipment, if any; and

(4) the reason no unit property tax is assigned if no unit property tax is assigned.

(f) On or before the 10th day of each month, a dealer shall file with the collector the statement covering the sale, lease, or rental of each item of heavy equipment sold, leased, or rented by the dealer in the preceding month. On or before the 10th day of a month following a month in which a dealer does not sell, lease, or rent an item of heavy equipment, the dealer must file the statement with the collector and indicate that no sales, leases, or rentals were made in the prior month. A dealer shall file a copy of the statement with the chief appraiser and retain documentation relating to the disposition of each item of heavy equipment sold and the lease or rental of each item of heavy equipment. A chief appraiser or collector may examine documents held by a dealer as provided by this subsection in the same manner, and subject to the same conditions, as provided by Section 23.1241(g).

(m) In addition to other penalties provided by law, a dealer who fails to file or fails to timely file a statement as required by this section shall forfeit a penalty. A tax lien attaches to the dealer's [owner's] business personal property to secure payment of the penalty. The appropriate district attorney, criminal district

attorney, or county attorney may ~~shall~~ collect the penalty established by this section in the name of the ~~chief appraiser or~~ collector. The chief appraiser may collect the penalty in the name of the chief appraiser. The chief appraiser or the appropriate district attorney, criminal district attorney, or county attorney may sue to enforce compliance with this section. Venue of an action brought under this subsection, including an action for injunctive relief, is in the county in which the violation occurred or in the county in which the owner maintains the owner's principal place of business or residence. The court may award attorney's fees to a chief appraiser, district attorney, criminal district attorney, or county attorney who prevails in a suit to collect a penalty or enforce compliance with this section. A penalty forfeited under this subsection is \$500 for each month or part of a month in which a statement is not filed or timely filed after it is due.

SECTION 4. Subchapter B, Chapter 23, Tax Code, is amended by adding Section 23.1243 to read as follows:

Sec. 23.1243. REFUND OF PREPAYMENT OF TAXES ON FLEET TRANSACTION. (a) In this section, "dealer" and "fleet transaction" have the meanings assigned those terms by Section 23.1241.

(b) A dealer may apply to the chief appraiser for a refund of the unit property tax paid on a sale that is a fleet transaction.

(c) The chief appraiser shall determine whether to approve or deny, wholly or partly, the refund requested in the application. The chief appraiser shall deliver a written notice of the chief appraiser's determination to the collector maintaining the escrow account described by Section 23.1242 and to the applicant that states the amount, if any, to be refunded.

(d) A collector who receives a notice described by Subsection (c) stating an amount to be refunded shall pay the amount to the dealer not later than the 45th day after the date the collector receives the notice. The dealer shall use the dealer's best efforts to pay the refund to the customer who paid the tax that relates to the fleet transaction for which the refund is requested not later than the 30th day after the date the dealer receives the refund.

SECTION 5. Section 41.44(a), Tax Code, is amended to read as follows:

(a) Except as provided by Subsections (b), (b-1), (c), (c-1), and (c-2), to be entitled to a hearing and determination of a protest, the property owner initiating the protest must file a written notice of the protest with the appraisal review board having authority to hear the matter protested:

(1) before May 1 or not later than the 30th day after the date that notice to the property owner was delivered to the property owner as provided by Section 25.19, if the property is a single-family residence that qualifies for an exemption under Section 11.13, whichever is later;

(2) before June 1 or not later than the 30th day after the date that notice was delivered to the property owner as provided by Section 25.19 in connection with any other property, whichever is later;

(3) in the case of a protest of a change in the appraisal records ordered as provided by Subchapter A of this chapter or by Chapter 25, not later than the 30th day after the date notice of the change is delivered to the property owner; ~~or~~

(4) in the case of a determination that a change in the use of land appraised under Subchapter C, D, E, or H, Chapter 23, has occurred, not later than the 30th day after the date the notice of the determination is delivered to the property owner; or

(5) in the case of a determination of eligibility for a refund under Section 23.1243, not later than the 30th day after the date the notice of the determination is delivered to the property owner.

SECTION 6. Section 41.47, Tax Code, is amended by adding Subsection (c) to read as follows:

(c) If, in the case of a determination of eligibility for a refund requested under Section 23.1243, the appraisal review board determines that the dealer is entitled to a refund in excess of the amount, if any, to which the chief appraiser determined the dealer to be entitled, the board shall order the chief appraiser to deliver written notice of the board's determination to the collector and the dealer in the manner provided by Section 23.1243(c).

SECTION 7. Section 42.01, Tax Code, is amended to read as follows:

Sec. 42.01. RIGHT OF APPEAL BY PROPERTY OWNER. A property owner is entitled to appeal:

(1) an order of the appraisal review board determining:

(A) a protest by the property owner as provided by Subchapter C of Chapter 41; [~~or~~]

(B) a determination of an appraisal review board on a motion filed under Section 25.25; or

(C) a determination of an appraisal review board of eligibility for a refund requested under Section 23.1243; or

(2) an order of the comptroller issued as provided by Subchapter B, Chapter 24, apportioning among the counties the appraised value of railroad rolling stock owned by the property owner.

SECTION 8. Sections 23.1241(i) and 23.1242(l), Tax Code, are repealed.

SECTION 9. This Act applies only to ad valorem taxes imposed for a tax year beginning on or after the effective date of this Act.

SECTION 10. This Act takes effect January 1, 2012.

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. 34).

(Callegari in the chair)

HB 200 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

Representative Parker called up with senate amendments for consideration at this time,

HB 200, A bill to be entitled An Act relating to the notification of the release of certain inmates given to certain courts and law enforcement agencies.

Representative Parker moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 200**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 200**: Parker, chair; Madden, Marquez, Perry, and White.

HB 2907 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Branch called up with senate amendments for consideration at this time,

HB 2907, A bill to be entitled An Act relating to the requirements for and procedures governing tuition equalization grants.

(Hamilton in the chair)

Representative Branch moved to concur in the senate amendments to **HB 2907**.

The motion to concur in the senate amendments to **HB 2907** prevailed by (Record 1253): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; 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; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; 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; 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; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Workman; Zedler; Zerwas.

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

Absent, Excused — Alvarado; Flynn; Hernandez Luna; Woolley.

Absent — Coleman; Murphy.

STATEMENTS OF VOTE

When Record No. 1253 was taken, I was excused because of important business. I would have voted yes.

Alvarado

I was shown voting yes on Record No. 1253. I intended to vote present, not voting because I am a trustee of a private university in Texas.

Parker

Senate Committee Substitute

CSHB 2907, A bill to be entitled An Act relating to the requirements for and procedures governing tuition equalization grants.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 61.221 and 61.224, Education Code, are amended to read as follows:

Sec. 61.221. TUITION EQUALIZATION GRANTS AUTHORIZED. In order to provide the maximum possible utilization of existing educational resources and facilities within this state, both public and private, the coordinating board is authorized to provide tuition equalization grants to Texas residents enrolled in any approved private Texas college or university, based on student financial need, but not to exceed a grant amount of more than that specified in the appropriation by the legislature or as provided by Section 61.227.

Sec. 61.224. APPLICATION OF GENERAL APPROPRIATIONS ACT RIDERS. Those riders in the General Appropriations Act that apply to expenditure of state funds at state-supported colleges and universities shall also apply to expenditure of state funds at any college or university attended by a ~~[which any]~~ student receiving aid under this subchapter ~~[may attend]~~.

SECTION 2. Section 61.225(b), Education Code, is amended to read as follows:

(b) To be eligible for a tuition equalization grant, a person must:

(1) be a Texas resident as defined under Subchapter B, Chapter 54, [by the coordinating board] and meet, at a minimum, the resident requirements defined by law for Texas resident tuition in fully state-supported institutions of higher education;

(2) be enrolled for at least one-half of a full course load conforming to an individual degree plan in an approved college or university;

(3) be required to pay more tuition than is required at a public college or university and be charged no less than the regular tuition required of all students enrolled at the institution;

(4) establish financial need in accordance with procedures and regulations of the coordinating board;

(5) not be a recipient of any form of athletic scholarship while receiving the tuition equalization grant; and

(6) have complied with other requirements adopted by the coordinating board under this subchapter.

SECTION 3. Sections 61.2251(b), (c), and (e), Education Code, as added by Chapter 1230 (**HB 1172**), Acts of the 79th Legislature, Regular Session, 2005, are amended to read as follows:

(b) To be eligible for a tuition equalization grant in the first academic year in which the person receives the grant, a person must:

(1) be a Texas resident as defined under Subchapter B, Chapter 54, ~~[by the coordinating board]~~ and meet, at a minimum, the resident requirements defined by law for Texas resident tuition in fully state-supported institutions of higher education;

(2) be enrolled in at least three-fourths of a full course load conforming to an individual degree plan in an approved college or university;

(3) be required to pay more tuition than is required at a public college or university and be charged no less than the regular tuition required of all students enrolled at the institution;

(4) establish financial need in accordance with procedures and regulations of the coordinating board;

(5) not be a recipient of any form of athletic scholarship while receiving a tuition equalization grant;

(6) make satisfactory academic progress toward a degree or certificate as determined by the institution at which the person is enrolled; and

(7) have complied with other requirements adopted by the coordinating board under this subchapter.

(c) After qualifying for a tuition equalization grant under Subsection (b), a person may receive a tuition equalization grant in a subsequent academic year in which the person is enrolled at an approved institution only if the person:

(1) meets the requirements of Subsection (b), including, as of the end of the full academic year in which the person initially receives a tuition equalization grant, making satisfactory academic progress toward a degree or certificate as determined by the institution at which the person is enrolled;

(2) as of the end of each subsequent academic year in which the person receives a tuition equalization grant, has completed at least:

(A) 24 semester credit hours in the person's most recent full academic year, if the person is enrolled in an undergraduate degree or certificate program; or

(B) 18 semester credit hours in the person's most recent full academic year, if the person is enrolled in a graduate or professional degree program; ~~and~~

(3) has earned an overall grade point average of at least 2.5 on a four-point scale or the equivalent on coursework previously attempted at public or private institutions of higher education; and

(4) has completed at least 75 percent of the semester credit hours attempted in the person's most recent full academic year.

(e) The coordinating board shall adopt rules to allow a person who is otherwise eligible to receive a tuition equalization grant, in the event of a hardship or for other good cause shown, to receive a tuition equalization grant if the person does not:

- (1) make satisfactory academic progress as required under Subsection (b)(6) or (c)(1);
- (2) complete the semester credit hours required by Subsection (c)(2) or (4);
- (3) maintain the grade point average required by Subsection (c)(3); or
- (4) complete the person's certificate or degree program within the period prescribed by Subsection (d).

SECTION 4. Section 61.2251, Education Code, as added by Chapter 1181 (SB 1227), Acts of the 79th Legislature, Regular Session, 2005, is redesignated as Section 61.2252, Education Code, to read as follows:

Sec. 61.2252 ~~[61.2251]~~. REESTABLISHING ELIGIBILITY FOR GRANT. If a person who receives an initial tuition equalization grant after the 2004-2005 academic year fails to meet any of the applicable requirements of this subchapter after the completion of any semester or term, the person may not receive a tuition equalization grant during the next semester or term in which the person enrolls. The person may become eligible to receive a tuition equalization grant in a subsequent semester or term if the person:

- (1) completes a semester or term during which the student is not eligible for a tuition equalization grant; and
- (2) meets all the applicable requirements of this subchapter.

SECTION 5. Sections 61.227(a), (b), and (e), Education Code, are amended to read as follows:

(a) On determination of a person's financial need ~~[receipt of a certification of the amount of] financial need [from an approved institution]~~, the institution at which the student is enrolled ~~[coordinating board]~~ shall certify the amount of the tuition equalization grant based on financial need but not to exceed a grant amount of more than that specified in the appropriation by the legislature, or more than the difference between the tuition at the private institution attended and the tuition at public colleges and universities.

(b) The proper amount of the tuition equalization grant shall be paid to the student through the college or university in which the student ~~[he]~~ is enrolled.

(e) Notwithstanding any restrictions provided by Subsection (c) on the amount of a grant, a tuition equalization grant for an academic period for an undergraduate student who establishes exceptional financial need in accordance with the procedures and rules of the coordinating board may be certified by the institution at which the undergraduate student is enrolled ~~[coordinating board]~~ in an amount not to exceed 150 percent of the amount of the grant that the student would otherwise have been awarded for that period under the other provisions of this section.

SECTION 6. Section 61.230, Education Code, is amended to read as follows:

Sec. 61.230. ANNUAL REPORT. ~~[(a)]~~ The coordinating board shall include in its annual report to the legislature on financial aid in this state a breakdown of tuition equalization grant recipients by ethnicity indicating the percentage of each ethnic group that received tuition equalization grant money ~~[for each academic year]~~ at each institution.

SECTION 7. The changes in law made by this Act apply beginning with tuition equalization grants awarded for the 2011-2012 academic year. A tuition equalization grant awarded for an academic year before that academic year is covered by the law in effect when the grant was awarded, and that law is continued in effect for that purpose.

SECTION 8. This Act takes effect immediately if it 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 Act takes effect September 1, 2011.

**SB 201 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Callegari, the house granted the request of the senate for the appointment of a Conference Committee on **SB 201**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 201**: Callegari, chair; Berman, Farias, S. Miller, and Pickett.

**HR 2181 - ADOPTED
(by Bohac)**

Representative Bohac moved to suspend all necessary rules to take up and consider at this time **HR 2181**.

The motion prevailed.

The following resolution was laid before the house:

HR 2181, Congratulating Jenny Rebecca Sykes and Travis Miller Griffin on their wedding.

HR 2181 was adopted.

(Speaker in the chair)

**MAJOR STATE CALENDAR
SENATE BILLS
THIRD READING**

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

**SB 31 ON THIRD READING
(Solomons - House Sponsor)**

SB 31, A bill to be entitled An Act relating to the composition of the districts for the election of members of the Texas Senate.

SB 31 - REMARKS

REPRESENTATIVE SOLOMONS: I appreciate everybody's participation. Whether everybody agrees or not, this is kind of a historic moment, and I would like to move passage of the bill.

REPRESENTATIVE BURNAM: I'll be very brief. This is **SB 31**, it cracks both the African American and Hispanic communities in Tarrant County into four different senatorial districts. I believe that it is illegal, immoral, and wrong, and I want to make sure that anybody that has those concerns votes against it.

REMARKS ORDERED PRINTED

Representative Burnam moved to print remarks on **SB 31**.

The motion prevailed.

SB 31 was passed by (Record 1254): 96 Yeas, 47 Nays, 3 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; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; 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.; 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; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Weber; White; Workman; Zedler; Zerwas.

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

Present, not voting — Mr. Speaker(C); Howard, D.; Strama.

Absent, Excused — Alvarado; Flynn; Hernandez Luna; Woolley.

STATEMENT OF VOTE

When Record No. 1254 was taken, I was excused because of important business. I would have voted no.

Alvarado

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).

(Bonnen in the chair)

SB 1811 ON THIRD READING
(Pitts - House Sponsor)

SB 1811, A bill to be entitled An Act relating to certain state fiscal matters; providing penalties.

Amendment No. 1

Representative Pitts offered the following amendment to **SB 1811**:

Amend **SB 1811** on third reading in ARTICLE 2 of the bill, by striking SECTION 2.02 of the bill (repealing Sections 221.006, 222.007, 223.009, 401.151(e), and 401.154, Insurance Code), substituting the following SECTIONS, appropriately numbered, and renumbering SECTIONS of ARTICLE 2 of the bill accordingly:

SECTION _____. Section 221.006, Insurance Code, is amended by adding Subsection (c) to read as follows:

(c) An insurer is not entitled to a credit under Subsection (a) for an examination or evaluation fee paid in calendar year 2012 or 2013. This subsection expires January 1, 2014.

SECTION _____. Section 222.007, Insurance Code, is amended by adding Subsection (c) to read as follows:

(c) An insurer or health maintenance organization is not entitled to a credit under Subsection (a) for an examination or evaluation fee paid in calendar year 2012 or 2013. This subsection expires January 1, 2014.

SECTION _____. Section 223.009, Insurance Code, is amended by adding Subsection (c) to read as follows:

(c) A title insurance company is not entitled to a credit under Subsection (a) for an examination or evaluation fee paid in calendar year 2012 or 2013. This subsection expires January 1, 2014.

SECTION _____. Section 401.151, Insurance Code, is amended by adding Subsection (f) to read as follows:

(f) An insurer is not entitled to a credit under Subsection (e) for an examination or evaluation fee paid in calendar year 2012 or 2013. This subsection expires January 1, 2014.

SECTION _____. Section 401.154, Insurance Code, is amended to read as follows:

Sec. 401.154. TAX CREDIT AUTHORIZED. (a) An insurer is entitled to a credit on the amount of premium taxes to be paid by the insurer for all examination fees paid under Section 401.153. The insurer may take the credit for the taxable year during which the examination fees are paid and may take the credit to the same extent the insurer may take a credit for examination fees paid when a salaried department examiner conducts the examination.

(b) An insurer is not entitled to a credit under Subsection (a) for an examination fee paid in calendar year 2012 or 2013. This subsection expires January 1, 2014.

Amendment No. 1 was adopted.

Amendment No. 2

Representatives Pitts, Parker, and Guillen offered the following amendment to **SB 1811**:

Amend **SB 1811** on third reading by striking ARTICLE 12 of the bill ("SALES AND USE TAX HOLIDAY"), as amended on second reading by the McClendon amendment (bar code 823959), and as the McClendon amendment was amended by the Guillen amendment (bar code 824451), substituting the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ___. PERIOD FOR SALES AND USE TAX HOLIDAY

SECTION ___.01. Section 151.326(a), Tax Code, is amended to read as follows:

(a) The sale of an article of clothing or footwear designed to be worn on or about the human body is exempted from the taxes imposed by this chapter if:

(1) the sales price of the article is less than \$100; and

(2) the sale takes place during a period beginning at 12:01 a.m. on the first ~~third~~ Friday in August and ending at 12 midnight on the following Sunday.

SECTION ___.02. Section 151.326(a), Tax Code, as amended by this article, does not affect tax liability accruing before the effective date of this article. That liability continues in effect as if this article had not been enacted, and the former law is continued in effect for the collection of taxes due and for civil and criminal enforcement of the liability for those taxes.

SECTION ___.03. This article takes effect immediately if the 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. 2 was adopted.

Amendment No. 3

Representative Alonzo offered the following amendment to **SB 1811**:

Amend **SB 1811** on third reading by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill appropriately:

ARTICLE ___. FISCAL MATTERS CONCERNING
SCHOLARSHIPS AWARDED FROM STUDENT SUCCESS-BASED FUNDS

SECTION ___.01. Subchapter A, Chapter 56, Education Code, is amended by adding Section 56.005 to read as follows:

Sec. 56.005. STUDENT PRIORITY FOR SCHOLARSHIPS AWARDED FROM STUDENT SUCCESS-BASED FUNDS. (a) In this section:

(1) "Coordinating board" means the Texas Higher Education Coordinating Board.

(2) "Critical field" means a field of study designated as a critical field under Subsection (b).

