

# HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, FIRST CALLED SESSION

## PROCEEDINGS

NINTH DAY — WEDNESDAY, JUNE 15, 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 80).

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; 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.; 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; Walle; Weber; White; Workman; Zedler; Zerwas.

Absent, Excused — Frullo; Marquez; Miles; Taylor, V.; Vo; Woolley.

The invocation was offered by Representative Dutton.

The speaker recognized Representative McClendon 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 important business:

Vo on motion of Dutton.

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

Miles on motion of Kuempel.

V. Taylor on motion of Lewis.

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

Frullo on motion of Shelton.

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

Marquez on motion of Dutton.

### **REGULAR ORDER OF BUSINESS SUSPENDED**

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

### **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).

### **MAJOR STATE CALENDAR SENATE BILLS THIRD READING**

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

#### **SB 4 ON THIRD READING (Solomons - House Sponsor)**

**SB 4**, A bill to be entitled An Act relating to the composition of the congressional districts for the State of Texas.

#### **SB 4 - REMARKS**

**REPRESENTATIVE SOLOMONS:** This is the redistricting bill we passed yesterday. I do have a Lege Council technical correction on some existing precinct lines, just to zero out—the zero deviation. This is zero population changes, and with that, then I'll move for passage.

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

Representative Solomons offered the following amendment to **SB 4**:  
Plan No. C185

[At the time of this printing, the text of Amendment No. 1 was unavailable. The proposed map and reports associated with this amendment are viewable at <http://gis1.tlc.state.tx.us/>.]

**SOLOMONS:** I want to tell you that I appreciate everyone's help in this. This amendment is a technical correction from Lege Council to conform the map to existing precinct lines in Atascosa, Bexar, Comal, El Paso, Hays, Hidalgo, La Salle, Maverick, and Travis Counties. There is zero population change in the amendment. In other words, it doesn't move a single person from one district to another, it just straightens some lines out on the map, and it will make it easier on county officials when they draw their precinct lines. It's acceptable to the author.

**REPRESENTATIVE WALLE:** What does the amendment actually do?

SOLOMONS: The actual amendment helps your counties out and all the counties out that I mentioned. It's zero population change. It just straightens out some of the lines so that the county officials don't have to go back in and change their precinct lines to match ours. They apparently, when they do their redistricting, match it up to what we have.

WALLE: As far as the local counties and cities—

SOLOMONS: Right. It does absolutely nothing except help some county officials in those counties just straighten their lines out to make them conform, and they don't have to go back through another process for themselves.

WALLE: Okay, so this is just for the local—

SOLOMONS: Right, this is zero population, not a person is involved.

Amendment No. 1 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 10:30 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, 10:30 a.m. today, 3W.15, for a formal meeting, to set a calendar.

### **SB 4 - (consideration continued)**

#### **Amendment No. 2**

Representative Zedler offered the following amendment to **SB 4**:

Plan No. C186

[At the time of this printing, the text of Amendment No. 2 was unavailable. The proposed map and reports associated with this amendment are viewable at <http://gis1.tlc.state.tx.us/>.]

REPRESENTATIVE ZEDLER: What this does is make the changes only within three congressional districts—6, 33, and 24—and 33 is an open seat, 6 is Joe Barton's. What it does is it takes him—he used to have almost all of Arlington, the current map gives him none, or very little, and this one gives him a portion of Arlington, including his district office, as well as his home. In the current map, his home and his district office were taken out, and I think this is a good, fair way to get this situation solved.

REPRESENTATIVE BURNAM: So, does this proposed amendment in any way address the issue that continues to be a problem in Tarrant County, Representative Zedler, of cracking and packing the minority populations? You know, eastern Arlington has a large minority population; in fact, we were able to draw a minority majority legislative district, and it's my understanding that those minority populations, and minority populations in Fort Worth, are ripped asunder. Does this amendment do anything to address those very legitimate and legal concerns about this illegal map?

ZEDLER: As you know, 33 is an open seat right now, and that map—33 was going to be a pretty solid republican district, anyhow. I don't think it has any affect on that.

BURNAM: Mr. Zedler, that was not clear to me that you answered my question. Shall we make another try at it? Where are the majority minority precincts in Arlington, Texas? Which congressional district are they currently in?

ZEDLER: Under the current map?

BURNAM: Under the proposed plan that we're dealing with on this house floor today.