(b) Except as otherwise provided by Subdivision (2), the fields of engineering, computer science, mathematics, physical science, allied health, nursing, and teaching certification in the field of science or mathematics are critical fields. Beginning September 1, 2012, the coordinating board, based on the coordinating board's determination of those fields of study in which the support and development of postsecondary education programs at the bachelor's degree level are most critically necessary for serving the needs of this state, by rule may:

(1) designate as a critical field a field of study that is not currently designated by this subsection or by the board as a critical field; or

(2) remove a field of study from the list of fields currently designated by this subsection or by the board as critical fields.

(c) Notwithstanding any other law, in determining who should receive scholarships awarded by an institution of higher education from funds appropriated to the institution based on student success, the institution may give priority to awarding the scholarships to eligible students enrolled in critical fields.

(d) The coordinating board may adopt rules for the administration of this section.

Amendment No. 3 was adopted.

Amendment No. 4

Representative Hartnett offered the following amendment to **SB 1811**:

Amend **SB 1811** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____ . FISCAL MATTERS REGARDING BASIC CIVIL LEGAL SERVICES, INDIGENT DEFENSE, AND JUDICIAL TECHNICAL SUPPORT
SECTION ____.01. Subchapter A, Chapter 22, Government Code, is amended by adding Section 22.016 to read as follows:

Sec. 22.016. JUDICIAL ACCESS AND IMPROVEMENT ACCOUNT. (a) The judicial access and improvement account is an account in the general revenue fund.

(b) Subject to Subsection (d), money in the judicial access and improvement account shall be appropriated only as provided by this section. The supreme court may use an amount determined by the supreme court, which annually may not exceed \$1 million, to phase in electronic filing and retrieval in courts in this state. The remainder of the money in the account shall be divided as follows:

(1) an amount equal to 70 percent of the remainder shall be deposited to the credit of the basic civil legal services account of the judicial fund established under Section 51.943 for use in programs approved by the supreme court that provide basic civil legal services to indigents; and

(2) an amount equal to 30 percent of the remainder shall be deposited to the credit of the fair defense account established under Section 71.058.

(c) The supreme court in consultation with the judicial committee on information technology may enter into an agreement with the Office of Court Administration of the Texas Judicial System to implement the electronic filing and retrieval in courts of this state authorized under Subsection (b), including acquiring the necessary technology, software, and data storage.

(d) The comptroller may retain two percent of the money remitted to the comptroller for deposit in the judicial access and improvement account. The comptroller shall use the money to audit and administer fund balances and to ensure the timely deposit of money in accounts as required by this section.

(e) Section 403.095 does not apply to money dedicated under this section.

SECTION .02. Section 101.0615, Government Code, is amended to read as follows:

Sec. 101.0615. DISTRICT COURT FEES AND COSTS: LOCAL GOVERNMENT CODE. The clerk of a district court shall collect fees and costs under the Local Government Code as follows:

(1) additional filing fees:

(A) for each civil suit filed, for court-related purposes for the support of the judiciary and for civil legal services to an indigent:

(i) for family law cases and proceedings as defined by Section 25.0002, Government Code (Sec. 133.151, Local Government Code) . . . \$45; or

(ii) for any case other than a case described by Subparagraph (i) (Sec. 133.151, Local Government Code) . . . \$50; and

(B) on the filing of any civil action or proceeding requiring a filing fee, including an appeal, and on the filing of any counterclaim, cross-action, intervention, interpleader, or third-party action requiring a filing fee, to fund civil legal services for the indigent:

(i) for family law cases and proceedings as defined by Section 25.0002, Government Code (Sec. 133.152, Local Government Code) . . . \$15 [~~\$5~~]; or

(ii) for any case other than a case described by Subparagraph (i) (Sec. 133.152, Local Government Code) . . . \$20 [~~\$10~~];

(2) additional filing fee to fund the courthouse security fund, if authorized by the county commissioners court (Sec. 291.008, Local Government Code) . . . not to exceed \$5;

(3) additional filing fee for filing documents not subject to certain filing fees to fund the courthouse security fund, if authorized by the county commissioners court (Sec. 291.008, Local Government Code) . . . \$1;

(4) additional filing fee to fund the courthouse security fund in Webb County, if authorized by the county commissioners court (Sec. 291.009, Local Government Code) . . . not to exceed \$20;

(5) court cost in civil cases other than suits for delinquent taxes to fund the county law library fund, if authorized by the county commissioners court (Sec. 323.023, Local Government Code) . . . not to exceed \$35; and

(6) on the filing of a civil suit, an additional filing fee to be used for court-related purposes for the support of the judiciary (Sec. 133.154, Local Government Code) . . . \$42.

SECTION __.03. Subchapter F, Chapter 102, Government Code, is amended by adding Section 102.1035 to read as follows:

Sec. 102.1035. ADDITIONAL COURT COSTS ON CONVICTION IN JUSTICE COURT: LOCAL GOVERNMENT CODE. A clerk of a justice court shall collect from a defendant a court cost of \$5 under Section 133.108, Local Government Code, on conviction of an offense, other than an offense relating to a pedestrian or the parking of a motor vehicle.

SECTION __.04. Subchapter G, Chapter 102, Government Code, is amended by adding Section 102.1215 to read as follows:

Sec. 102.1215. ADDITIONAL COURT COSTS ON CONVICTION IN MUNICIPAL COURT: LOCAL GOVERNMENT CODE. A clerk of a municipal court shall collect from a defendant a court cost of \$5 under Section 133.108, Local Government Code, on conviction of an offense, other than an offense relating to a pedestrian or the parking of a motor vehicle.

SECTION __.05. Subchapter B, Chapter 403, Government Code, is amended by adding Section 403.0306 to read as follows:

Sec. 403.0306. FEES AND COSTS ASSESSED FOR JUDICIAL ACCESS AND IMPROVEMENT ACCOUNT. Notwithstanding any other law, if in any state fiscal biennium the legislature:

(1) does not appropriate any money to the judicial access and improvement account for the purposes provided by Section 22.016:

(A) the comptroller and the office of court administration shall notify each clerk of a justice or municipal court, as appropriate, not to assess fees and court costs under Sections 102.1035 and 102.1215 of this code and Section 133.108, Local Government Code, during the state fiscal biennium; and

(B) a clerk of a justice or municipal court may not assess fees and court costs under Sections 102.1035 and 102.1215 of this code and Section 133.108, Local Government Code, during the state fiscal biennium; or

(2) appropriates only a portion of the money to the judicial access and improvement account for the purposes provided by Section 22.016:

(A) the comptroller and the office of court administration shall:

(i) proportionally adjust the amount of the fees and court costs to be assessed under Sections 102.1035 and 102.1215 of this code and Section 133.108, Local Government Code, during the state fiscal biennium; and

(ii) notify each clerk of a justice or municipal court, as appropriate, of the amount of the fees and court costs to be assessed under Sections 102.1035 and 102.1215 of this code and Section 133.108, Local Government Code, during the state fiscal biennium; and

(B) a clerk of a justice or municipal court shall assess the amount of the fees and court costs determined by the comptroller under Paragraph (A) during the state fiscal biennium.

SECTION __.06. Section 133.003, Local Government Code, is amended to read as follows:

Sec. 133.003. CRIMINAL FEES. This chapter applies to the following criminal fees:

(1) the consolidated fee imposed under Section 133.102;

- (2) the time payment fee imposed under Section 133.103;
- (3) fees for services of peace officers employed by the state imposed under Article 102.011, Code of Criminal Procedure, and forwarded to the comptroller as provided by Section 133.104;
- (4) costs on conviction imposed in certain statutory county courts under Section 51.702, Government Code, and deposited in the judicial fund;
- (5) costs on conviction imposed in certain county courts under Section 51.703, Government Code, and deposited in the judicial fund;
- (6) the administrative fee for failure to appear or failure to pay or satisfy a judgment imposed under Section 706.006, Transportation Code;
- (7) fines on conviction imposed under Section 621.506(g), Transportation Code;
- (8) the fee imposed under Article 102.0045, Code of Criminal Procedure;
- (9) the cost on conviction imposed under Section 133.105 and deposited in the judicial fund; ~~and~~
- (10) the cost on conviction imposed under Section 133.107; and
- (11) the cost on conviction imposed under Section 133.108.

SECTION __.07. Section 133.058, Local Government Code, is amended by adding Subsection (c-1) to read as follows:

(c-1) A municipality or county may retain five percent of the money collected as a fee under Section 133.108 to be used for judicial support.

SECTION __.08. Subchapter C, Chapter 133, Local Government Code, is amended by adding Section 133.108 to read as follows:

Sec. 133.108. FEE FOR JUDICIAL ACCESS AND IMPROVEMENT. (a) A person convicted in a municipal or justice court of an offense, other than an offense relating to a pedestrian or the parking of a motor vehicle, shall pay as a court cost, in addition to other costs, a fee of \$5 to be used to fund basic civil legal services and criminal defense for indigents and electronic filing in courts in this state through the judicial access and improvement account established under Section 22.016, Government Code.

(b) The treasurer shall remit the fees collected under this section to the comptroller in the manner provided by Subchapter B. The comptroller shall credit the remitted fees to the credit of the judicial access and improvement account established under Section 22.016, Government Code.

SECTION __.09. Section 133.152(a), Local Government Code, is amended to read as follows:

(a) In addition to other fees collected under Section 133.151(a) or otherwise authorized or required by law, the clerk of a district court shall collect the following fees on the filing of any civil action or proceeding requiring a filing fee, including an appeal, and on the filing of any counterclaim, cross-action, intervention, interpleader, or third-party action requiring a filing fee:

(1) \$15 [~~\$5~~] in family law cases and proceedings as defined by Section 25.0002, Government Code; and

(2) \$20 [~~\$10~~] in any case other than a case described by Subdivision (1).

SECTION __.10. (a) Section 51.607, Government Code, does not apply to the imposition of a court cost or fee under this article.

(b) The changes in law made by this article apply to the costs imposed on or after September 1, 2011, for conviction of an offense that occurs on or after that date.

(c) For purposes of Subsection (b) of this section, an offense is committed before the date specified by that subsection if any element of the offense occurs before the specified date. Court costs imposed on conviction of an offense committed before that specified date are governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose.

(d) Section 133.152(a), Local Government Code, as amended by this article, and Section 101.0615, Government Code, as amended by this article, apply only to a civil action or proceeding filed in a district court on or after the effective date of this article. A civil action or proceeding filed before that date is governed by the law in effect on the date the action or proceeding was filed, and the former law is continued in effect for that purpose.

Amendment No. 4 failed of adoption by (Record 1255): 36 Yeas, 105 Nays, 1 Present, not voting.

Yeas — Alonzo; Anchia; Cook; Davis, J.; Davis, S.; Davis, Y.; Driver; Dukes; Eiland; Eissler; Gallego; Guillen; Hardcastle; Hartnett; Hochberg; Howard, D.; Hunter; Jackson; Lozano; Lucio; Margo; Marquez; Martinez; Menendez; Muñoz; Naishtat; Oliveira; Otto; Perry; Pickett; Raymond; Rodriguez; Shelton; Smith, T.; Strama; Vo.

Nays — Aliseda; Allen; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen(C); Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Chisum; Christian; Craddick; Creighton; Crownover; Darby; Deshotel; Dutton; Elkins; Farias; Farrar; Fletcher; Frullo; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Gutierrez; Hamilton; Hancock; Harless; Harper-Brown; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Isaac; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Mallory Caraway; Martinez Fischer; Miles; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Parker; Patrick; Paxton; Peña; Phillips; Pitts; Price; Quintanilla; Reynolds; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Simpson; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Walle; Weber; White; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused — Alvarado; Flynn; Hernandez Luna; Woolley.

Absent — Castro; Coleman; McClendon; Villarreal.

STATEMENTS OF VOTE

When Record No. 1255 was taken, I was excused because of important business. I would have voted no.

Alvarado

I was shown voting yes on Record No. 1255. I intended to vote no.

Cook

I was shown voting yes on Record No. 1255. I intended to vote no.

Driver

I was shown voting yes on Record No. 1255. I intended to vote no.

Eissler

I was shown voting yes on Record No. 1255. I intended to vote no.

Hunter

When Record No. 1255 was taken, I was in the house but away from my desk. I would have voted no.

McClendon

I was shown voting yes on Record No. 1255. I intended to vote no.

Otto

I was shown voting yes on Record No. 1255. I intended to vote no.

T. Smith

Amendment No. 5

Representatives Isaac, Simpson, Sheets, Zedler, Bohac, Beck, Aliseda, R. Anderson, Perry, Landtroop, Driver, Gooden, Garza, Lavender, Christian, and Laubenberg offered the following amendment to **SB 1811**:

Amend **SB 1811** on third reading as follows:

(1) In Section 7.01, Article 7, of the bill, in the first line of amended Section 42.259(f), Education Code, strike "(c)(8) or (d)(3)" and substitute "(c)(8), (d)(3), or (f-1)".

(2) Between Sections 7.01 and 7.02, Article 7, of the bill, insert:

SECTION 7.015. Section 42.259, Education Code, is amended by adding Subsection (f-1) to read as follows:

(f-1) Notwithstanding Subsections (c)(8) or (d)(3), if the comptroller finds that sufficient money is available for the purposes after making necessary Medicaid payments due on or before the 25th day of August:

(1) payments from the foundation school fund to each category 2 school district shall be made so that 15 percent of the yearly entitlement of the district is paid in an installment to be made on or before the 25th day of August; and

(2) payments from the foundation school fund to each category 3 school district shall be made so that 20 percent of the yearly entitlement of the district is paid in an installment to be made on or before the 25th day of August.

Amendment No. 5 was adopted.

SB 1811, as amended, was passed by (Record 1256): 100 Yeas, 44 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen(C); Branch; Brown; Burkett; Button; Cain; Callegari; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Deshotel; Driver; Eiland; Eissler; Elkins; Fletcher; 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.; 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; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Torres; Truitt; Weber; White; Workman; Zedler; Zerwas.

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

Present, not voting — Mr. Speaker.

Absent, Excused — Alvarado; Flynn; Hernandez Luna; Woolley.

Absent — Menendez.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1256. I intended to vote no.

Allen

I was shown voting yes on Record No. 1256. I intended to vote no.

Alonzo

When Record No. 1256 was taken, I was excused because of important business. I would have voted no.

Alvarado

I was shown voting yes on Record No. 1256. I intended to vote no.

Deshotel

SCR 57 - ADOPTED
(Eiland - House Sponsor)

Representative Eiland moved to suspend all necessary rules to take up and consider at this time **SCR 57**.

The motion prevailed.

The following resolution was laid before the house:

SCR 57, Recalling **HB 2277** from the house for further consideration.

SCR 57 was adopted.

LOCAL, CONSENT, AND RESOLUTIONS CALENDAR
SENATE BILLS
THIRD READING

SB 1662 ON THIRD READING
(Turner - House Sponsor)

SB 1662, A bill to be entitled An Act relating to the payment of costs associated with certain educational programs of Prairie View A&M University.

SB 1662 was passed by (Record 1257): 136 Yeas, 4 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Anchia; Anderson, R.; Aycock; Beck; Berman; 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; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Hartnett; 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; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; 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; White; Workman; Zedler; Zerwas.

Nays — Anderson, C.; Lavender; Legler; Weber.

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

Absent, Excused — Alvarado; Flynn; Hernandez Luna; Woolley.

Absent — Coleman; Harper-Brown; Hilderbran; Menendez.

STATEMENTS OF VOTE

When Record No. 1257 was taken, I was excused because of important business. I would have voted yes.

Alvarado

When Record No. 1257 was taken, I was in the house but away from my desk. I would have voted yes.

Hilderbran

SB 20 - HOUSE SPONSORS AUTHORIZED

On motion of Representative Keffer, Representatives Keffer, Chisum, C. Howard, and Anchia were authorized as house sponsors to **SB 20**.

MAJOR STATE CALENDAR SENATE BILLS SECOND READING

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

SB 20 ON SECOND READING

(Strama, Keffer, Chisum, C. Howard, and Anchia - House Sponsors)

SB 20, A bill to be entitled An Act relating to a grant program for certain natural gas motor vehicles.

Amendment No. 1

Representatives Otto and Chisum offered the following amendment to **SB 20**:

Amend **SB 20** (house committee report) as follows:

(1) In SECTION 1 of the bill, in added Section 386.252(a)(1)(E), Health and Safety Code (page 1, line 24), strike "and".

(2) In SECTION 1 of the bill, in added Section 386.252(a)(1)(F), Health and Safety Code (page 2, line 3), strike "393.010;" and substitute the following:
393.010; and

(G) two percent may be used for the Texas alternative fueling facilities program;

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

SECTION _____. Section 386.252, Health and Safety Code, is amended by adding Subsection (e) to read as follows:

(e) The commission may allocate unexpended money designated for the Texas alternative fueling facilities program to other programs described under Subsection (a) after the commission allocates money to recipients under the alternative fueling facilities program.

SECTION _____. Subtitle C, Title 5, Health and Safety Code, is amended by adding Chapter 394 to read as follows:

CHAPTER 394. ALTERNATIVE FUELING FACILITIES PROGRAM

Sec. 394.001. DEFINITIONS. In this chapter:

(1) "Alternative fuel" means a fuel other than gasoline or diesel fuel, other than biodiesel fuel, including electricity, compressed natural gas, liquefied natural gas, hydrogen, propane, or a mixture of fuels containing at least 85 percent methanol by volume.

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Program" means the Texas alternative fueling facilities program established under this chapter.

Sec. 394.002. PROGRAM. (a) The commission shall establish and administer the Texas alternative fueling facilities program to provide fueling facilities for alternative fuel in nonattainment areas. Under the program, the commission shall provide a grant for each eligible facility to offset the cost of those facilities.

(b) An entity that constructs, reconstructs, or acquires an alternative fueling facility is eligible to participate in the program.

Sec. 394.003. APPLICATION FOR GRANT. (a) An entity operating in this state that constructs, reconstructs, or acquires a facility to store, compress, or dispense alternative fuels may apply for and receive a grant under the program.

(b) The commission may adopt guidelines to allow a regional planning commission, council of governments, or similar regional planning agency created under Chapter 391, Local Government Code, or a private nonprofit organization to apply for and receive a grant to improve the ability of the program to achieve its goals.

(c) An application for a grant under this chapter must be made on a form provided by the commission and must contain the information required by the commission.

Sec. 394.004. ELIGIBILITY OF FACILITIES FOR GRANTS. (a) The commission by rule shall establish criteria for prioritizing facilities eligible to receive grants under this chapter. The commission shall review and revise the criteria as appropriate.

(b) To be eligible for a grant under the program, the entity receiving the grant must agree to make the alternative fueling facility available to persons not associated with the entity at times designated by the grant agreement.

(c) A recipient of a grant under this chapter is not eligible to receive a second grant under this chapter for the same facility.

Sec. 394.005. RESTRICTION ON USE OF GRANT. A recipient of a grant under this chapter shall use the grant only to pay the costs of the facility for which the grant is made. The recipient may not use the grant to pay the recipient's administrative expenses.

Sec. 394.006. AMOUNT OF GRANT. For each eligible facility for which a recipient is awarded a grant under the program, the commission shall award the grant in an amount equal to the lesser of:

(1) 50 percent of the sum of the actual eligible costs incurred by the grant recipient within deadlines established by the commission to construct, reconstruct, or acquire the facility; or

(2) \$500,000.

Sec. 394.007. EXPIRATION. This chapter expires August 31, 2018.

SECTION _____. The Texas Commission on Environmental Quality shall adopt rules under Section 394.004, Health and Safety Code, as added by this Act, as soon as practicable after the effective date of this Act.

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).

SB 20 - (consideration continued)

AMENDMENT NO. 1 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE BURNAM: We discussed earlier that I wanted to ask you a question for legislative intent. Is it your belief that the definition, as included in this amendment, means that alternative fuels means that fuel other than gasoline or conventional diesel fuels, including biodiesel fuels, electricity compressed natural gas, liquified natural gas, hydrogen propane or a mixture of fuels containing at least 85 percent methanol by volume?

REPRESENTATIVE CHISUM: It absolutely does, and the idea is that gasoline and diesel are not alternative fuels. Biodiesel is and those others that you listed. You said it correct.

REMARKS ORDERED PRINTED

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

The motion prevailed.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Strama offered the following amendment to **SB 20**:

Amend **SB 20** (house committee report) as follows:

(1) In SECTION 2 of the bill, strike added Section 393.001(5), Health and Safety Code (page 3, lines 20 and 21), and substitute the following:

(5) "Incremental cost" means the difference between the manufacturer's suggested retail price of a baseline vehicle, the documented dealer price of a baseline vehicle, cost to lease or otherwise commercially finance a baseline vehicle, cost to repower with a baseline engine, or other appropriate baseline cost established by the commission, and the actual cost of the natural gas vehicle purchase, lease, or other commercial financing, or repower.

(2) In SECTION 2 of the bill, between added Sections 393.001(5) and (6), Health and Safety Code (page 3, between lines 21 and 22), insert the following new subdivision, numbered appropriately, and renumber subsequent subdivisions of added Section 393.001, Health and Safety Code, accordingly:

() "Medium-duty motor vehicle" means a motor vehicle with a gross vehicle weight rating of more than 8,500 pounds that:

(A) is certified to the United States Environmental Protection Agency's light-duty emissions standard; or

(B) has an engine certified to the United States Environmental Protection Agency's light-duty emissions standard.

(3) In SECTION 2 of the bill, in added Section 393.002, Health and Safety Code (page 4, line 4), between "heavy-duty" and "motor vehicle", insert "or medium-duty".

(4) In SECTION 2 of the bill, in added Section 393.002, Health and Safety Code (page 4, line 7), between "heavy-duty" and "motor vehicles", insert "motor vehicles and medium-duty".

(5) In SECTION 2 of the bill, in added Section 393.002, Health and Safety Code (page 4, line 8), between "heavy-duty" and "motor vehicle", insert "or medium-duty".

(6) In SECTION 2 of the bill, in added Section 393.003(a)(1), Health and Safety Code (page 4, line 14), between "heavy-duty" and "motor vehicle", insert "or medium-duty".

(7) In SECTION 2 of the bill, in added Section 393.003(a)(1)(C), Health and Safety Code (page 4, line 19), between "heavy-duty" and "motor vehicle", insert "or medium-duty".

(8) In SECTION 2 of the bill, strike added Sections 393.003(a)(1)(D) and (a)(2), Health and Safety Code (page 4, line 21, through page 5, line 1), and substitute the following:

(D) is powered by an engine certified to:

(i) emit not more than 0.2 grams of nitrogen oxides per brake horsepower hour; or

(ii) meet or exceed the United States Environmental Protection Agency's Bin 5 standard for light-duty engines when powering the vehicle; or

(2) repowered the on-road motor vehicle to a natural gas vehicle powered by a natural gas engine that:

(A) is certified to current federal emissions standards; and

(B) is:

(i) a heavy-duty engine that is certified to emit not more than 0.2 grams of nitrogen oxides per brake horsepower hour; or

(ii) certified to meet or exceed the United States Environmental Protection Agency's Bin 5 standard for light-duty engines when powering the vehicle.

(9) In SECTION 2 of the bill, in added Section 393.003(b), Health and Safety Code (page 5, line 2), between "heavy-duty" and "motor vehicle", insert "or medium-duty".

(10) In SECTION 2 of the bill, in added Section 393.003(b)(1), Health and Safety Code (page 5, line 5), strike "or by another entity".

(11) In SECTION 2 of the bill, in added Section 393.004(a), Health and Safety Code (page 5, line 10), between "heavy-duty" and "motor vehicle", insert "or medium-duty".

(12) In SECTION 2 of the bill, in added Section 393.005(b)(1), Health and Safety Code (page 5, line 27), strike "heavy-duty".

(13) In SECTION 2 of the bill, in added Section 393.005(b)(2)(A), Health and Safety Code (page 6, line 7), between "heavy-duty" and "motor vehicle", insert "or medium-duty".

(14) In SECTION 2 of the bill, in added Section 393.005(b)(2)(B), Health and Safety Code (page 6, line 19), between "heavy-duty" and "motor vehicle", insert "or medium-duty".

(15) In SECTION 2 of the bill, in added Section 393.005(f), Health and Safety Code (page 8, line 4), between "heavy-duty" and "motor vehicle", insert "or medium-duty".

(16) In SECTION 2 of the bill, in added Section 393.005(g), Health and Safety Code (page 8, line 13), between "heavy-duty" and "motor vehicles", insert "motor vehicles and medium-duty".

(17) In SECTION 2 of the bill, strike added Section 393.007(a)(2), Health and Safety Code (page 9, lines 14 through 20), and substitute the following:

(2) is based on:

(A) the certified emission level of nitrogen oxides, or other pollutants as determined by the commission, of the engine powering the natural gas vehicle; and

(B) the usage of the natural gas vehicle; and

(3) may take into account the overall emissions reduction achieved by the natural gas vehicle.

(18) In SECTION 2 of the bill, after added Section 393.007(b), Health and Safety Code (page 10, between lines 1 and 2), insert the following:

(c) A person may not receive a grant under this chapter that, when combined with any other grant, tax credit, or other governmental incentive, exceeds the incremental cost of the vehicle for which the grant is awarded. A person shall return to the commission the amount of a grant awarded under this chapter that, when combined with any other grant, tax credit, or other governmental incentive, exceeds the incremental cost of the vehicle for which the grant is awarded.

(d) The commission shall reduce the amount of a grant awarded under this chapter as necessary to keep the combined incentive total at or below the incremental cost of the vehicle for which the grant is awarded if the grant recipient is eligible to receive an automatic incentive at or before the time a grant is awarded under this chapter.

(19) In SECTION 2 of the bill, strike added Section 393.008(b)(1), Health and Safety Code (page 10, lines 10 through 13), and substitute the following:

(1) provide for the commission to compile and regularly update a listing of preapproved natural gas vehicles:

(A) powered by natural gas engines certified to emit not more than 0.2 grams of nitrogen oxides per brake horsepower hour; or

(B) certified to the United States Environmental Protection Agency's light-duty Bin 5 standard or better;

(20) In SECTION 2 of the bill, in added Section 393.009(a)(1), Health and Safety Code (page 11, line 20), between "on-road heavy-duty" and "natural gas", insert "or medium-duty".

(21) In SECTION 2 of the bill, in added Section 393.009(a)(1), Health and Safety Code (page 11, line 20), between "or heavy-duty" and "natural gas", insert "or medium-duty".

(22) In SECTION 2 of the bill, in added Section 393.009(e)(2), Health and Safety Code (page 12, line 14), between "heavy-duty" and "natural gas", insert "or medium-duty".

(23) In SECTION 2 of the bill, in added Section 393.009(e)(2), Health and Safety Code (page 12, line 15), before "natural gas engines.", insert "heavy-duty or medium-duty".

(24) In SECTION 2 of the bill, strike added Section 393.010(b), Health and Safety Code (page 13, lines 12 and 13), and substitute the following:

(b) The commission may not award more than:

- (1) three station grants to any entity; or
- (2) one grant for each station.

(25) In SECTION 2 of the bill, between added Sections 393.010(b) and (c), Health and Safety Code (page 13, between lines 13 and 14), insert the following new subsection, designated appropriately, and redesignate subsequent subsections of added Section 393.010, Health and Safety Code, accordingly:

() Grants awarded under this section may not exceed:

- (1) \$100,000 for a compressed natural gas station;
- (2) \$250,000 for a liquefied natural gas station; or
- (3) \$400,000 for a station providing both liquefied and compressed

natural gas.

(26) In SECTION 2 of the bill, strike added Section 393.011, Health and Safety Code (page 14, lines 6-10) and renumber subsequent Sections of the SECTION accordingly.

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

SECTION _____. Section 386.252, Health and Safety Code, is amended by adding Subsections (e) and (f) to read as follows:

(e) Notwithstanding Subsection (a), the commission may reallocate money in the fund if:

(1) the commission, in consultation with the governor and the advisory board, determines that the use of the money in the fund for the program established under Chapter 393 will cause the state to be in noncompliance with the state implementation plan to the extent that federal action is likely; and

(2) the commission finds that the reallocation of some or all of the funding for the program established under Chapter 393 would resolve the noncompliance.

(f) Under Subsection (e), the commission may not reallocate more than the minimum amount of money necessary to resolve the noncompliance.

Amendment No. 2 was adopted.

SB 20, as amended, was passed to third reading. (S. Davis, Harper-Brown, and Laubenberg recorded voting no; Huberty recorded voting present, not voting.)

**CONSTITUTIONAL AMENDMENTS CALENDAR
SENATE JOINT RESOLUTIONS
SECOND READING**

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

**SJR 16 ON SECOND READING
(Ritter - House Sponsor)**

SJR 16, A joint resolution proposing a constitutional amendment providing for the appraisal for ad valorem tax purposes of open-space land devoted to water-stewardship purposes on the basis of its productive capacity.

SJR 16 was adopted by (Record 1258): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen(C); 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; Frullo; Gallego; Garza; Geren; 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.; 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; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused — Alvarado; Flynn; Hernandez Luna; Woolley.

Absent — Coleman; Torres.

STATEMENTS OF VOTE

When Record No. 1258 was taken, I was excused because of important business. I would have voted yes.

Alvarado

I was shown voting yes on Record No. 1258. I intended to vote no.

C. Anderson

I was shown voting yes on Record No. 1258. I intended to vote no.

Miles

When Record No. 1258 was taken, I was temporarily out of the house chamber. I would have voted yes.

Torres

**GENERAL STATE CALENDAR
SENATE BILLS
SECOND READING**

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

**SB 350 ON SECOND READING
(Truitt - House Sponsor)**

SB 350, A bill to be entitled An Act relating to the restructuring of fund obligations and accounts of the Texas Municipal Retirement System and related actuarial and accounting procedures.

SB 350 was passed to third reading.

**CSSB 341 ON SECOND READING
(Menendez and Larson - House Sponsors)**

CSSB 341, A bill to be entitled An Act relating to authorizing the dissolution of the Bexar Metropolitan Water District; providing a penalty.

(Speaker in the chair)

Amendment No. 1

Representative Menendez offered the following amendment to **CSSB 341**:

Amend **CSSB 341** in ARTICLE 2 of the bill (page 10, after line 27), by inserting the following new SECTION in the ARTICLE:

SECTION 2.03. (a) The purpose of this article is to provide all of the eligible voters of the district an opportunity to determine by election whether to continue with the current managing authority of the district or to transition to another managing authority which owns, operates, and manages the system, as defined by Section 1A, Chapter 306, Acts of the 49th Legislature, Regular Session, 1945.

(b) In order to provide all of the district's eligible voters an equal opportunity to vote on the determination in Subsection (a) of this section, the preferred method of election is a district-wide vote with all votes weighted equally. The reasons for this preference include:

(1) the election is a referendum on a single issue, involving different considerations in its structure than the considerations for an election to select members of a multi-member governing body;

(2) neither the vote dilution principles addressed under Section 2 of the Voting Rights Act of 1965 (42 U.S.C. Section 1973 et seq.) nor the three-part analytical framework used to measure vote dilution under Thornburg v. Gingles, 478 U.S. 30 (1986), are applicable to such a single-issue referendum;

(3) the explanation in Butts v. City of New York, 779 F.2d 141 (2d Cir. 1985), cert. denied, 478 U.S. 1021 (1986), that, if "the winner of an election for a single-member office is chosen directly by all the eligible voters" for that office,

electoral arrangements are unlikely to deny a class of voters equal opportunity for representation, is equally applicable to the preferred method of election for the single-issue referendum established in this article; and

(4) the preferred method of election established in this article adheres strictly to the constitutional principle of "one person, one vote," a principle which a federal court has stated specifically applies to the district in an order dated September 21, 2006, in Civil Action No. SA-96-CA-335, Rios v. Bexar Metropolitan Water District et al., in the United States District Court, Western District of Texas, and which the district has never challenged by appeal or otherwise.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Larson offered the following amendment to **CSSB 341**:

Amend **CSSB 341** (house committee report) as follows:

(1) In the recital to SECTION 1.02 of the bill (page 1, line 14), strike "42, and 43" and substitute "and 42".

(2) In SECTION 1.02 of the bill, in amended Chapter 306, Acts of the 49th Legislature, Regular Session, 1945 (page 7, lines 10-19), strike Section 40.

(3) In SECTION 1.02 of the bill, in amended Chapter 306, Acts of the 49th Legislature, Regular Session, 1945 (page 7, line 20), strike "Sec. 41." and substitute the following:

Sec. 40. (a) This section does not apply to bonds related to a water supply contract existing on or after the effective date of the Act enacting this section entered into by the District and a governmental entity, including the Canyon Regional Water Authority and the Bexar-Medina-Atascosa Counties Water Improvement District No. 1, if revenue from the contract is to be pledged wholly or partly to pay debt service on revenue bonds approved by the attorney general.

(b)

(4) In SECTION 1.02 of the bill, in added Section 41, Chapter 306, Acts of the 49th Legislature, Regular Session, 1945 (page 7, line 22), between "State" and the comma, insert "under Article 2 or Article 2A of the Act enacting this section".

(5) In SECTION 1.02 of the bill, in added Section 42, Chapter 306, Acts of the 49th Legislature, Regular Session, 1945 (page 8, line 6), strike "Sec. 42. (a)" and substitute the following:

Sec. 41. (a) This section does not apply to a water supply contract existing on or after the effective date of the Act enacting this section entered into by the District and a governmental entity, including the Canyon Regional Water Authority and the Bexar-Medina-Atascosa Counties Water Improvement District No. 1, if revenue from the contract is to be pledged wholly or partly to pay debt service on revenue bonds approved by the attorney general.

(b)

(6) In SECTION 1.02 of the bill, in added Section 42(a), Chapter 306, Acts of the 49th Legislature, Regular Session, 1945 (page 8, line 8), between "State" and the comma, insert "under Article 2 or Article 2A of the Act enacting this section".

(7) In SECTION 1.02 of the bill, in added Section 42(a)(1), Chapter 306, Acts of the 49th Legislature, Regular Session, 1945 (page 8, line 12), between "System" and the semicolon, insert "if the contract or other agreement is assumed by the System".

(8) In SECTION 1.02 of the bill, in added Section 42, Chapter 306, Acts of the 49th Legislature, Regular Session, 1945 (page 8, line 18), strike "(b)" and substitute "(c)".

(9) In SECTION 1.02 of the bill, in added Section 42(b), Chapter 306, Acts of the 49th Legislature, Regular Session, 1945 (page 8, line 20), strike "(a)(2)" and substitute "(b)(2)".

(10) In SECTION 1.02 of the bill, in amended Chapter 306, Acts of the 49th Legislature, Regular Session, 1945 (page 8, line 22), strike "43" and substitute "42".

(11) In SECTION 1.02 of the bill, in added Section 43, Chapter 306, Acts of the 49th Legislature, Regular Session, 1945 (page 8, line 24), between "State" and the comma, insert "under Article 2 or Article 2A of the Act enacting this section".

(12) In SECTION 2.01(b) of the bill (page 9, line 11), between "district" and "on the", insert "solely".

(13) In SECTION 2.01(b) of the bill (page 9, line 12), strike "The board" and substitute "Notwithstanding Section 3.005(b), Election Code, the board".

(14) In SECTION 2.01(b) of the bill (page 9, line 14), between "held" and the period, insert "or as soon as practicable, if the effective date of this Act is after the 90th day".

(15) In SECTION 2.01 of the bill (page 10, between lines 14 and 15), insert the following:

(h) The election directed to be held under this article is not intended to prohibit a regular or special election to elect board members.

(16) In SECTION 2.02(a) of the bill (page 10, lines 15-16), strike "Not later than the 20th day after the date on which the election results are officially declared" and substitute "Not later than the 10th day after the determination under Section 67.005(a), Election Code, of the official results of the election".

(17) In SECTION 2A.02(b) of the bill (page 12, line 3), between "district" and "on the", insert "solely".

(18) In SECTION 2A.02(b) of the bill (page 12, line 4), strike "The board" and substitute "Notwithstanding Section 3.005(b), Election Code, the board".

(19) In SECTION 2A.02(b) of the bill (page 12, line 6), between "held" and the period, insert "or as soon as practicable, if the effective date of this Act is after the 90th day".

(20) In SECTION 2A.02 of the bill (page 13, between lines 12 and 13), insert the following:

(i) The election directed to be held under this article is not intended to prohibit a regular or special election to elect board members.

(21) In SECTION 2A.03(a) of the bill (page 13, lines 13-14), strike "Not later than the 20th day after the date on which the election results are officially declared" and substitute "Not later than the 10th day after the determination under Section 67.005(a), Election Code, of the official results of the election".

(22) In the recital to SECTION 3.03 of the bill (page 17, line 1), strike "and 10B" and substitute "10B, and 43".

(23) In SECTION 3.03 of the bill, in added Section 8A(b), Chapter 306, Acts of the 49th Legislature, Regular Session, 1945 (page 17, line 20), between "\$500" and "in", insert "from each person or organization".

(24) In SECTION 3.03 of the bill, in added Section 8A(b), Chapter 306, Acts of the 49th Legislature, Regular Session, 1945 (page 17, line 21), between "the" and "candidate", insert "Director or".

(25) In SECTION 3.03 of the bill, in amended Chapter 306, Acts of the 49th Legislature, Regular Session, 1945 (page 21, between lines 23 and 24), insert the following:

Sec. 43. (a) The Commission shall evaluate the condition of the District and determine whether the District has been sufficiently rehabilitated to enable the District to provide reliable, cost-effective, quality service to its customers.

(b) If the Commission finds that the District has not been rehabilitated, the Commission may order the District to implement any part of the rehabilitation plan developed under Section 34.

(c) If the District fails to comply with a Commission order, the Commission may assess a penalty against the District in the manner provided by Section 13.4151, Water Code.

(26) In SECTION 4.01 of the bill, in added Section 50(a), Chapter 306, Acts of the 49th Legislature, Regular Session, 1945 (page 23, line 1), between "2" and "of", insert "or 2A".