ZEDLER: I think they would be in 6, but you know, in all honesty, I just got this. I was looking at a different issue, and that was that under the current map, he is not—it took out his home and his district office, so this is an attempt to correct that, as well as—

BURNAM: Could you clarify for me what you mean when you say in all honesty you just got this? Were you assigned to carry this amendment by somebody?

ZEDLER: No. Basically what happened was, when I looked at it, that we tried to make a minor correction to trying to get his home and his district office back in the district. We also included UTA because Joe Barton has had some significant help in the School of Nursing with UTA.

BURNAM: So, all this amendment is designed to do—it's not designed to correct any of the illegal inequities imposed on the people of Tarrant County by the current proposed lines—

ZEDLER: I'm not going to go along and say that there are any at all now. I'm saying that this will simply not address any difference in that.

BURNAM: So, this amendment is not designed to address any of the civil rights, voting rights, legal rights? It is simply designed to do incumbent protection, to make sure the current congressman's personal residence is in this district, his personal district office is in this district—which I have found unavailable on numerous occasions—it's designed to put part of UTA in it, although he consistently votes against higher ed funding issues, and it's designed to put the General Motors plant in the district, as well as the Cowboys stadium. Is that correct, or do I need to repeat my question, since you were distracted?

ZEDLER: Yeah, I think you're correct.

REPRESENTATIVE P. KING: What does this do, how much population is this taking out of the Arlington area, out of the new district, and putting into 6? Is it just moving—

ZEDLER: It's basically moving the population between 24, primarily between 33 and 6, and to some degree 24.

P. KING: How much population are you shifting? Can you kind of tell me the rough area of Arlington you're carving out?

ZEDLER: Well, the current map has almost none. He used to have all of it, and now what it does is it puts more of Arlington back in his district.

P. KING: Where do you pick up, for that new District 33, where do you pick up the population that you're taking out of it to do this? Because that district had all of Arlington, so where do you go to pick up that population? I'm not saying it's a bad amendment, I just want to make sure I understand what it does.

ZEDLER: I think it took it out of 33, which had a great deal of Arlington.

P. KING: Right, so where did you put the population back into 33? From where did that population come from?

ZEDLER: I think all it did was shift between 33 and 24, and it gave 33 less of Arlington and gave 6 more of Arlington.

P. KING: Forgive me, I'm not communicating very clearly, I apologize. Since you took population out of 33, you had to put population back into 33 from somewhere else, I'm just trying to figure out where that came from.

ZEDLER: Right. I think basically what it boiled down to was it simply moved areas around in 33 and 24, I mean in 33 and 6, and it gave 33 perhaps more of Forth Worth and less of Arlington.

P. KING: Maybe if I look at the map I can kind of understand it better.

REPRESENTATIVE MARTINEZ FISCHER: I'm going to oppose this amendment on third reading for a couple of reasons. Number one, we all had a prefilng deadline yesterday for second reading for maps like this that gives us an opportunity to study them, know what the impact is. And while I understand Representative Zedler is only using this for Arlington and other places, both the Texas Legislative Black Caucus and the Mexican American Legislative Caucus both have maps that do different things in the Dallas/Fort Worth Metroplex, so I would urge you—unless you know exactly what it does, and I can tell you I don't, and I talked to Representative Veasey, he doesn't know what it does. And so I would urge you to vote against this amendment. One on principle—everybody else had to prefile this yesterday, on Monday, so everybody knew what everybody was doing. And secondly, I think it could conflict, or send a conflicting message, that we may support something like this when in fact we have alternative maps for the Dallas/Fort Worth Metroplex area. So with that, I ask that those of you that are concerned about voting rights to please vote no on this amendment.

BURNAM: Chairman Martinez Fischer, I've heard, although I haven't seen it, that this proposed amendment is designed to put the General Motors plant, which is surrounded by minority communities, into "Smokey" Joe Barton's district, the current congressman. Do you see any irony in the notion of making sure that "Smokey" Joe Barton has the General Motors plant in light of his clean air voting record in the national Congress?

MARTINEZ FISCHER: Only if he drives a Ford. I'm not sure.

BURNAM: I don't know if he's driving a Ford or not. I agree with you, we should oppose this amendment.