(27) In SECTION 4.01 of the bill, in added Section 50(c), Chapter 306, Acts of the 49th Legislature, Regular Session, 1945 (page 23, line 9), between "assign" and "all", insert "to the System".

(28) In SECTION 4.01 of the bill, in added Section 52, Chapter 306, Acts of the 49th Legislature, Regular Session, 1945 (page 24, line 8), between "2" and "of", insert "or 2A".

(29) In SECTION 5.01 of the bill (page 28, lines 2-3), strike "1973c or any other provisions of that act" and substitute "1973 et seq."

(30) Strike SECTION 5.03 of the bill (page 28, line 23, through page 29, line 1) and substitute the following:

SECTION 5.03. (a) Articles 1, 2, 2A, and 5 of this Act 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. If this Act does not receive the vote necessary for immediate effect, Articles 1, 2, 2A, and 5 take effect September 1, 2011.

(b) Articles 3 and 4 of this Act take effect as provided by Articles 2 and 2A.

Amendment No. 2 was adopted.

Amendment No. 3

Representative Garza offered the following amendment to **CSSB 341**:

Amend **CSSB 341** (senate committee report) as follows:

(1) In SECTION 4.01 of the bill (page 23, line 7 and 8), strike "the election results are certified" and substitute "the System establishes an elected board to manage and operate the System."

LEAVE OF ABSENCE GRANTED

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

Farrar on motion of Burnam.

CSSB 341- (consideration continued)

Representative Menendez moved to postpone consideration of **CSSB 341** until 1:45 p.m. today.

The motion prevailed.

(Bonnen in the chair)

SB 889 ON SECOND READING

(S. Davis - House Sponsor)

SB 889, A bill to be entitled An Act relating to assignment of rents to holders of certain security interests in real property.

SB 889 was passed to third reading.

SB 181 ON SECOND READING

(Laubenberg, Creighton, and Branch - House Sponsors)

SB 181, A bill to be entitled An Act relating to the calculation and reporting of water usage by municipalities and water utilities for state water planning and other purposes.

Amendment No. 1

On behalf of Representative Flynn, Representative Zedler offered the following amendment to **SB 181**:

Amend **SB 181** by inserting the following appropriately-numbered SECTION and renumbering any subsequent SECTIONS and updating any cross-references accordingly:

SECTION ____ . Section 16.053(c), Water Code, is amended to read as follows:

(c) No later than 60 days after the designation of the regions under Subsection (b), the board shall designate representatives within each regional water planning area to serve as the initial coordinating body for planning. The initial coordinating body may then designate additional representatives to serve on the regional water planning group. The initial coordinating body shall designate additional representatives if necessary to ensure adequate representation from the interests comprising that region, including the public,

counties, municipalities, industries, agricultural interests, environmental interests, small businesses, electric generating utilities, river authorities, water districts, and water utilities. The regional water planning group shall maintain adequate representation from those interests. In addition, the commissioners court of each county located in the regional water planning area shall appoint one representative of the county to the regional water planning group. In addition, representatives of the board, the Parks and Wildlife Department, and the Department of Agriculture shall serve as ex officio members of each regional water planning group.

SECTION _____. As soon as practicable after the effective date of this Act, the commissioners court of each county in this state shall appoint an initial representative of the county to the regional water planning group for the regional water planning area in which the county is located, as required by Section 16.053(c), Water Code, as amended by this Act.

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

SB 181, as amended, was passed to third reading.

SB 271 ON SECOND READING
(Menendez and Larson - House Sponsors)

SB 271, A bill to be entitled An Act relating to the board of directors of the Bexar Metropolitan Water District.

Representative Menendez moved to postpone consideration of **SB 271** until 8 a.m. Monday, May 23.

The motion prevailed.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Hunter requested permission for the Committee on Calendars to meet while the house is in session, at 1 p.m. today, in 3W.15, to set a calendar.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Calendars, 1 p.m. today, 3W.15, for a formal meeting, to set a calendar.

SB 267 ON SECOND READING
(Elkins - House Sponsor)

SB 267, A bill to be entitled An Act relating to a joint statement regarding the transfer of a motor vehicle as the result of a gift.

SB 267 was passed to third reading. (Landtroop and Perry recorded voting no.)

SB 367 ON SECOND READING**(Cook - House Sponsor)**

SB 367, A bill to be entitled An Act relating to the review by the attorney general of invoices related to legal services provided to state agencies by outside counsel.

SB 367 was passed to third reading.

SB 680 ON SECOND READING**(Woolley - House Sponsor)**

SB 680, A bill to be entitled An Act relating to a fee collected by a district clerk for certain certified copies.

SB 680 was passed to third reading. (The vote was reconsidered later today, and **SB 680** was postponed until 10 a.m. Monday, May 23.)

SB 859 ON SECOND READING**(Smithee - House Sponsor)**

SB 859, A bill to be entitled An Act relating to small and large employer health group cooperatives.

SB 859 was passed to third reading.

SB 1167 ON SECOND READING**(Hernandez Luna - House Sponsor)**

SB 1167, A bill to be entitled An Act relating to cemeteries and perpetual care cemetery corporations; providing a penalty.

SB 1167 was passed to third reading.

SB 29 ON SECOND READING**(Branch - House Sponsor)**

SB 29, A bill to be entitled An Act relating to the eligibility of certain postdoctoral fellows and graduate students to participate in health benefit programs at public institutions of higher education.

SB 29 was passed to third reading. (Christian recorded voting no.)

SB 385 ON SECOND READING**(Otto, W. Smith, Chisum, Anchia, and Burkett - House Sponsors)**

SB 385, A bill to be entitled An Act relating to the creation of an alternative fuel program to be funded by the Texas emissions reduction plan fund.

SB 385 was passed to third reading. (Laubenberg recorded voting no; Huberty recorded voting present, not voting.)

CSSB 1000 ON SECOND READING**(Geren, Thompson, Hamilton, Darby, Otto, et al. - House Sponsors)**

CSSB 1000, A bill to be entitled An Act relating to self-directed and semi-independent status of the Texas Real Estate Commission; making an appropriation.

CSSB 1000 was passed to third reading.

SB 1030 ON SECOND READING
(Anchia - House Sponsor)

SB 1030, A bill to be entitled An Act relating to notice by sign requirement for sexually oriented businesses.

SB 1030 was passed to third reading. (V. Taylor recorded voting no.)

CSSB 1035 ON SECOND READING
(Harless - House Sponsor)

CSSB 1035, A bill to be entitled An Act relating to motor vehicle title services; providing penalties.

Amendment No. 1

Representative Fletcher offered the following amendment to **CSSB 1035**:

Amend **CSSB 1035** (house committee printing) in SECTION 9 of the bill, immediately following proposed Section 520.080, Transportation Code (page 18, between lines 9 and 10), by inserting the following:

(e) If the records maintained under Subsection (b) by a holder of a motor vehicle title service license include a legible photocopy of a driver's license issued by a foreign government, the license holder must also maintain a valid identification document for the customer.

(f) In this section, "valid identification document" means a document that contains an identifiable photograph with information concerning a particular individual that is of a type of document intended or commonly accepted for the purpose of identification of an individual and is issued by:

(1) an agency or institution of the federal government; or

(2) an agency, institution, or political subdivision of this state or another state.

Amendment No. 1 was adopted.

CSSB 1035, as amended, was passed to third reading. (Landtroop and Perry recorded voting no.)

SB 1124 ON SECOND READING
(Truitt and Solomons - House Sponsors)

SB 1124, A bill to be entitled An Act relating to licensing and regulation of certain persons involved in residential mortgage lending pursuant to the Texas Secure and Fair Enforcement for Mortgage Licensing Act of 2009; providing penalties.

Amendment No. 1

Representative Truitt offered the following amendment to **SB 1124**:

Amend **SB 1124** (house committee printing) as follows:

(1) In the recital to SECTION 14 of the bill (page 10, line 9), strike "adding Subsection (a-1)" and substitute "adding Subsections (a-1) and (c)".

(2) In SECTION 14 of the bill, following added Section 156.202(a-1), Finance Code (page 13, between lines 20 and 21), insert the following:

(c) The finance commission may grant an exemption from the residential mortgage loan originator licensing requirements of this chapter to a municipality, county, community development corporation, or public or private grant administrator to the extent the entity is administering the Texas HOME Investment Partnerships program if the commission determines that granting the exemption is not inconsistent with the intentions of the federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008 (Pub. L. No. 110-289).

(3) In SECTION 61 of the bill, following added Section 180.003(b), Finance Code (page 65, after line 27), insert the following:

(c) The finance commission may grant an exemption from the licensing requirements of this chapter to a municipality, county, community development corporation, or public or private grant administrator to the extent the entity is administering the Texas HOME Investment Partnerships program if the commission determines that granting the exemption is not inconsistent with the intentions of the federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008 (Pub. L. No. 110-289).

Amendment No. 1 was adopted.

SB 1124, as amended, was passed to third reading. (V. Taylor recorded voting no.)

CSSB 1534 ON SECOND READING
(J. Davis - House Sponsor)

CSSB 1534, A bill to be entitled An Act relating to the operation and certification of career schools or colleges.

CSSB 1534 was passed to third reading.

CSSB 1732 ON SECOND READING
(Guillen - House Sponsor)

CSSB 1732, A bill to be entitled An Act relating to authorizing the adjutant general to operate post exchanges on state military property.

CSSB 1732 was passed to third reading.

SB 1010 ON SECOND READING
(Workman, Lucio, and Gallego - House Sponsors)

SB 1010, A bill to be entitled An Act relating to providing a victim, guardian of a victim, or close relative of a deceased victim with notice of a plea bargain agreement in certain criminal cases.

Amendment No. 1

Representative Workman offered the following amendment to **SB 1010**:

Amend **SB 1010** (house committee report) as follows:

(1) In SECTION 1 of the bill, strike the recital (page 1, lines 6-7) and substitute "Article 26.13, Code of Criminal Procedure, is amended by amending Subsections (a) and (e) and adding Subsection (e-1) to read as follows:"

(2) In SECTION 1 of the bill, strike amended Article 26.13(e), Code of Criminal Procedure (page 2, lines 14 through 23), and substitute the following:

(e) Before accepting a plea of guilty or a plea of nolo contendere, the court shall, as applicable in the case:

(1) inquire as to whether a victim impact statement has been returned to the attorney representing the state;

(2) if a victim impact statement has been returned, [~~and~~] ask for a copy of the statement and, on a request by the victim, guardian of a victim, or close relative of a deceased victim, read the statement aloud and in the presence of the defendant; and

(3) inquire as to whether the attorney representing the state has given notice of the existence and terms of any plea bargain agreement to the victim, guardian, or relative [~~if one has been returned~~].

(e-1) For purposes of Subsection (e), "victim," "guardian of a victim," and "close relative of a deceased victim" have the meanings assigned by Article 56.01.

(3) In SECTION 2 of the bill, strike amended Article 56.08(e)(2), Code of Criminal Procedure (page 3, lines 17 through 26), and substitute the following:

(2) the judge before accepting the plea bargain agreement is required under Article [~~Section~~] 26.13(e) to [~~ask~~]:

(A) inquire as to whether a victim impact statement has been returned to the attorney representing the state; [~~and~~]

(B) if a victim impact statement has been returned, ask for a copy of the statement and, if requested by the victim, guardian of a victim, or close relative of a deceased victim, read the statement aloud and in the presence of the defendant; and

(C) inquire as to whether the attorney representing the state has given the victim, guardian, or relative notice of the existence and terms of the plea bargain agreement.

(4) Strike SECTION 3 of the bill (page 3, line 27, through page 4, line 6) and substitute the following:

SECTION 3. (a) The change in law made by this Act applies only to a victim impact statement or plea bargain agreement that is presented to a court on or after the effective date of this Act.

(b) A victim impact statement or plea bargain agreement that is presented to a court before the effective date of this Act is covered by the law in effect when the statement or agreement was presented, and the former law is continued in effect for that purpose.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Lucio offered the following amendment to **SB 1010**:

Amend **SB 1010** (house committee printing) as follows:

(1) In SECTION 3(a) of the bill (page 3, line 27), strike "this Act" and substitute "Articles 26.13 and 56.08, Code of Criminal Procedure, as amended by this Act,".

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

SECTION _____. Chapter 26, Code of Criminal Procedure, is amended by adding Article 26.131 to read as follows:

Art. 26.131. ORAL STATEMENT REGARDING TERMS OF PLEA BARGAIN AGREEMENT. (a) One immediate family member of a peace officer who dies as the result of alleged criminal conduct for which a defendant has been indicted or for which an information has been returned is entitled to make an oral statement to the court regarding the terms of any plea bargain agreement in the case and regarding whether the peace officer's family supports or opposes the terms of that agreement. The family member who makes the statement must be designated by the peace officer's immediate family.

(b) In a case in which a peace officer dies as a result of the alleged criminal conduct of the defendant, the attorney representing the state shall notify the immediate family members of the deceased peace officer of the existence and terms of any plea bargain agreement and the right of one immediate family member to make an oral statement to the court as described by Subsection (a).

(c) The court shall:

(1) consider an oral statement under Subsection (a) before sentencing the defendant; and

(2) permit the defendant or the defendant's counsel an opportunity to:

(A) cross-examine the person making the oral statement;

(B) comment on the oral statement; and

(C) with the approval of the court, introduce testimony or other information alleging a factual inaccuracy in the oral statement.

(d) Before the immediate family member makes an oral statement under Subsection (a), the court shall inform the family member of the defendant's rights under Subsection (c)(2).

(e) The presentation and consideration of an oral statement under this article is in addition to the consideration of a written victim impact statement under Article 56.03 and does not preclude the presentation of a statement after sentence is pronounced under Article 42.03.

(f) In this article:

(1) "Immediate family member of a peace officer" means an individual who is related to a peace officer within the second degree by affinity or consanguinity.

(2) "Peace officer" has the meaning assigned by Section 1.07, Penal Code.

SECTION _____. The change in law made by Article 26.131, Code of Criminal Procedure, as added by this Act, applies only to a plea of guilty or nolo contendere entered on or after the effective date of this Act, regardless of whether the offense with reference to which the plea is entered is committed before, on, or after that date.

Amendment No. 2 was adopted.

SB 1010, as amended, was passed to third reading.

**PROVIDING FOR A LOCAL, CONSENT,
AND RESOLUTIONS CALENDAR**

Representative Thompson moved to set a local, consent, and resolutions calendar for 10 a.m. Monday, May 23.

The motion prevailed.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Thompson requested permission for the Committee on Local and Consent Calendars to meet while the house is in session, at 1:30 p.m. today, in 1W.14, to set a calendar.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Local and Consent Calendars, 1:30 p.m. today, 1W.14, for a formal meeting, to set a calendar.

**SB 1596 ON SECOND READING
(Isaac - House Sponsor)**

SB 1596, A bill to be entitled An Act relating to changes in participation in public utility agencies.

SB 1596 was passed to third reading.

**CSSB 1134 ON SECOND READING
(Craddick - House Sponsor)**

CSSB 1134, A bill to be entitled An Act relating to the issuance of permits for certain facilities regulated by the Texas Commission on Environmental Quality.

Amendment No. 1

Representative W. Smith offered the following amendment to **CSSB 1134**:

Amend **CSSB 1134** (house committee report) as follows:

(1) In the recital to SECTION 1 of the bill (page 1, lines 6 and 7), strike "and 382.051963" and substitute "382.051963, and 382.051964".

(2) In SECTION 1 of the bill, after added Section 382.051963, Health and Safety Code (page 4, between lines 25 and 26), add the following:

Sec. 382.051964. AGGREGATION OF FACILITIES. Notwithstanding any other provision of this chapter, the commission may not aggregate a facility that belongs to a Standard Industrial Classification Code identified by Section 382.051961(a) with another facility that belongs to a Standard Industrial Classification Code identified by that section for purposes of consideration as an oil and gas facility, a stationary source, or another single source in a permit by rule or a standard permit unless the facilities being aggregated:

(1) are under the control of the same person or are under the control of persons under common control;

(2) belong to the same two-digit major grouping of Standard Industrial Classification Codes;

(3) are operationally dependant; and

(4) are located not more than 500 feet from a tank battery, separator, or combustion facility.

(3) In SECTION 2(a) of the bill (page 4, lines 26 and 27), strike "and 382.051963" and substitute "382.051963, and 382.051964".

(4) In SECTION 2(b) of the bill (page 5, lines 7 and 8), strike "382.051961 and 382.051962" and substitute "382.051961, 382.051962, and 382.051964".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Burnam offered the following amendment to **CSSB 1134**:

Amend **CSSB 1134** (house committee report) as follows:

(1) In SECTION 1 of the bill, in added Section 382.051961(b)(3), Health and Safety Code (page 2, line 14), strike "and".

(2) In SECTION 1 of the bill, in added Section 382.051961(b)(4), Health and Safety Code (page 2, line 17), between "state" and the period insert the following:

; and

(5) determines that the adoption or amendment of the permit will not cause the state to be in noncompliance with the federal Clean Air Act (42 U.S.C. Section 7401 et seq.)

(Alvarado now present)

Representative Craddick moved to table Amendment No. 2.

The motion to table prevailed by (Record 1259): 102 Yeas, 34 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycocock; Beck; Berman; Bohac; Bonnen(C); Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eiland; Eissler; Elkins; Fletcher; 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.; Miller, S.; Morrison; Muñoz; 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; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Davis, Y.; Deshotel; Dukes; Dutton; Gallego; Gonzales, V.; Gonzalez; Guillen; Hochberg; Howard, D.; Johnson; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Miles; Naishtat; Oliveira; Raymond; Reynolds; Rodriguez; Strama; Thompson; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker.

Absent, Excused — Farrar; Flynn; Hernandez Luna; Woolley.

Absent — Coleman; Farias; Giddings; Gutierrez; Lozano; Menendez; Pickett; Turner; Walle.

Amendment No. 3

Representative W. Smith offered the following amendment to **CSSB 1134**:

Amend **CSSB 1134** (house committee report) in SECTION 1 of the bill, in added Section 382.051961, Health and Safety Code (page 2, between lines 26 and 27), by inserting the following:

(d) Unless a demonstration is otherwise required under federal law, a new or amended standard permit or permit by rule adopted under this section may not require a demonstration of compliance with a national ambient air quality standard before the demonstration is required by a state implementation plan adopted to implement that national ambient air quality standard.

Amendment No. 3 was adopted.

CSSB 1134, as amended, was passed to third reading.

SB 449 ON SECOND READING (Ritter - House Sponsor)

SB 449, A bill to be entitled An Act relating to the appraisal for ad valorem tax purposes of open-space land devoted to water stewardship purposes on the basis of its productive capacity.

SB 449 was passed to third reading. (Garza recorded voting no.)

SB 377 ON SECOND READING (Riddle, Gallego, Burkett, Hartnett, and Carter - House Sponsors)

SB 377, A bill to be entitled An Act relating to the murder of a child as a capital offense.

SB 377 - POINT OF ORDER

Representative Marquez raised a point of order against further consideration of **SB 377**.

SB 680 - VOTE RECONSIDERED

Representative Kleinschmidt moved to reconsider the vote by which **SB 680** was passed to third reading.

The motion to reconsider prevailed.

SB 680 ON SECOND READING
(Woolley - House Sponsor)

The chair laid before the house, on its second reading and passage to third reading,

SB 680, A bill to be entitled An Act relating to a fee collected by a district clerk for certain certified copies.

SB 680 was read second time earlier today and was passed to third reading.

Representative Kleinschmidt moved to postpone consideration of **SB 680** until 10 a.m. Monday, May 23.

The motion prevailed.

MESSAGE FROM THE SENATE

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

GENERAL STATE CALENDAR
(consideration continued)

SB 377 - (consideration continued)

The point of order was withdrawn.

Representative Riddle moved to postpone consideration of **SB 377** until 2 p.m. today.

The motion prevailed.

CSSB 425 ON SECOND READING
(Hancock - House Sponsor)

CSSB 425, A bill to be entitled An Act relating to property and casualty certificates of insurance and approval of property and casualty certificate of insurance forms by the Texas Department of Insurance; providing penalties.

Representative Hancock moved to postpone consideration of **CSSB 425** until 2 p.m. today.

The motion prevailed.

SB 479 ON SECOND READING
(S. Miller - House Sponsor)

SB 479, A bill to be entitled An Act relating to limiting the liability of certain persons for farm animal activities.

Amendment No. 1

Representative S. Miller offered the following amendment to **SB 479**:

Amend **SB 479** (house committee printing) as follows:

(1) In SECTION 2 of the bill, in the recital (page 1, line 11), strike "Subdivision (2-a)" and substitute "Subdivisions (2-a) and (6-a)".

(2) In SECTION 2 of the bill, in amended Section 87.001(1), Civil Practice and Remedies Code (page 1, line 13), between "riding, handling, training, driving," and "assisting", insert "loading, unloading, transporting,".

(3) In SECTION 2 of the bill, strike added Section 87.001(2-a)(B), Civil Practice and Remedies Code (page 1, line 22), and substitute the following:

(B) a bovine animal;

(4) In SECTION 2 of the bill, in amended Section 87.001(3)(D), Civil Practice and Remedies Code (page 2, line 16), strike "inspecting, or evaluating" and substitute "inspecting, [œ] evaluating, handling, loading, unloading, or transporting".

(5) In SECTION 2 of the bill, in amended Section 87.001(3)(D), Civil Practice and Remedies Code (page 2, line 20), strike "inspect, or evaluate" and substitute "inspect, [œ] evaluate, handle, load, unload, or transport".

(6) In SECTION 2 of the bill, after amended Section 87.001(6), Civil Practice and Remedies Code (page 3, after line 27), insert the following:

(6-a) "Livestock producer" means a person who owns, breeds, raises, or feeds livestock animals.

(7) In SECTION 3 of the bill, in amended Section 87.003, Civil Practice and Remedies Code (page 4, line 15), between "professional," and "livestock", insert "livestock producer".

Amendment No. 1 was adopted.

SB 479, as amended, was passed to third reading.

SB 554 ON SECOND READING
(Lozano - House Sponsor)

SB 554, A bill to be entitled An Act relating to contracts between dentists and health maintenance organizations or insurers.

SB 554 was passed to third reading.

SB 577 ON SECOND READING
(Frullo - House Sponsor)

SB 577, A bill to be entitled An Act relating to the use of facsimile signatures for certain documents involving certain municipalities.

SB 577 was passed to third reading.

CSSB 1489 ON SECOND READING
(Madden - House Sponsor)

CSSB 1489, A bill to be entitled An Act relating to educational, juvenile justice, and criminal justice responses to truancy.

Amendment No. 1

Representative Madden offered the following amendment to **CSSB 1489**:

Amend **CSSB 1489** (house committee printing) as follows:

(1) Strike SECTION 1 of the bill (page 1, lines 5 through 13).

(2) In SECTION 2 of the bill, in amended Section 25.094(a)(1), Education Code (page 1, lines 17 through 18), strike "and younger than 18 years of age".

(3) In SECTION 3 of the bill, in added Section 51.03(e-1)(2), Family Code (page 2, line 7), strike "18" and substitute "21".

(4) In SECTION 9 of the bill, in amended Article 102.0174(b), Code of Criminal Procedure (page 5, line 19), strike "the municipal court employs" and substitute "the municipality employs".

(5) In SECTION 9 of the bill, in amended Article 102.0174(b), Code of Criminal Procedure (page 5, line 20), strike "municipal court that does not employ" and substitute "municipality that does not employ".

(6) In SECTION 11 of the bill, in added Section 25.0915(b)(1), Education Code (page 9, line 21), between "school" and "certifying", insert "district".

(7) In SECTION 11 of the bill, in added Section 25.0915(b)(1)(A), Education Code (page 9, line 22), between "school" and "applied", insert "district".

(8) In SECTION 15 of the bill, in amended Section 102.121(6), Government Code (page 13, line 19), strike "the court" and substitute "the municipality".

(9) Renumber SECTIONS of the bill accordingly.

Amendment No. 1 was adopted.

Amendment No. 2

On behalf of Representative McClendon, Representative Madden offered the following amendment to **CSSB 1489**:

Amend **CSSB 1489** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____ . Section 58.106, Family Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) Except as otherwise provided by this section, information contained in the juvenile justice information system is confidential information for the use of the department and may not be disseminated by the department except:

(1) with the permission of the juvenile offender, to military personnel of this state or the United States;

(2) to a person or entity to which the department may grant access to adult criminal history records as provided by Section 411.083, Government Code;

(3) to a juvenile justice agency;

(4) to the Texas Youth Commission and the Texas Juvenile Probation Commission for analytical purposes; ~~and~~

(5) to the office of independent ombudsman of the Texas Youth Commission; and

(6) to a county, justice, or municipal court exercising jurisdiction over a juvenile under Section 54.021.

(a-1) Information disseminated under Subsection (a) remains confidential after dissemination and may be disclosed by the recipient only as provided by this title.

Amendment No. 2 was adopted.

CSSB 1489, as amended, was passed to third reading.

CSSB 958 ON SECOND READING
(Larson - House Sponsor)

CSSB 958, A bill to be entitled An Act relating to the regulation of dangerous wild animals.

Amendment No. 1

Representative Guillen offered the following amendment to **CSSB 958**:

Amend **CSSB 958** (house committee printing) in SECTION 1 of the bill, in added Section 822.101(8)(D)(i), Health and Safety Code (page 1, line 24), between "activity" and the underlined semi-colon, by inserting "or any research activity that threatens the health and safety of the wild animal".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Laubenberg offered the following amendment to **CSSB 958**:

Amend **CSSB 958** (house committee report) as follows:

(1) In SECTION 2 of the bill, in added Section 822.102(a)(14), Health and Safety Code (page 4, line 10), between "wildlife" and "sanctuary", insert "or animal".

(2) In SECTION 2 of the bill, in added Section 822.102(a)(14)(A), Health and Safety Code (page 4, lines 12-13), strike "; or" and substitute the following:

;

(B) the American Sanctuary Association; or

(3) In SECTION 2 of the bill, in added Section 822.102(a)(14), Health and Safety Code (page 4, line 14), reletter paragraphs appropriately.

Amendment No. 2 was adopted.

Amendment No. 3

Representative Hilderbran offered the following amendment to **CSSB 958**:

Amend **CSSB 958** by adding the following:

SECTION 1. Section 822.101, Health and Safety Code, is amended by adding Subdivision (6-a) to read as follows:

(6-a) "Predatory animal" means:

(A) a lion;

(B) a tiger;

(C) a cougar;

(D) a leopard;

(E) a cheetah;

(F) a jaguar;

(G) any hybrid of an animal listed in this subdivision.

SECTION 2. Section 822.102(a), Health and Safety Code, is amended to read as follows:

(a) This subchapter does not apply to:

(1) a county, municipality, or agency of the state or an agency of the United States or an agent or official of a county, municipality, or agency acting in an official capacity;

(2) a research facility, as that term is defined by Section 2(e), Animal Welfare Act (7 U.S.C. Section 2132), and its subsequent amendments, that is licensed by the secretary of agriculture of the United States under that Act;

(3) an organization that is an accredited member of the American Zoo and Aquarium Association;

(4) an injured, infirm, orphaned, or abandoned dangerous wild animal while being transported for care or treatment;

(5) an injured, infirm, orphaned, or abandoned dangerous wild animal while being rehabilitated, treated, or cared for by a licensed veterinarian, an incorporated humane society or animal shelter, or a person who holds a rehabilitation permit issued under Subchapter C, Chapter 43, Parks and Wildlife Code;

(6) a dangerous wild animal owned by and in the custody and control of a transient circus company that is not based in this state if:

(A) the animal is used as an integral part of the circus performances; and

(B) the animal is kept within this state only during the time the circus is performing in this state or for a period not to exceed 30 days while the circus is performing outside the United States;

(7) a dangerous wild animal while in the temporary custody or control of a television or motion picture production company during the filming of a television or motion picture production in this state;

(8) a dangerous wild animal owned by and in the possession, custody, or control of a college or university solely as a mascot for the college or university;

(9) a dangerous wild animal while being transported in interstate commerce through the state in compliance with the Animal Welfare Act (7 U.S.C. Section 2131 et seq.) and its subsequent amendments and the regulations adopted under that Act;

(10) a nonhuman primate owned by and in the control and custody of a person whose only business is supplying nonhuman primates directly and exclusively to biomedical research facilities and who holds a Class "A" or Class "B" dealer's license issued by the secretary of agriculture of the United States under the Animal Welfare Act (7 U.S.C. Section 1 2131 et seq.) and its subsequent amendments;

(11) a dangerous wild animal that is:

(A) owned by or in the possession, control, or custody of a person who is a participant in a species survival plan of the American Zoo and Aquarium Association for that species; and

(B) an integral part of that species survival plan; [~~and~~]

(12) in a county west of the Pecos River that has a population of less than 25,000, a cougar, bobcat, or coyote in the possession, custody, or control of a person that has trapped the cougar, bobcat, or coyote as part of a predator or depredation control activity;

(13) an organization that is an accredited member of:

(A) the Zoological Association of America;

(B) the American Sanctuary Association; or

(C) the Global Federation of Animal Sanctuaries; or

(D) the Feline Conservation Federation; and

(14) a Class "C" exhibitor such as a theme park, holding a valid Animal Welfare Act Class "C" license issued by the Animal and Plant Health Inspection Service (9 C.F.R. §1.1), also known as Exhibitor, and any entities or individuals, including independent contractors, working under contract with and for the Exhibitor to exhibit animals;

(15) a dangerous wild animal that is owned by or in the possession, custody, or control of a nonprofit organization that is dedicated to rescuing animals and educating the public, if the organization:

(A) is subject to inspection by the Animal and Plant Health Inspection Service of the United States Department of Agriculture as a Class A or Class C licensee under federal regulations;

(B) is a holder of a display permit issued by this state or a county authority;

(C) does not purchase a dangerous wild animal; and

(D) does not obtain a dangerous wild animal from a commercial breeder or a person engaged in the traffic or sale of a dangerous wild animal unless the animal is surrendered to the organization by a person who possesses the animal, including a law enforcement agency or applicable regulatory authority that confiscates the animal.

SECTION 3. The heading to Section 822.103, Health and Safety Code, is amended to read as follows:

Sec. 822.103. CERTIFICATE OF REGISTRATION; RESTRICTIONS; FEES.

SECTION 4. Section 822.103(c), Health and Safety Code, is amended to read as follows:

(c) The animal registration agency may establish and charge reasonable fees for application, issuance, and renewal of a certificate of registration in order to recover the costs associated with the administration and enforcement of this subchapter. The fee charged to an applicant may not exceed \$50 for each dangerous wild animal registered and may not exceed \$500 for each person registering animals, regardless of the number of animals owned by the person, unless the animal is a predatory animal. The fee charged to an applicant may not exceed \$500 for each dangerous wild animal registered that is a predatory animal. The fees collected under this section may be used only to administer and enforce this subchapter.

SECTION 5. Section 822.104(b), Health and Safety Code, is amended to read as follows:

- (b) The application must include:
- (1) the name, address, and telephone number of the applicant;
 - (2) a complete identification of each animal, including species, sex, age, if known, and any distinguishing marks or coloration that would aid in the identification of the animal;
 - (3) the exact location where each animal is to be kept;
 - (4) a sworn statement that:
 - (A) all information in the application is complete and accurate;
- and

(B) the applicant has read this subchapter and that all facilities used by the applicant to confine or enclose the animal comply with the requirements of this subchapter; ~~and~~

(5) the name of the person who owned the animal immediately before the applicant if the animal is a predatory animal;

(6) the address where the applicant obtained the animal if the animal is a predatory animal; and

(7) any other information the animal registration agency may require.

SECTION 6. Section 822.105, Health and Safety Code, is amended by adding Subsection (e) to read as follows:

(e) A person who is denied a certificate of registration for a dangerous wild animal that is a predatory animal may not reapply for a certificate of registration for a predatory animal before the first anniversary of the date:

(1) the denial of an application for a certificate of registration becomes final; or

(2) the revocation of a certificate of registration becomes final.

SECTION 7. Section 822.107, Health and Safety Code, is amended to read as follows:

Sec. 822.107. LIABILITY INSURANCE. (a) Except as provided by Subsection (b), an [An] owner of a dangerous wild animal shall maintain liability insurance coverage in an amount of not less than \$100,000 for each occurrence for liability for damages for destruction of or damage to property and death or bodily injury to a person caused by the dangerous wild animal.

(b) An owner of a dangerous wild animal that is a predatory animal shall maintain liability insurance coverage in an amount sufficient to cover liability for damages for destruction of or damage to property and death or bodily injury to a person caused by the predatory animal.

(c) The executive commissioner of the Health and Human Services Commission by rule shall establish insurance requirements and standards to ensure that an owner of a dangerous wild animal that is a predatory animal maintains liability insurance coverage in an amount that protects and enhances the public's health and safety.

(d) An owner of a dangerous wild animal that is a predatory animal shall comply with the insurance requirements and standards established under Subsection (c).

SECTION 8. Section 822.113(c), Health and Safety Code, is amended to read as follows:

(c) An offense under this section is:

(1) a Class C misdemeanor; or

(2) a Class B misdemeanor if the dangerous wild animal with respect to which there is a violation is a predatory animal.

SECTION 9. Section 822.115, Health and Safety Code, is amended to read as follows:

Sec. 822.115. INJUNCTION. (a) Any person who is directly harmed or threatened with harm by a violation of this subchapter or a failure to enforce this subchapter may sue an owner of a dangerous wild animal to enjoin a violation of this subchapter or to enforce this subchapter.

(b) Any person who lives or owns property in the county where a dangerous wild animal that is a predatory animal is kept may sue the owner of the animal to enjoin a violation of this subchapter or to enforce this subchapter.

SECTION 10. (a) The changes in law made by this Act to Sections 822.103, 822.104, and 822.105, Health and Safety Code, apply to an application for an original or renewal certificate of registration for a dangerous wild animal that is a predatory animal filed on or after the effective date of this Act. An application for a certificate of registration for a dangerous wild animal that is a predatory animal filed before the effective date of this Act is governed by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.

(b) The change in law made by this Act to Section 822.113(c), Health and Safety Code, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this subsection, an offense was committed before the effective date of this Act if any element 1 of the offense occurred before that date.

SECTION 11. This Act takes effect September 1, 2011.

Amendment No. 3 was adopted.

Amendment No. 4

Representative T. King offered the following amendment to **CSSB 958**:

Amend **CSSB 958** (house committee printing) in SECTION 2 of the bill, in amended Section 822.102(a), Health and Safety Code (page 4, lines 8-9), by striking Subdivision (13) and substituting the following:

(13) an organization that is an accredited member of:

(A) the Zoological Association of America; or

(B) the Feline Conservation Federation; and

Amendment No. 4 was adopted.

Amendment No. 5

Representative V. Taylor offered the following amendment to **CSSB 958**:

Amend **CSSB 958** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 822.007, Health and Safety Code, is amended to read as follows:

Sec. 822.007. LOCAL REGULATION OF DOGS. (a) Except as provided by Subsection (c), this [This] subchapter does not prohibit a municipality or county from adopting leash or registration requirements applicable to dogs.

(b) A volunteer search and rescue service dog that is a part of a volunteer search and rescue team is not considered a dangerous wild animal for purposes of this chapter.

(c) In this section, "volunteer search and rescue team" means an individual or an organized group of volunteers issued a written document by a law enforcement department that recognizes the individual or group as a person or group that trains dogs to assist in the location of a lost or missing person or for law enforcement purposes. A municipality may not adopt or enforce an ordinance, including a leash law, that restricts the ability of a volunteer search and rescue team to train a service dog for search and rescue or law enforcement purposes.

Amendment No. 5 was adopted.

CSSB 958, as amended, was passed to third reading. (Hartnett recorded voting no.)

SB 479 - NOTICE GIVEN

Pursuant to the provisions of Rule 7, Section 37(c) of the House Rules, at 1:44 p.m., Representative Eiland announced his intention to make the motion to reconsider the vote by which **SB 479**, as amended, was passed to third reading earlier today.

GENERAL STATE CALENDAR (consideration continued)

SB 1020 ON SECOND READING (Marquez - House Sponsor)

SB 1020, A bill to be entitled An Act relating to a feasibility study regarding the establishment of a dental school at the Texas Tech University Health Sciences Center at El Paso.

SB 1020 was passed to third reading. (Landtroop and Perry recorded voting no.)

SB 249 ON SECOND READING (Orr - House Sponsor)

SB 249, A bill to be entitled An Act relating to the composition of the Finance Commission of Texas.

SB 249 was passed to third reading.

SB 594 ON SECOND READING
(Zerwas - House Sponsor)

SB 594, A bill to be entitled An Act relating to certain procedures applicable to electronic prescriptions for Schedule II controlled substances.

Amendment No. 1

Representative Zerwas offered the following amendment to **SB 594**:

Amend **SB 594** (house committee printing) as follows:

(1) In the recital to SECTION 1 of the bill (page 1, line 6), strike "and (k)" and substitute "(k), and (q)".

(2) In SECTION 1 of the bill, strike Section 481.074(b)(2), Health and Safety Code (page 1, line 21, through page 2, line 5), and substitute the following:

(2) if the person is not a prescribing practitioner or a pharmacist, promptly write the oral or telephonically communicated prescription and include in the written record of the prescription the name, address, ~~[department registration number,~~] and Federal Drug Enforcement Administration number issued for prescribing a controlled substance in this state of the prescribing practitioner, all information required to be provided by a practitioner under Section 481.075(e)(1), and all information required to be provided by a dispensing pharmacist under Section 481.075(e)(2).