SOLOMONS: Let me just point out a few things about this amendment. I would have to echo—I know it's amazing to many of you, but Mr. Martinez Fischer and I are on the same page on this. It's a last minute amendment. We're not exactly sure of all its ramifications, but we can tell at this point, it could have been filed yesterday. We'd have had time to analyze it. This amendment, basically, as far as we can tell right now, splits Arlington, takes about 57,000 people out of

Arlington. We made a concerted effort to try to keep Arlington whole and to keep the cities whole when possible. It does more than just the district office and an alleged house. Right now our records show that Mr. Barton—and this is all about Mr. Barton, to the detriment of Kenny Marchant and Congressional District 24—he literally takes Hurst out of Congressional District 24 for Congressman Marchant, who was a former member here. He wants to put in Ranger Stadium—he already has Texas Stadium—apparently he needs the ballpark stadium, as well. And, quite frankly, he moves Hurst out of Congressional District 24 to help get his population, as well.

It seems to me that if Mr. Barton had wanted to do this earlier and work with us through the second reading amendments or even before, it would have been more appropriate. I do think it has some other ramifications. I would ask you to table this amendment, and we'll send this bill over to the senate and see what else we need to do with the map, if necessary. But I do, dramatically, think that this is the epitome of Joe Barton, Congressman Barton, wanting to have just exactly what he wants without really going through the process, as all of the other congressmen and everybody else really did. This last-minute amendment does dramatically affect some other districts.

REPRESENTATIVE ALONZO: Mr. Solomons, a few questions. In the process of getting here today, we had hearings throughout the state, we had hearings here at the Capitol. In that process, we had different individuals participating in proposing maps to the body, is that correct?

SOLOMONS: Yes, sir.

ALONZO: And in that process, we had house members, we had senate members, and we had community folks from around the state, and we also had congressmen. Is that correct?

SOLOMONS: What?

ALONZO: We also had congressmen.

SOLOMONS: We had a variety of input from a variety of sources, including congressmen, members of the house, members of the senate, the voting public, citizenry. We can agree or disagree with certain aspects of all of this redistricting. But we did have this entire process that we went through for several months, and in the special, too, that we did for congressional redistricting. Yes, sir.

ALONZO: If I may focus, from all those different entities, on the Congress for a minute. Did you have input from different congress people from around the state on this map?

SOLOMONS: We had input from various congressmen, both republican and democrat.

ALONZO: And when these Congress individuals made proposals to you, the ones that, in my opinion, seemed to have the most impact on the map were mainly republican congressmen, would you not say so?

SOLOMONS: I'm sorry, it's really hard to hear. There's a lot of conversation. Can you repeat that?

ALONZO: Would you not say that in the way this map was shaped, that the ones who had the most impact on the way the map came out were republican congressmen? Is that right?

SOLOMONS: Not entirely, but they did have—we have a number of republican congressmen. Of course they did input like any other congressman. It was available to all congressmen.

ALONZO: Not entirely, but almost entirely.

SOLOMONS: No, just a lot, because there's just a lot of republican congressmen. There's a lot of democrat congressmen who had input through their own members, as well.

ALONZO: And of the four additional new districts, would you say that the democrats were for Hispanic Opportunity Districts and the republicans were not?

SOLOMONS: No, I wouldn't say that.

ALONZO: In the end, of the four new districts, how many were Hispanic Opportunity Districts?

SOLOMONS: Well, there's eight Hispanic—

ALONZO: The question is—four, not eight—of the four new ones—

SOLOMONS: Oh, the four new ones?

ALONZO: Yes, sir.

SOLOMONS: Well, it's sort of interesting. There are two, and probably two. Now, depending on—well, it's about two and two, actually, but when you look at one of the districts, it could go either way.

ALONZO: But in North Texas, you didn't create one.

SOLOMONS: Yes, and I know your concern in North Texas, but we did not create one in North Texas. I understand that would be your—you've advocated for that, and I'm sure in the lawsuits that we'll hear there will be an argument on that basis, and I understand that you have a difficulty in voting for the map because of that.

ALONZO: You accept the concept that we have an argument that we should have a district in North Texas.

SOLOMONS: I think there's a difference of opinion of where those districts should be, and I think that, as I explained to you, a lot of it had to do with the assimilation of Hispanics and blacks throughout the community in North Texas, and the Hispanic citizen voting age population issues. So when you start looking at those numbers, they become kind of important. There's a difference of opinion of whether you think we should—you and Mr. Veasey, in particular, and some others, really felt like there ought to be something up there, and we looked at that; we also looked at other parts of the state, and that's why the map looks like it does.