(3) In SECTION 1 of the bill, strike Sections 481.074(k)(7), (8), and (9), Health and Safety Code (page 6, line 21, through page 7, line 2), and substitute the following:

(7) the ~~[legibly printed or stamped]~~ name, address, Federal Drug Enforcement Administration ~~[registration]~~ number, and telephone number of the practitioner at the practitioner's usual place of business, which must be legibly printed or stamped on a written prescription; and

(8) if the prescription is handwritten, the signature of the prescribing practitioner~~]; and~~

~~[(9) if the prescribing practitioner is licensed in this state, the practitioner's department registration number].~~

(4) In SECTION 1 of the bill, after amended Section 481.074(k), Health and Safety Code (page 7, between lines 2 and 3), insert the following:

(q) Each dispensing pharmacist shall send all information required by the director, including any information required to complete the Schedule III through V prescription forms, to the director by electronic transfer or another form approved by the director not later than the seventh ~~[15th]~~ day after the date [last day of the month in which] the prescription is completely filled.

(5) In SECTION 2 of the bill, strike Section 481.075(e)(1)(E), Health and Safety Code (page 8, lines 1-3), and substitute the following:

(E) the practitioner's name, address, ~~[department registration number,~~] and Federal Drug Enforcement Administration number issued for prescribing a controlled substance in this state;

(6) In SECTION 2 of the bill, strike Section 481.075(i)(3), Health and Safety Code (page 10, lines 2-7), and substitute the following:

(3) send all information required by the director, including any information required to complete an official prescription form or electronic prescription record, to the director by electronic transfer or another form approved by the director not later than the seventh [15th] day after the date [last day of the month in which] the prescription is completely filled.

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

SECTION _____. Section 481.061, Health and Safety Code, is amended by adding Subsection (d) to read as follows:

(d) A person shall provide the department with the person's Federal Drug Enforcement Administration number not later than the 45th day after the director issues a registration to the person under this subchapter.

SECTION _____. Subsections (a) and (i), Section 481.076, Health and Safety Code, are amended to read as follows:

(a) The director may not permit any person to have access to information submitted to the director under Section 481.074(q) or 481.075 except:

(1) an investigator for the Texas Medical Board, the Texas State Board of Podiatric Medical Examiners, the State Board of Dental Examiners, the State Board of Veterinary Medical Examiners, the Texas Board of Nursing, or the Texas State Board of Pharmacy;

(2) an authorized officer or member of the department engaged in the administration, investigation, or enforcement of this chapter or another law governing illicit drugs in this state or another state; or

(3) if the director finds that proper need has been shown to the director:

(A) a law enforcement or prosecutorial official engaged in the administration, investigation, or enforcement of this chapter or another law governing illicit drugs in this state or another state;

(B) a pharmacist or practitioner who is a physician, dentist, veterinarian, podiatrist, or advanced practice nurse or physician assistant described by Section 481.002(39)(D) and is inquiring about a recent Schedule II, III, IV, or V prescription history of a particular patient of the practitioner; or

(C) a pharmacist or practitioner who is inquiring about the person's own dispensing or prescribing activity.

(i) Information submitted to the director under Section 481.074(q) or 481.075 is confidential and remains confidential regardless of whether the director permits access to the information under this section.

SECTION _____. Notwithstanding Section 481.061, Health and Safety Code, as amended by this Act, a person who holds a valid registration under Subchapter C, Chapter 481, Health and Safety Code, on the effective date of this Act is not required to submit the person's Federal Drug Enforcement Administration number to the Department of Public Safety of the State of Texas before October 15, 2011.

Amendment No. 1 was adopted.

SB 594, as amended, was passed to third reading.

CSSB 762 ON SECOND READING
(Paxton - House Sponsor)

CSSB 762, A bill to be entitled An Act relating to the transfer of an ad valorem tax lien; providing for the imposition of an administrative penalty.

Amendment No. 1

Representative Paxton offered the following amendment to **CSSB 762**:

Amend **CSSB 762** (house committee printing) as follows:

(1) In the recital to SECTION 1 of the bill, between "(a-3)," and "(f-3)" (page 1, line 6), insert "(d-1),".

(2) In SECTION 1 of the bill, in amended Section 32.06, Tax Code, between amended Subsection (a-3) and added Subsection (e-1) of the section (page 1, between lines 13 and 14), insert the following:

(d-1) A right of rescission described by 12 C.F.R. Section 226.23 applies to a [tax lien] transfer under this section of a tax lien on residential property owned and used by the property owner for personal, family, or household purposes.

(3) In SECTION 1 of the bill, in added Section 32.06(e-2), Tax Code (page 2, lines 7 through 9), strike the last sentence of the subsection and substitute the following:

If the lien transferred is on residential property owned and used by the property owner for personal, family, or household purposes, the additional interest may not exceed five cents for each \$1 of a scheduled installment.

(4) In SECTION 3 of the bill, in added Section 351.0021(a)(4), Finance Code, between "required to" and "perform" (page 4, line 5), insert "respond to a suit filed under Chapter 33, Tax Code, or to".

(5) In SECTION 3 of the bill (page 4, lines 19 through 21), strike added Section 351.0021(a)(9), Finance Code, and substitute the following:

(9) a prepayment penalty, unless the lien transferred is on residential property owned and used by the property owner for personal, family, or household purposes;

(6) In SECTION 3 of the bill, in added Section 351.0021(c)(1), Finance Code (page 5, lines 8 through 10), strike "against property owned and used by the property owner for personal, family, or household purposes".

(7) In SECTION 3 of the bill, in added Section 351.0021(d), Finance Code, between "(3)," and "and" (page 5, line 15), insert "(9),".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Solomons offered the following amendment to **CSSB 762**:

Amend **CSSB 762** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) The Finance Commission of Texas shall conduct a study regarding the fees, costs, interest, and other expenses charged to property owners by property tax lenders in conjunction with the transfer of property tax liens and the payoff of loans secured by property tax liens.

(b) Not later than June 1, 2012, the Finance Commission of Texas shall submit to the legislature a report containing the findings of the study conducted under Subsection (a) of this section and any recommendations for legislative changes.

Amendment No. 2 was adopted.

CSSB 762, as amended, was passed to third reading.

SB 898 ON SECOND READING

(Cook - House Sponsor)

SB 898, A bill to be entitled An Act relating to energy efficiency programs in institutions of higher education and certain governmental entities.

SB 898 was passed to third reading. (Garza, Landtroop, Laubenberg, and Perry recorded voting no.)

SB 924 ON SECOND READING

(Keffer - House Sponsor)

SB 924, A bill to be entitled An Act relating to energy efficiency reports by municipally owned utilities and electric cooperatives.

SB 924 was passed to third reading. (Garza recorded voting no.)

SB 1681 ON SECOND READING

(Thompson, Gallego, and Alonzo - House Sponsors)

SB 1681, A bill to be entitled An Act 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 1681 was passed to third reading. (Cain recorded voting no.)

SB 901 ON SECOND READING

(Kolkhorst - House Sponsor)

SB 901, A bill to be entitled An Act relating to approval from the Department of State Health Services for disposal of ambulances purchased with certain grant funds.

SB 901 was passed to third reading.

SB 1133 ON SECOND READING

(Harless - House Sponsor)

SB 1133, A bill to be entitled An Act relating to a report by the Public Utility Commission of Texas on the ability of electric generators to respond to abnormal weather conditions.

SB 1133 was passed to third reading.

**SB 19 ON SECOND READING
(W. Smith - House Sponsor)**

SB 19, A bill to be entitled An Act relating to the development, financing, construction, and operation of certain toll projects.

SB 19 was passed to third reading. (Bohac and Garza recorded voting no.)

**SB 1484 ON SECOND READING
(Strama - House Sponsor)**

SB 1484, A bill to be entitled An Act relating to authorizing open-enrollment charter schools to be awarded academic distinction designations.

SB 1484 was passed to third reading.

**SB 1342 ON SECOND READING
(Geren - House Sponsor)**

SB 1342, A bill to be entitled An Act relating to the use of bingo proceeds by licensed authorized organizations, including the use of proceeds to provide health insurance or health insurance benefits to certain employees.

SB 1342 was passed to third reading. (Cain recorded voting no.)

**SB 1368 ON SECOND READING
(Deshotel - House Sponsor)**

SB 1368, A bill to be entitled An Act relating to the authority of a co-owner of residential property to encumber the property.

SB 1368 was passed to third reading.

**SB 738 ON SECOND READING
(Villarreal - House Sponsor)**

SB 738, A bill to be entitled An Act relating to a parental role in determining sanctions applied to a public school campus under certain circumstances.

Amendment No. 1

Representative Villarreal offered the following amendment to **SB 738**:

Amend **SB 738** (house committee report) as follows:

(1) Insert into the bill the following appropriately numbered SECTIONS and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter C, Chapter 12, Education Code, is amended by adding Section 12.0522 to read as follows:

Sec. 12.0522. AUTHORIZATION FOR CAMPUS IDENTIFIED AS UNACCEPTABLE. (a) This section applies only to a school district campus that:

(1) has been identified as unacceptable under Section 39.054 for two consecutive school years or is located in a school district that has been identified as unacceptable under Section 39.054 for two consecutive school years; and

(2) is located in a county that:

(A) has a population of one million or more; or

(B) is contiguous to a county that has a population of one million or more.

(b) Notwithstanding Section 12.052, in accordance with this subchapter, the board of trustees of a school district shall, with the approval of the commissioner, grant a charter for a campus to an entity that is a charter holder under Subchapter D or E and is eligible under Subsection (c), if the board is presented with a petition signed by the parents of a majority of the students at the campus. Such an entity granted a charter for a campus under this subsection has the same authority over the operations of the campus for which the charter is granted as a charter holder has under Subchapter D or E, as applicable. For purposes of this subsection, the signature of only one parent of a student is required.

(c) An entity that holds a charter under Subchapter D or E is eligible under this section to be granted a charter for a campus if:

(1) the charter holder:

(A) is evaluated for purposes of Chapter 39 under the agency's standard accountability procedures;

(B) has an accreditation status of accredited under Subchapter C, Chapter 39; and

(C) has been assigned an acceptable performance rating as provided by Subchapter C, Chapter 39, for each of the preceding three school years;

(2) either no campus operating under the charter has been assigned an unacceptable performance rating as provided by Subchapter C, Chapter 39, for any of the three preceding school years or such a campus has been closed;

(3) the charter holder has been assigned a financial accountability rating under Subchapter D, Chapter 39, indicating financial performance that is satisfactory or better;

(4) the charter holder meets generally accepted accounting standards;
and

(5) at least 30 percent of students enrolled in charter schools operating under the charter met commended performance standards or equivalent or higher standards as determined by the commissioner on reading and mathematics assessment instruments under Chapter 39 during the preceding two school years.

(c-1) This subsection expires January 1, 2015. For purposes of Subsection (c):

(1) a charter holder or charter school rated as academically acceptable or higher under Subchapter D or E, Chapter 39, as that subchapter existed January 1, 2009, for the 2008-2009, 2009-2010, or 2010-2011 school year is considered to have been assigned an acceptable performance rating for the applicable school year; and

(2) a charter school rated as academically unacceptable under Subchapter D or E, Chapter 39, as that subchapter existed January 1, 2009, for the 2008-2009, 2009-2010, or 2010-2011 school year is considered to have been assigned an unacceptable performance rating for the applicable school year.

(d) If the commissioner is presented with a petition that has at least 30 percent of the total number of signatures required under Subsection (b), the school district in which the campus is located shall provide contact information for all parents of students enrolled at the campus in a manner available to those persons.

(e) A committee shall be appointed by the commissioner to advise and make recommendations concerning granting a charter under this section to the board of trustees of a school district that is presented with a petition described by Subsection (b). The committee must be:

(1) appointed by the commissioner from a list of nominees recommended by the board of trustees and the parents of students enrolled at the campus; and

(2) composed of district teachers, including teachers at the campus for which the petition is submitted, other district personnel, campus parents, and local business and community members.

(f) In addition to satisfying requirements under Section 12.059, a charter granted under this section must describe the respective responsibilities of the school district granting the charter and charter holder concerning funding, operation and maintenance of facilities, transportation, personnel, instructional materials, and other matters as determined by the board of trustees of the district and the charter holder. A charter under this section must be for a term of at least three years. Agreements between the district and the charter holder shall not limit a charter holder's ability to make decisions in the best interest of students attending the campus. District shall renew or modify contract with charter holder exclusively based on the best interest of the students attending the campus.

(g) The amount of operations and maintenance funding provided each year to a campus granted a charter under this section must equal the product of the total amount of operations and maintenance funding for that school year for the school district in which the campus is located, multiplied by the quotient of the campus weighted average daily attendance divided by the total district weighted average daily attendance. The charter may purchase services from the school district at an agreed price that does not exceed the actual cost to the district to provide those services.

(h) A dispute arising under this section may not be appealed to the commissioner under Section 7.057 or any other provision. If a person files suit to dispute a provision of this section, the court in which the suit is filed shall refer the dispute to alternative dispute resolution by the procedures provided by Section 154.024 or 154.027, Civil Practice and Remedies Code. If a party to such a dispute does not prevail in the alternative dispute resolution process, proceeds to trial, and does not prevail at trial, the party is responsible for the payment of the opposing party's attorney's fees incurred after the conclusion of the alternative dispute resolution.

(i) Notwithstanding any other provision of this title, a school district shall permit a student who is assigned to attend a campus for which a charter is granted under this section to transfer to another district campus.

(j) The commissioner may not approve more than five charters under this section.

(k) The commissioner shall adopt rules as necessary for the administration of this section.

SECTION _____. Section 12.057(c), Education Code, is amended to read as follows:

(c) A campus or program granted a charter under Section 12.052, 12.0521(a)(1), 12.0522, or 12.053 is immune from liability to the same extent as a school district, and its employees and volunteers are immune from liability to the same extent as school district employees and volunteers.

(2) In existing SECTION 1 of the bill, strike the recital (page 1, lines 5-7), and substitute the following:

Section 39.107, Education Code, is amended by amending Subsections (a), (c), and (e) and adding Subsections (a-2), (b-3), (e-2), and (e-3) to read as follows:

(3) In existing SECTION 1 of the bill, between the recital and amended Section 39.107(e), Education Code (page 1, between lines 7 and 8), insert the following:

(a) After a campus has been identified as unacceptable for two consecutive school years, the commissioner shall order the reconstitution of the campus unless the board of trustees of the school district in which the campus is located grants a charter for the campus under Section 12.0522.

(a-2) If a charter is granted for a campus under Section 12.0522, the board of trustees of the school district and appropriate district administrators may assist the campus in:

(1) developing an updated targeted improvement plan;

(2) presenting the plan in a public hearing, in the manner provided by Section 39.106(e-1);

(3) obtaining approval of the updated plan from the commissioner; and

(4) executing the plan on approval by the commissioner.

(b-3) Subsections (b), (b-1), and (b-2) do not apply to a campus granted a charter under Section 12.0522.

(c) A campus that is reconstituted under this section or to which the board of trustees of a school district grants a charter under Section 12.0522 ~~[subject to Subsection (a)]~~ shall implement the updated targeted improvement plan as approved by the commissioner. The commissioner may appoint a monitor, conservator, management team, or board of managers to the district to ensure and oversee district-level support to low-performing campuses and the implementation of the updated targeted improvement plan. In making appointments under this subsection, the commissioner shall consider individuals who have demonstrated success in managing campuses with student populations similar to the campus at which the individual appointed will serve.

(4) In existing SECTION 1 of the bill, in amended Section 39.107(e), Education Code (page 1, line 10), between "Subsection (a)" and ", the commissioner", insert "or granted a charter under Section 12.0522".

Amendment No. 1 was adopted. (The vote was reconsidered on May 23, and Amendment No. 1 was withdrawn.)

SB 738, as amended, was passed to third reading. (The vote was reconsidered on May 23, and **SB 738** was further amended and was postponed until 10:30 p.m. Monday, May 23.)

POSTPONED BUSINESS

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

CSSB 425 ON SECOND READING (Hancock - House Sponsor)

CSSB 425, A bill to be entitled An Act relating to property and casualty certificates of insurance and approval of property and casualty certificate of insurance forms by the Texas Department of Insurance; providing penalties.

CSSB 425 was read second time earlier today and was postponed until this time.

CSSB 425 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE P. KING: On page 1, lines 19-25 of the bill is the definition for a "certificate of insurance." Is any type of communication between an insurer or agent and a third party considered to be a "certificate of insurance" for purposes of this chapter?

REPRESENTATIVE HANCOCK: Not necessarily. An e-mail asking to clarify information provided on an approved certificate would not be considered a certificate.

P. KING: On page 2, line 2 of the bill is the definition of "electronic record." Is it your intent that an e-mail inquiry/answer between an agent and a third party regarding insurance coverage be considered a certificate of insurance?

HANCOCK: No.

P. KING: On page 3, lines 10-14, the applicability section of the bill mentions "a risk located in this state." Is it the author's intent that the word "risk" also means "exposure?"

HANCOCK: Yes.

P. KING: On page 4, lines 19-20, the bill adds a new Section 1811.051 to the Insurance Code, which covers altering terms of an insurance policy. Is it the author's intent that any specific documents be included in the definition of "any other type of document purporting to be a certificate of insurance," as referenced in this section?

HANCOCK: No.

P. KING: There are many references to "requiring" a certificate in this bill. If a request is made for a certificate, that may not have been approved or disapproved by TDI, does this action fall under the definition of "requiring" a certificate for purposes of this chapter?

HANCOCK: No, it does not. As long as a person does not require the execution of an unapproved or disapproved certificate, they have not violated this chapter.

P. KING: On page 5, lines 6-9, in Subsection (b) of the new Section 1811.052, it states, "A person may not execute, issue, or require the issuance of a certificate of insurance for risks located in this state." Is it the author's intent that in that section "risks" means "exposures" located in this state?

HANCOCK: Yes.

P. KING: On page 5, lines 10-13 of the bill it prohibits the alteration or modification of approved certificate of insurance forms. Does modify or alter refer specifically to the format and verbiage as shown on the approved certificate?

HANCOCK: Yes. Modify or alter refers to the format and verbiage of the approved certificate.

P. KING: On page 5, lines 20-25 of the bill it prohibits the request for documents in lieu of a certificate of insurance. What is the intended scope of this section? Is it your intent that a copy of an endorsement or policy be included in the scope of this section?

HANCOCK: No, a copy of an endorsement or policy is not considered a request for any other document under this section. Any other document that would be used as evidence of coverage and not approved by the commissioner would be prohibited.

P. KING: On page 9, lines 17-21 of the bill, it prohibits the reference to a contractual insurance requirement. In commonly used terms, the certificate holder is an additional insured as required by written contract (or as provided by the policy). Is it the intent of this section to prohibit the reference to a specific contract or agreement between the policy holder and the certificate holder?

HANCOCK: No. This section is not intended to prohibit the reference to a specific contract or agreement between the policy holder and the certificate holder, but rather is intended to prohibit the extension of coverage in the certificate beyond the scope of the policy if the referenced contract or agreement has broader requirements than the policy and the policy is not endorsed to such coverage.

REMARKS ORDERED PRINTED

Representative P. King moved to print remarks between Representative Hancock and Representative P. King.

The motion prevailed.

REPRESENTATIVE WORKMAN: Mr. Hancock, is it your intent with this bill to reduce in any way the reliance by a certificate holder upon the information contained under the certificate of insurance?

HANCOCK: I think a lot of questions—we addressed a lot of those concerns. I don't know what other issues you may have in that regard.