ALONZO: Couple more questions. You agree that there's a difference of opinion, but we have a good argument. Is that correct?

SOLOMONS: I think our argument is better, but I think we have a difference of opinion.

ALONZO: But we have a good argument.

ZEDLER: Basically what this does is give Joe Barton back part of Arlington—he used to have all of it—and this includes his district office and his home and it affects 6, which was his current District 33, which is an open one, and some of 24, which is currently Kenny Marchant's district.

REPRESENTATIVE VEASEY: Mr. Zedler, are you aware that in the current redistricting plan, without your amendment, that there were members' district offices—minority members' offices—that they lost their district offices under the plan that's about to pass out? And you're going to make this change, just for this one congressman, when there were minority members, African American members of the Congress, that also lost their district offices due to reapportionment. Are you aware of that?

ZEDLER: Well, what I think it boils down to is he's been a long-standing, good congressman and I think he ought to keep his current district—

VEASEY: What about the other members of Congress? Did you know that the plan you're doing actually lowers the black and Hispanic voting age population of the district?

ZEDLER: Well, as you know, the state has become more and more republican, and so, you know, sometimes that happens. The shoe was on the other foot back in the '80s—

VEASEY: That's not correct. The state has become more and more Hispanic and African American. So that would actually be factually incorrect.

ZEDLER: I know that Joe Barton has tried numerous times to talk with Mr. Solomons, to no avail. I move passage.

VEASEY: You know the congressman has a house in Ennis, too, don't you?

Representative Solomons moved to table Amendment No. 2.

The motion to table prevailed by (Record 81): 115 Yeas, 21 Nays, 3 Present, not voting.

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

Nays — Anderson, C.; Anderson, R.; Cain; Carter; Christian; Cook; Garza; Hughes; King, P.; Landtroop; Laubenberg; Madden; Nash; Patrick; Paxton; Perry; Pitts; Riddle; Shelton; White; Zedler.

Present, not voting — Mr. Speaker(C); Howard, D.; Strama.



Absent, Excused — Frullo; Marquez; Miles; Taylor, V.; Vo; Woolley.

Absent — Crownover; Geren; Harper-Brown; Taylor, L.; Thompson.

**STATEMENT OF VOTE**

When Record No. 81 was taken, I was temporarily out of the house chamber. I would have voted yes.

Geren

SOLOMONS: Thank you, members for that, and I now move passage of the bill.

**SB 4**, as amended, was passed by (Record 82): 93 Yeas, 47 Nays, 3 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; 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; 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; Weber; White; Workman; Zerwas.

Nays — Alonzo; Alvarado; Anchia; Burnam; Cain; 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.; Kuempel; Lozano; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McClendon; Menendez; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Thompson; Turner; Veasey; Villarreal; Walle; Zedler.

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

Absent, Excused — Frullo; Marquez; Miles; Taylor, V.; Vo; Woolley.

Absent — Allen.

**STATEMENTS OF VOTE**

When Record No. 82 was taken, I was in the house but away from my desk. I would have voted no.

Allen

I was shown voting no on Record No. 82. I intended to vote yes.

Cain

I was shown voting yes on Record No. 82. I intended to vote no.

Hilderbran

**PETITION FOR LATINO-OPPORTUNITY CONGRESSIONAL SEAT**

Representative Alonzo submitted the following petition for inclusion in the House Journal:

### **DFW/North Texas Deserves One New Latino-Opportunity Congressional Seat**

With the release of Census 2010 data for Texas and the U.S. now history and behind us as factual information, the full scope of demographic changes underway in this state over the last decade is now official, and the scrambling for all sorts of boundary line configurations have taken front stage. That includes the redrawing of the four anticipated U.S. Congressional Seats that the State of Texas justly deserves and demands, particularly a Latino-opportunity congressional seat anchored in Dallas County specifically, a county that showed one of the fastest growing Latino population of Latinos in our state, increasing almost from 30 to 38 percent in the last 10 years alone. Additionally, 65 percent of the growth in Texas over the past decade is attributable to Latinos.

According to the last census, Hispanics account for two-thirds Texas' growth over the past decade and now make up 38 percent of the state's total population, and in Dallas County specifically, its 2.37 million residents registered the second most populated county in the state, increasing by 6.7 percent since 2000, with most of that growth attributable to Latinos. The explosive Latino growth alone, confirmed by the release of the 2010 Census numbers for Texas, justify a new Latino-dominated seat in Congress and there's no debating that fact.