WORKMAN: Well, as a contractor, we get certificates of insurance and we need to be able to rely on that. And my question to you is, does the bill in any way reduce my ability to rely on the information that's on the certificate of insurance?

HANCOCK: No, it clarifies the information on the insurance. In fact, let me help you out. AGC has actually vetted this bill. They have testified for the bill, so I don't know if there is any personal issues with it, but they have already looked at this, and we have addressed their concerns.

WORKMAN: I understand that AGC has looked at it, but I still have some questions about it.

HANCOCK: Right, I know that you may have some issues that weren't addressed by the AGC.

WORKMAN: Yes. Second question—is it your intent by this bill to reduce the fiduciary responsibility of an agent or insurer as it relates to the issuance of a certificate of insurance?

HANCOCK: No, I don't believe so, and I think that's clear in the bill, as well.

WORKMAN: Is it your intent with this bill to reduce in any way the responsibility of the insurer to notify certificate holders of a change or cancellation of a policy?

HANCOCK: I don't think the bill does anything in that regard.

WORKMAN: Is it your intent with this bill to reduce in any way a penalty that can be assessed against an agent or insurer who willfully issues a false or fraudulent certificate of insurance?

HANCOCK: We don't address that issue at all in this bill.

REMARKS ORDERED PRINTED

Representative Workman moved to print remarks between Representative Hancock and Representative Workman.

The motion prevailed.

Amendment No. 1

Representative Hancock offered the following amendment to **CSSB 425**:

Amend **CSSB 425** (house committee printing) in SECTION 1 of the bill as follows:

(1) In added Section 1811.102, Insurance Code, strike proposed Subsection (d) (page 8, lines 8-12) and substitute:

(d) An order disapproving a form or withdrawing approval of a form takes effect on the date prescribed by the commissioner in the order. An order withdrawing approval of a form may not become effective until the 30th day after the date of the order.

(2) In added Section 1811.153, Insurance Code (page 9, line 13), strike "does" and substitute "shall".

Amendment No. 1 was adopted.

CSSB 425, as amended, was passed to third reading.

CSSB 341 ON SECOND READING
(Menendez and Larson - House Sponsors)

CSSB 341, A bill to be entitled An Act relating to authorizing the dissolution of the Bexar Metropolitan Water District; providing a penalty.

CSSB 341 was read second time earlier today, amendments were offered and disposed of, and **CSSB 341** was postponed until this time. Amendment No. 3 was pending at the time of postponement.

Amendment No. 3 failed of adoption.

(Speaker in the chair)

CSSB 341 - AMENDMENTS ADOPTED

Representative Menendez moved to adopt all remaining amendments to **CSSB 341** (Amendment Nos. 4 - 11).

The motion prevailed.

Amendment No. 4 (by D. Miller)

Amend **CSSB 341** (house committee report) as follows:

(1) In the recital to SECTION 4.01 of the bill (page 22, line 24), between "52," and "53," insert "52B,".

(2) In SECTION 4.01 of the bill, after added Section 52, Chapter 306, Acts of the 49th Legislature, Regular Session, 1945 (page 25, between lines 26 and 27), insert the following:

Sec. 52B. (a) The rural contracts review board consists of three members appointed as follows:

(1) one member appointed by the Commissioners Court of Bexar County;

(2) one member appointed by the Commissioners Court of Medina County; and

(3) one member appointed by the Commissioners Court of Atascosa County.

(b) The System shall renew a contract with a water supply company, water district, or municipal water utility for emergency water supply or interconnect fees that was transferred or assigned to the System as a result of the dissolution of the District on the same terms as the original contract, unless a change in the terms of the contract is approved by the rural contracts review board. The rural contracts review board may not approve a change in the terms of a renewal contract that is unfair to the water supply company, water district, or municipal water utility.

Amendment No. 5 (by Menendez and Larson)

Amend Amendment No. 4 by D. Miller to **CSSB 341** as follows:

(1) In added Section 52B, Chapter 306, Acts of the 49th Legislature, Regular Session, 1945 (page 1, lines 7-14), strike Subsection (a).

(2) In added Section 52B, Chapter 306, Acts of the 49th Legislature, Regular Session, 1945 (page 1, lines 15-23), strike Subsection (b) and substitute the following:

The System shall honor all existing contracts transferred or assigned to the System as a result of the dissolution of the District. The System may not arbitrarily terminate or change the terms of a contract transferred or assigned to the System as a result of the dissolution of the District.

Amendment No. 4, as amended, was adopted.

Amendment No. 6 (by Garza)

Amend **CSSB 341** (house committee report) as follows:

(1) In the recital to SECTION 4.01 of the bill (page 22, line 25), strike "and 55" and substitute "55, and 56".

(2) In SECTION 4.01 of the bill, after added Section 55, Chapter 306, Acts of the 49th Legislature, Regular Session, 1945 (page 27, between lines 25 and 26), insert the following:

Sec. 56. The System shall create a rural infrastructure investment fund with an initial funding equal to 44 percent of the value of District assets as they existed on the effective date of the Act enacting this section, as determined by an entity with no financial ties to the District or a municipality located in the District. The System shall spend the money in the fund in a manner to guarantee continued investment in the areas of the former District not located in the largest municipality in the former District.

Amendment No. 7 (by Beck)

Amend **CSSB 341** (house committee printing) as follows:

(1) In the recital to SECTION 4.01 of the bill (page 22, line 25), strike "and 55" and substitute "55, and 57".

(2) In ARTICLE 4 of the bill, in Chapter 306, Acts of the 49th Legislature, Regular Session, 1945 (page 27, between lines 25 and 26), insert the following new Section 57:

Sec. 57. (a) Any former ratepayer of the District who resides outside the boundary of the largest municipality served by the former District may petition the commission if the ratepayer does not receive the benefit of adequate infrastructure investment by the System. The commission shall conduct a hearing on the petition and determine if the System has adequately invested in infrastructure improvements in the area affecting the ratepayer.

(b) In a petition under Subsection (a) of this section, each person receiving a separate bill is considered a ratepayer, but one person may not be considered more than one ratepayer regardless of the number of bills the person receives. The petition is considered properly signed if signed by a person, or the spouse of a person, in whose name utility service is received.

(c) If the commission finds that the System has not adequately invested in infrastructure affecting the ratepayer, the commission may impose an administrative penalty against the System under Section 13.4151, Water Code.

(d) Not later than the 30th day after the date of a final decision on a petition under this section, the commission shall provide written notice to each ratepayer eligible to petition. The notice must include the decision on the petition regarding infrastructure and the location where additional information on infrastructure may be obtained.

Amendment No. 8 (by Aliseda)

Amend **CSSB 341** (house committee report) as follows:

(1) In SECTION 2.01 of the bill (page 9, line 27, through page 10, line 9), strike Subsections (e) and (f) and substitute the following:

(e) The ballot for an election under this section must be printed to permit voting:

(1) for or against the proposition: "The dissolution of the Bexar Metropolitan Water District."; and

(2) for one of the following propositions:

(A) "In the event the Bexar Metropolitan Water District is dissolved, the district's assets, obligations, and duties shall be transferred to the water utility owned by the municipality with the largest population in the area served by the district."; or

(B) "In the event the Bexar Metropolitan Water District is dissolved, the district's assets, obligations, and duties shall be transferred to a new water district called the Alamo Water District."

(f) The board shall certify:

(1) that a majority of the voters voting in the district have voted under Subsection (e)(1):

(A) in favor of dissolution; or

(B) not in favor of dissolution; and

(2) whether the proposition under Subsection (e)(2)(A) or (B) received the most votes, or if a tie exists.

(f-1) If a tie exists under Subsection (f)(2), the board shall certify the proposition under Subsection (e)(2)(B) as receiving the most votes.

(2) Strike SECTION 2.02 of the bill (page 10, lines 15-27) and substitute the following:

SECTION 2.02. (a) Not later than the 20th day after the date on which the election results are officially declared, the board shall certify the results to the secretary of state.

(b) If the proposition under Section 2.01(e)(1) is approved by a majority of the voters voting in the election, Article 3 of this Act does not take effect and:

(1) if the board certifies the proposition under Section 2.01(e)(2)(A) as receiving the most votes, Article 4 of this Act takes effect on the date the results are certified; or

(2) if the board certifies the proposition under Section 2.01(e)(2)(B) as receiving the most votes, Article 4A of this Act takes effect on the date the results are certified.

(c) If a majority of the voters voting in the election do not approve the proposition under Section 2.01(e)(1):

(1) Article 3 of this Act takes effect on the date the results are certified; and

(2) Article 4 or 4A of this Act does not take effect.

(3) Strike ARTICLE 2A of the bill (page 11, line 1, through page 13, line 25).

(4) In the heading to ARTICLE 4 of the bill (page 22, line 21), between "LIABILITIES" and "IF", insert "TO AN EXISTING WATER UTILITY".

(5) On page 27, between lines 25 and 26, insert ARTICLE 4A to the bill as follows:

ARTICLE 4A. TRANSFER OF DISTRICT ASSETS AND LIABILITIES TO, AND CREATION OF, THE ALAMO WATER DISTRICT IF VOTERS DISSOLVE THE BEXAR METROPOLITAN WATER DISTRICT UNDER ARTICLE 2

SECTION 4A.01. (a) The Bexar Metropolitan Water District is dissolved. The district shall stay in effect to complete the transfer under Section 4A.05 of this article.

(b) The Texas Commission on Environmental Quality shall enter an order dissolving the Bexar Metropolitan Water District.

SECTION 4A.02. Sections 1 and 8, Chapter 306, Acts of the 49th Legislature, Regular Session, 1945, are amended to read as follows:

Sec. 1. Under ~~[In obedience to the provisions of]~~ Article 16, Section 59 of the Constitution of Texas, there is ~~[hereby]~~ created the Alamo Water District. ~~[Bexar Metropolitan Water District, hereinafter in this Act sometimes called the "District."]~~

Sec. 8. (a) ~~[:]~~ The seven ~~[five (5)]~~ members of the Board of Directors are ~~[shall hereafter be]~~ elected to staggered two-year terms in an election held on the uniform election date in November. Directors are elected from numbered single-member districts established by the Board. The Board shall revise each single-member district after each decennial census to reflect population changes and to conform with state law, the federal Voting Rights Act of 1965 (42 U.S.C. Section 1973 et seq.), and any applicable court order [for a term of six (6) years each, provided that an election for two (2) Directors for a term of six (6) years shall be held on the first Tuesday in April, 1954; the terms of three (3) members of the present Board shall be, and are, hereby, extended to the first Tuesday in April, 1957; and the present Directors shall determine such three (3) by lot. Three (3) Directors shall be elected on the first Tuesday in April, 1957, and two (2) Directors and three (3) Directors, alternately, shall be elected each three (3) years thereafter on the first Tuesday in April as the six year terms expire]. At an election of Directors, the candidate from each single-member district who receives [The two (2) or three (3) persons, respectively, receiving] the greatest number of votes is [shall be declared] elected to represent that single-member district. Each Director shall hold office until his successor is [shall have been] elected or appointed and has [shall have] qualified.

(a-1) A person is not eligible to serve as a Director for more than three terms or for more than a total of seven years of service.[:]

(b) Such [such] elections shall be called, conducted and canvassed in the manner provided by the Election Code. [Chapter 25, General Laws of the Thirty-ninth Legislature, Regular Session, 1925, and any amendments thereto;]

(c) The [the] Board of Directors shall fill all vacancies on the Board by appointment and such appointees shall hold office until a successor elected at the next scheduled election date has qualified. [for the unexpired term for which they were appointed;]

(d) Any four [any three] members of the Board are [shall constitute] a quorum for the adoption or [of] passage of any resolution or order or the transaction of any business of the District.[;]

(e) A Director must [Directors succeeding the first Board, whether now or hereafter elected, shall] be a qualified voter of the single-member district from which the Director is elected [resident electors of Bexar County, Texas, and owners of taxable property within the area comprising said District, and shall organize in like manner].

(f) A payment to a Director for fees of office under Section 49.060, Water Code, may not be made for a meeting that occurs in a different fiscal year from the one in which the payment is made.

SECTION 4A.03. Chapter 306, Acts of the 49th Legislature, Regular Session, 1945, is amended by adding Sections 1A, 8A, 8B, 8C, 10A, and 10B to read as follows:

Sec. 1A. In this Act:

(1) "Board" means the District's Board of Directors.

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Director" means a Board member.

(4) "District" means the Alamo Water District.

Sec. 8A. (a) To be eligible to be a candidate for or to be elected or appointed as a Director, a person must have:

(1) resided continuously in the single-member district that the person seeks to represent for 12 months immediately preceding the date of the regular filing deadline for the candidate's application for a place on the ballot;

(2) viewed the open government training video provided by the attorney general and provided to the Board a signed affidavit stating that the candidate viewed the video;

(3) obtained 200 signatures from individuals living in the District; and

(4) paid a filing fee of \$250 or filed a petition in lieu of the filing fee that satisfies the requirements prescribed by Section 141.062, Election Code.

(b) In this subsection, "political contribution" and "specific-purpose committee" have the meanings assigned by Section 251.001, Election Code. A Director or a candidate for the office of Director may not knowingly accept political contributions from a person that in the aggregate exceed \$500 in connection with each election in which the person is involved. For purposes of this subsection, a contribution to a specific-purpose committee for the purpose of

supporting a candidate for the office of Director, opposing the candidate's opponent, or assisting the candidate as an officeholder is considered to be a contribution to the candidate.

Sec. 8B. (a) A person who is elected or appointed to and qualifies for office as a Director may not vote, deliberate, or be counted as a member in attendance at a meeting of the Board until the person completes a training program on District management issues. The training program must provide information to the person regarding:

- (1) the enabling legislation that created the District;
- (2) the operation of the District;
- (3) the role and functions of the Board;
- (4) the rules of the Board;
- (5) the current budget for the Board;
- (6) the results of the most recent formal audit of the Board;
- (7) the requirements of the:
 - (A) open meetings law, Chapter 551, Government Code;
 - (B) open records law, Chapter 552, Government Code; and
 - (C) administrative procedure law, Chapter 2001, Government

Code;

(8) the requirements of the conflict of interest laws and other laws relating to public officials; and

(9) any applicable ethics policies adopted by the Board or the Texas Ethics Commission.

(b) The Texas Commission on Environmental Quality may create an advanced training program designed for a person who has previously completed a training program described by Subsection (a) of this section. If the commission creates an advanced training program under this subsection, a person who completes that advanced training program is considered to have met the person's obligation under Subsection (a) of this section.

(c) Each Director who is elected or appointed shall complete a training program described by Subsection (a) or (b) of this section at least once in each term the Director serves.

(d) The Board shall adopt rules regarding the completion of the training program described by Subsection (a) or (b) of this section by a person who is elected or appointed to and qualifies for office as a Director. A Director described by this subsection who does not comply with Board rules is considered incompetent as to the performance of the duties of a Director in any action to remove the Director from office.

(e) A Director may not:

(1) accept or solicit a gift, favor, or service, the value of which exceeds \$25 per gift, favor, or service, that:

(A) might reasonably influence the Director in the discharge of an official duty; or

(B) the Director knows or should know is being offered with the intent to influence the Director's official conduct;

(2) accept other employment or engage in a business or professional activity that the Director might reasonably expect would require or induce the Director to disclose confidential information acquired by reason of the official position;

(3) accept other employment or compensation that could reasonably be expected to impair the Director's independence of judgment in the performance of the Director's official duties;

(4) make personal investments that could reasonably be expected to create a substantial conflict between the Director's private interest and the interest of the District;

(5) intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised the Director's official powers or performed the Director's official duties in favor of another; or

(6) have a personal interest in an agreement executed by the District.

(f) Not later than April 30 each year, a Director shall file with the Bexar County clerk a verified financial statement complying with Sections 572.022, 572.023, 572.024, and 572.0252, Government Code. The District shall keep a copy of a financial statement filed under this section in the main office of the District.

Sec. 8C. (a) A Director may be recalled for:

(1) incompetency or official misconduct as defined by Section 21.022, Local Government Code;

(2) conviction of a felony;

(3) incapacity;

(4) failure to file a financial statement as required by Section 8B(f) of this Act;

(5) failure to complete a training program described by Section 8B(a) or (b) of this Act; or

(6) failure to maintain residency in the District.

(b) If at least 10 percent of the voters in the District submit a petition to the Board requesting the recall of a Director, the Board, not later than the 10th day after the date the petition is submitted, shall mail a written notice of the petition and the date of its submission to each registered voter in the District.

(c) Not later than the 30th day after the date a petition requesting the recall of a Director is submitted, the Board shall order an election on the question of recalling the Director.

(d) A recall election under this section may be held on any uniform election date.

(e) If a majority of the District voters voting at an election held under this section favor the recall of the Director, the Director is recalled and ceases to be a Director.

Sec. 10A. All Board reimbursements and expenditures must be approved by the Board in a regularly scheduled meeting.

Sec. 10B. The Board may not select the same auditor to conduct an audit required by Section 49.191, Water Code, for more than three consecutive annual audits.

SECTION 4A.04. Sections 7, 27A, 27D, 27E, 27G, and 33A, Chapter 306, Acts of the 49th Legislature, Regular Session, 1945, are repealed.

SECTION 4A.05. Not later than one month after the effective date of this article under Section 2.02 of this Act:

(1) all functions and activities performed immediately before that date by the Bexar Metropolitan Water District are transferred to the Alamo Water District;

(2) a rule, form, policy, procedure, or decision of the Bexar Metropolitan Water District continues in effect as a rule, form, policy, procedure, or decision of the Alamo Water District and remains in effect until amended or replaced by the Alamo Water District;

(3) a reference in law or administrative rule to the Bexar Metropolitan Water District means the Alamo Water District;

(4) all money, contracts, leases, rights, property, records, and bonds and other obligations of the Bexar Metropolitan Water District are transferred to the Alamo Water District;

(5) a court case, administrative proceeding, contract negotiation, or other proceeding involving the Bexar Metropolitan Water District is transferred without change in status to the Alamo Water District, and the Alamo Water District assumes, without a change in status, the position of the Bexar Metropolitan Water District in a negotiation or proceeding relating to an activity transferred by this article to the Alamo Water District to which the Bexar Metropolitan Water District is a party; and

(6) an employee of the Bexar Metropolitan Water District who earns less than \$50,000 per year becomes an employee of the Alamo Water District.

SECTION 4A.06. (a) Not later than the transfer under Section 4A.05 of this article, commissioners courts shall appoint the initial board of the Alamo Water District as follows:

(1) five members appointed by the Commissioners Court of Bexar County;

(2) one member appointed by the Commissioners Court of Atascosa County; and

(3) one member appointed by the Commissioners Court of Medina County.

(b) The initial board serves until directors are elected as provided by Section 8, Chapter 306, Acts of the 49th Legislature, Regular Session, 1945, as amended by this article, on the first uniform election date in November following the date the district is created that allows compliance with that section.

(c) The initial board may not include a person serving as a director on the day before the effective date of this article.

(d) Sections 8B(a)(1), 8A(a)(3), 8A(a)(4), 8A(b), 8B(a), 8B(c), and 8B(f), Chapter 306, Acts of the 49th Legislature, Regular Session, 1945, as added by this article, do not apply to an initial director.

(e) The initial board shall draw seven single-member voting districts in the district according to Section 8(a), Chapter 306, Acts of the 49th Legislature, Regular Session, 1945, as amended by this article.

SECTION 4A.07. The first members of the board of directors of the Alamo Water District elected under the changes in law made by this article shall agree on, or draw lots to determine, which member's term expires one year from the date the term began, and which member's term expires two years from the date the term began.

SECTION 4A.08. The boundaries of the Alamo Water District are coterminous with the boundaries of the Bexar Metropolitan Water District as they existed immediately before the effective date of this article under Section 2.02 of this Act.

Amendment No. 9 (by Aliseda)

Amend **CSSB 341** (senate committee report) as follows:

(1) In SECTION 4.01 of the bill in added Section 55, Chapter 306, Acts of the 49th Legislature, Regular Session, 1945 (page 27, line 11) between "System" and "." insert "; after integration described by Section 52 of this Act, the advisory committee shall continue to advise the System on the planning, development and expansion of services and infrastructure in the area outside the corporate boundaries of the largest municipality served by the System."

(2) In SECTION 4.01 of the bill in added Section 55, Chapter 306, Acts of the 49th Legislature, Regular Session, 1945 (page 27, line 16 and 17) strike "Until the integration described by Section 52 of this Act is complete, the" and substitute "The".

Amendment No. 10 (by Garza)

Amend **CSSB 341** (house committee report) as follows:

(1) In SECTION 2.01(e) of the bill (page 10, line 5), after the quotation mark, insert "The ballot proposition must also include a valuation of District assets and liabilities as determined by an entity with no financial ties to the District or a municipality located in the District."

(2) In SECTION 2A.02(e) of the bill (page 12, line 24), after the quotation mark, insert "The ballot proposition must also include a valuation of District assets and liabilities as determined by an entity with no financial ties to the District or a municipality located in the District."

Amendment No. 11 (by Garza)

Amend **CSSB 341** (house committee report) as follows:

(1) In the recital to SECTION 4.01 of the bill (page 22, line 24), between "52," and "53," insert "52B,".

(2) In SECTION 4.01 of the bill, after added Section 52, Chapter 306, Acts of the 49th Legislature, Regular Session, 1945 (page 25, between lines 26 and 27), insert the following:

Sec. 52B. (a) The rural contracts review board consists of three members appointed as follows:

(1) one member appointed by the Commissioners Court of Bexar County;

(2) one member appointed by the Commissioners Court of Medina County; and

(3) one member appointed by the Commissioners Court of Atascosa County.

(b) The System shall renew a contract with a water supply company, water district, or municipal water utility for emergency water supply or interconnect fees that was transferred or assigned to the System as a result of the dissolution of the District on the same terms as the original contract, unless a change in the terms of the contract is approved by the rural contracts review board. The rural contracts review board may not approve a change in the terms of a renewal contract that is unfair to the water supply company, water district, or municipal water utility.

CSSB 341, as amended, was passed to third reading by (Record 1260): 102 Yeas, 29 Nays, 7 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Aycock; Bonnen; Branch; Brown; Burkett; Burnam; Button; Carter; Castro; Christian; Coleman; Cook; Craddick; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Frullo; Gallego; Geren; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Harless; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hunter; Jackson; Johnson; King, T.; Kuempel; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Price; Raymond; Ritter; Rodriguez; Schwertner; Scott; Sheets; Shelton; Smith, T.; Smith, W.; Solomons; Strama; Thompson; Torres; Truitt; Veasey; Villarreal; Vo; Walle; Workman; Zerwas.

Nays — Aliseda; Anderson, C.; Anderson, R.; Beck; Bohac; Cain; Callegari; Creighton; Crownover; Fletcher; Hardcastle; Hilderbran; Hughes; King, P.; King, S.; Kleinschmidt; Kolkhorst; Landtroop; Madden; Miller, S.; Morrison; Perry; Riddle; Sheffield; Simpson; Smithee; Weber; White; Zedler.

Present, not voting — Mr. Speaker(C); Chisum; Isaac; Keffer; Otto; Reynolds; Taylor, V.

Absent, Excused — Farrar; Flynn; Hernandez Luna; Woolley.

Absent — Berman; Garza; Giddings; Harper-Brown; Hartnett; Quintanilla; Taylor, L.; Turner.

STATEMENTS OF VOTE

I was shown voting no on Record No. 1260. I intended to vote yes.

Creighton

When Record No. 1260 was taken, I was in the house but away from my desk. I would have voted no.

Garza

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. 31).

SB 377 ON SECOND READING

(Riddle, Gallego, Burkett, Hartnett, and Carter - House Sponsors)

SB 377, A bill to be entitled An Act relating to the murder of a child as a capital offense.

SB 377 was read second time earlier today and was postponed until this time.

LEAVE OF ABSENCE GRANTED

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

Villarreal on motion of Menendez.

SB 377 - (consideration continued)

SB 377 - POINT OF ORDER

Representative Marquez raised a point of order against further consideration of **SB 377**.

The speaker overruled the point of order.

Amendment No. 1

Representative Dutton offered the following amendment to **SB 377**:

Amend **SB 377** (house committee printing) in SECTION 1 of the bill, in amended Subsection (a), Section 19.03, Penal Code, as follows:

(1) On page 2, line 15, strike "or" and substitute "[~~or~~]".

(2) On page 2, line 21, between "court" and the period, insert the following:

; or

(10) the person murders a disabled person, as defined by Section 29.03(c), who is under 18 years of age

Representative Riddle moved to table Amendment No. 1.

The motion to table was lost by (Record 1261): 54 Yeas, 75 Nays, 1 Present, not voting.

Yeas — Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Burkett; Button; Callegari; Carter; Christian; Craddick; Creighton; Darby; Davis, S.; Eissler; Elkins; Fletcher; Frullo; Gonzales, L.; Gooden; Hamilton; Harless; Harper-Brown; Hilderbran; Howard, D.; Huberty; Hunter; King, P.; King, S.; Kleinschmidt; Kolkhorst; Larson; Lavender; Margo; Miller, S.; Morrison; Otto; Parker; Patrick; Paxton; Peña; Price; Riddle; Schwertner; Scott; Sheffield; Shelton; Smithee; Torres; Weber; White; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Bonnen; Branch; Brown; Burnam; Cain; Chisum; Coleman; Cook; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Farias; Gallego; Garza; Geren; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hardcastle; Hartnett; Hochberg; Howard, C.; Hughes; Isaac; Jackson; Johnson; Keffer; King, T.; Kuempel; Landtroop; Legler; Lewis; Lozano; Lucio; Lyne; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Perry; Phillips; Pickett; Pitts; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Simpson; Smith, T.; Smith, W.; Solomons; Taylor, L.; Taylor, V.; Truitt; Turner; Veasey; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Farrar; Flynn; Hernandez Luna; Villarreal; Woolley.

Absent — Aliseda; Anchia; Bohac; Castro; Crownover; Davis, J.; Eiland; Hancock; Hopson; Laubenberg; Madden; Sheets; Strama; Thompson; Walle.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1261. I intended to vote no.

R. Anderson

I was shown voting yes on Record No. 1261. I intended to vote no.

Carter

I was shown voting yes on Record No. 1261. I intended to vote no.

Christian

I was shown voting yes on Record No. 1261. I intended to vote no.

Hilderbran

I was shown voting yes on Record No. 1261. I intended to vote no.

Huberty

I was shown voting yes on Record No. 1261. I intended to vote no.

P. King

I was shown voting yes on Record No. 1261. I intended to vote no.

Larson

I was shown voting yes on Record No. 1261. I intended to vote no.

Morrison

I was shown voting yes on Record No. 1261. I intended to vote no.

Otto

I was shown voting yes on Record No. 1261. I intended to vote no.

Patrick

I was shown voting yes on Record No. 1261. I intended to vote no.

Peña

I was shown voting yes on Record No. 1261. I intended to vote no.

Price

I was shown voting yes on Record No. 1261. I intended to vote no.

Schwertner

I was shown voting yes on Record No. 1261. I intended to vote no.

Workman

I was shown voting yes on Record No. 1261. I intended to vote no.

Zedler

Amendment No. 1 was adopted.

SB 377, as amended, was passed to third reading. (Burnam, D. Howard, and Pickett recorded voting no.)

(Flynn now present)

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Culture, Recreation, and Tourism, upon final adjournment today, Desk 16, for a formal meeting, to consider **HCR 156** and **HCR 165**.

Calendars, 3:30 p.m. today, 3W.15, for a formal meeting, to set a calendar.

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.)

ADJOURNMENT

Representative Morrison moved that the house adjourn until 11 a.m. Monday, May 23 in honor of Vesta Williams.

The motion prevailed.

The house accordingly, at 3:04 p.m., adjourned until 11 a.m. Monday, May 23.

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 1837 to Insurance.

SIGNED BY THE SPEAKER

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

House List No. 34

HB 34, HB 114, HB 123, HB 253, HB 282, HB 345, HB 399, HB 413, HB 451, HB 533, HB 549, HB 627, HB 649, HB 824, HB 930, HB 942, HB 962, HB 1123, HB 1128, HB 1135, HB 1136, HB 1146, HB 1245, HB 1381, HB 1529, HB 1559, HB 1643, HB 1694, HB 1772, HB 1774, HB 1840, HB 1841, HB 1908, HB 1965, HB 1983, HB 2061, HB 2069, HB 2108, HB 2162, HB 2189, HB 2245, HB 2258, HB 2312, HB 2354, HB 2727, HB 2759, HB 2793, HB 2859, HB 2908, HB 2928, HB 3065, HB 3272, HB 3547, HB 3814, HCR 18, HCR 63, HCR 68, HCR 90, HCR 133, HCR 164

Senate List No. 31

SB 27, SB 82, SB 101, SB 179, SB 191, SB 199, SB 227, SB 283, SB 324, SB 373, SB 412, SB 434, SB 470, SB 485, SB 490, SB 493, SB 508, SB 510, SB 524, SB 543, SB 579, SB 580, SB 587, SB 613, SB 633, SB 710, SB 778, SB 866, SB 880, SB 888, SB 990, SB 1008, SB 1065, SB 1100, SB 1132, SB 1184, SB 1197, SB 1243, SB 1291, SB 1378, SB 1518, SB 1618, SB 1630, SB 1635, SB 1661, SB 1739, SB 1882, SB 1895, SB 1922, SCR 5, SCR 10, SCR 18, SCR 39, SCR 55

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

Saturday, May 21, 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 91 Cook SPONSOR: Birdwell
Relating to the extent of extraterritorial jurisdiction for certain municipalities.

HB 150 Solomons SPONSOR: Seliger

Relating to the composition of the districts for the election of members of the Texas House of Representatives.

HB 397 Gonzales, Veronica SPONSOR: Uresti
Relating to the creation of the Bureau for Economic Development of the Border Region.
(Committee Substitute/Amended)

HB 442 Guillen SPONSOR: Williams
Relating to the establishment of an emergency radio infrastructure account.

HB 499 Rodriguez, Eddie SPONSOR: Watson
Relating to the additional penalty for collection costs for certain delinquent ad valorem taxes.

HB 534 Phillips SPONSOR: Estes
Relating to the powers and duties of the Gunter Municipal Utility Districts Nos. 1 and 2.
(Amended)

HB 592 Pitts SPONSOR: Birdwell
Relating to certain counties that are not required to operate a juvenile justice alternative education program.
(Committee Substitute/Amended)

HB 1137 Darby SPONSOR: Estes
Relating to the transmission of records regarding over-the-counter sales of ephedrine, pseudoephedrine, and norpseudoephedrine and a person's civil liability for certain acts arising from the sale of those products.

HB 1422 Truitt SPONSOR: Watson
Relating to the issuance of titles for certain motor vehicles that are the subject of insurance claims.
(Amended)

HB 2118 Coleman SPONSOR: Estes
Relating to adding certain synthetic compounds to Penalty Group 2 of the Texas Controlled Substances Act.

HB 2160 Coleman SPONSOR: West
Relating to the governing bodies of certain local planning organizations.
(Committee Substitute)

HB 2417 Flynn SPONSOR: Rodriguez
Relating to the Texas Code of Military Justice.

HB 2971 Smith, Todd SPONSOR: Davis
Relating to the confidentiality of documents evaluating the performance of public school teachers and administrators.
(Amended)

HB 3616 Naishtat SPONSOR: Ellis
Relating to designating October as Persons with Disabilities History and Awareness Month.
(Committee Substitute)

Respectfully,

Patsy Spaw
Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Saturday, May 21, 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:

SCR 57 Williams
Recalling **HB 2277** from the house for further consideration.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Saturday, May 21, 2011 - 3

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 441 Guillen SPONSOR: Williams
Relating to the fees for certain commercial vehicles.

HB 1075 Anderson, Rodney SPONSOR: Davis
Relating to an alert for a missing person with an intellectual disability.

HB 1201 Kolkhorst SPONSOR: Hegar
Relating to repeal of authority for the establishment and operation of the Trans-Texas Corridor.
(Committee Substitute/Amended)

HB 1278 Coleman SPONSOR: Seliger

Relating to regulation by a property owners' association of certain religious displays.

(Amended)

HB 1964

Villarreal

SPONSOR: Van de Putte

Relating to discharging fines and costs assessed against certain juvenile defendants through community service.

(Committee Substitute/Amended)

HB 2017

McClendon

SPONSOR: Williams

Relating to the organization, governance, duties, and functions of the Texas Department of Motor Vehicles.

(Committee Substitute/Amended)

HB 2080

King, Tracy O.

SPONSOR: Uresti

Relating to certification of a person as eligible for disabled parking privileges.

HB 2135

Hochberg

SPONSOR: Patrick

Relating to the administration of end-of-course and other assessment instruments to certain public school students enrolled below the high school level.

(Committee Substitute)

HB 2383

Geren

SPONSOR: Harris

Relating to a study regarding the reenactment of the franchise tax credit or providing other incentives for certain research and development activities.

HB 2518

Kolkhorst

SPONSOR: Ogden

Relating to the transfer of certain state property from the Texas Board of Criminal Justice to the board of regents of The Texas A&M University System for the use and benefit of the Texas Forest Service.

HB 2603

Smithee

SPONSOR: Hegar

Relating to the distribution of universal service funds to certain small and rural local exchange companies.

(Committee Substitute)

HB 3803

Phillips

SPONSOR: Estes

Relating to the creation of the Cottonwood Municipal Utility District No. 2 of Grayson County; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

HJR 109

Orr

SPONSOR: Ogden

Proposing a constitutional amendment to clarify references to the permanent school fund, to allow the General Land Office to distribute revenue derived from permanent school fund land or other properties to the available school fund, and to provide for an increase in the market value of the permanent school fund for the purpose of allowing increased distributions from the available school fund.

(Committee Substitute)

SB 1837

Van de Putte

Relating to exemptions to persons required to hold a limited property and casualty license.

Respectfully,

Patsy Spaw

Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

May 20

Appropriations - **SB 1588, SJR 5**

County Affairs - **SB 917**

Criminal Jurisprudence - **SB 462, SB 578, SB 623, SB 838, SB 844, SB 905, SB 1059, SB 1116, SB 1273, SB 1521, SB 1522, SB 1616, SB 1682, SB 1695, SB 1752, SB 1843**

Culture, Recreation, and Tourism - **HCR 159, SCR 35**

Economic and Small Business Development - **SB 824**

Elections - **SB 792, SB 997, SB 1046, SB 1302, SB 1443, SJR 37**

Energy Resources - **SB 1293, SB 1294**

Environmental Regulation - **SB 1003**

Government Efficiency and Reform - **SB 1698**

Higher Education - **SB 38, SB 40, SB 282, SB 1304, SB 1726, SB 1729**

Homeland Security and Public Safety - **SB 288, SB 687, SB 947, SB 1600, SB 1636, SB 1697**

House Administration - **SB 1928, SCR 51**

Human Services - **SB 220, SB 1449**

Insurance - **SB 1300, SB 1656**

Judiciary and Civil Jurisprudence - **SB 120, SB 789, SB 1026, SB 1198, SB 1216, SB 1271, SB 1322, SB 1417, SB 1807**

Land and Resource Management - **SB 1760, SB 1816**

Licensing and Administrative Procedures - **SB 1169, SB 1244, SB 1812**

Natural Resources - **SB 1058, SB 1875, SB 1877, SB 1880, SB 1881, SB 1899, SB 1913, SB 1914, SB 1915, SB 1916**

Public Education - **SB 4, SB 290, SB 346, SB 471**

Public Health - **HR 1978, SB 187, SB 192, SB 193, SB 229, SB 240, SB 717, SB 969, SB 1177, SB 1206, SB 1220, SB 1231, SB 1265, SB 1301, SB 1421, SB 1424, SB 1438, SB 1926**

State Affairs - **SB 661, SB 760, SB 1068, SB 1270, SJR 26**

Technology - **SB 631, SB 701**

Transportation - **SB 197, SB 730, SB 1307, SB 1610, SB 1925**

Ways and Means - **SB 516, SB 1546, SB 1927, SJR 14**

ENGROSSED

May 20 - HCR 21

ENROLLED

May 20 - HB 34, HB 215, HB 282, HB 345, HB 399, HB 413, HB 423, HB 555, HB 591, HB 901, HB 930, HB 1123, HB 1136, HB 1146, HB 1550, HB 1770, HB 1840, HB 1841, HB 2007, HB 2014, HB 2342, HB 2759, HB 2793, HB 2851, HB 2859, HB 3051, HB 3234, HB 3272, HCR 18, HCR 63, HCR 68, HCR 90, HCR 133, HCR 164

SENT TO THE GOVERNOR

May 20 - HB 27, HB 35, HB 118, HB 184, HB 266, HB 315, HB 434, HB 460, HB 479, HB 563, HB 625, HB 650, HB 679, HB 699, HB 716, HB 726, HB 843, HB 848, HB 885, HB 908, HB 988, HB 989, HB 993, HB 1028, HB 1061, HB 1106, HB 1130, HB 1174, HB 1263, HB 1344, HB 1380, HB 1390, HB 1401, HB 1405, HB 1449, HB 1488, HB 1503, HB 1545, HB 1566, HB 1567, HB 1570, HB 1674, HB 1779, HB 1829, HB 1861, HB 1862, HB 1869, HB 1956, HB 2033, HB 2035, HB 2144, HB 2229, HB 2251, HB 2271, HB 2351, HB 2360, HB 2376, HB 2495, HB 2615, HB 2631, HB 2670, HB 2699, HB 2866, HB 2920, HB 2935, HB 3000, HB 3004, HB 3141, HB 3255, HB 3389, HB 3487, HB 3570, HB 3847, HCR 33, HCR 69, HCR 100, HCR 143

RECOMMENDATIONS FILED WITH THE SPEAKER

May 20 - HB 3830, HB 3859, HB 3860, HB 3861, HB 3862, HB 3864, HB 3865, HB 3866

SIGNED BY THE GOVERNOR

May 20 - HB 74