With that being said, we the undersigned, thus sign this petition in support of anchoring a Latino-opportunity congressional seat in Dallas County:

Felipe Aguilar, Alvaro Calderon, Paul Cardenas, Enrique Carranza, Patricia Castillo, Mario Chavez, Ray DeLos Santos, Victor Diaz, Eloisa Vasquez, Eric H. Castillo, Mary Favela, J.R. Flores, Frances Franco, Felipe Gomez, Michael Gomez, Mike Gomez, Juan Gonzalez, Pablo Guardiola, Jenny Hernandez, Gloria Hinojos, Berto Jaltiella, Jennifer Garcia, Juana Raminrez, Lupe Perez, Priscilla Rogel, Alex Ramos, Jesus Rico, Raffel Telles, Oscar Uribel, Eddie Castillo, Lydia Castillo, Alma Perez, Ana Reyes, Beatrice Martinez, Carlos Cortez, Chris Luna, Delia Jasso, Dennise Garcia, Diana Flores, Edward Elizondo, Fernando Rojas, Fernando Rubio, Gloria Bahamon, Gloria Levario, Hector Flores, Hector Garza, Jason Almonte, Jerry Martinez, Jesse Tafalla Jr, Jesus Chairez, John Loza, John Trevino, Jose Plata, Lena Levario, Liz Cedillo, Lydia Gonzalez Welch, Melinda Rios, Monica Alonzo, Omar Narvaez, Patricia Mancha, Patricia Munoz, Paula Rosales, Pauline Medrano, Rafael Anchia, Raul Hinojosa, Renato De Los Santos, Rene Martinez, Robert Chavez, Roberto Canas, Sean Lozano, Silvia Villarreal, Abel Bosquez, Anita Carmona Harrison, Nancy Bosque, Pam Brink, Xavier Isaias Solis, carlos quirino, Francisco and Gloria Carrillo, Emilio Abeyta, Lisa Ramos, Irene Favila, Georgia Lucero, Jim Goss, Margie Ceja, Miguel Torres, Amariz Nayeli Solis , Victor Hernandez, Yvonne A. Flores, Chris Culbertson, Dennis Espinal, Brandon Law, Antonio Torres, Lilia Ortega, Rafael Narvaez, Rosanne Ortega, Laura Estrada, Emmanuel Narvaez, Ricardo Hernandez, Augustine Sanchez, Oscar Ndereva, Jerry Johnson, Erika Contreras, Trisha Dominguez, Michelle Chavez, Bobbi Eeds, Sandy Mattner, Shane Aldridge, Pam Robinson, R. Javier Betancourt, Heather Crispin, Randy Pike, Jose Sanchez, Angel Mendiola, Travis Jordan, Brenda Barajas, Roy Mullins, Terry Beaver, Carl Reeves, Jacqueline Perry, Michelle Kay, Christy Gutierrez-Edwards, Anita Varghese, Guadalupe Orozco, Valerie Rivera, Gena Burgdorf, Sebastian Gracki, Crystela Munoz, Rachele Miller,

Stefani Musick, Adrian Moore, Pepper Hastings, Heather Hagger, Jose Gutierrez, Mary Randall, Kurt Vanous, Sloan Clark, Julie Box, Stephen Rand, Charity Stutzman, Liz Hannabas, Carol Tharp, Adrian Flores, Nick Hardwick, Michael T. Hodges, Jerome Williams, Joe Matthews, Charis Clemetson, John Haddad, Aurora Paredes, Jeff Williams, Dustin Randle, J.J. Petersen, Jim Muise, Carl Spindle, Glenn Colley, Debra Davis, Pedro Solis, David Duston, Sheryl Giles, Gayle McCord, Ed Brenner, Loby Glover, J.T. Walker, Jackie Doss, John Simonetta, Ethan Williams, Joan Hill, Emmy Krasovitsky, Bill Burke, Chris Orr, Bob Clarke, Byron Robalino, David Thomas, Debra Jack, Heather Moore, Mike Malone, Nicole Dyer, Stacy Wells, Tasha Hesketh, William Haggard, Adriana Flores, Stacy Rodriguez, Roseann Smith, Christine M. Smith, Cooper Williams, Colin Daruns, Jack Williams, Brian Lawdermilk, Jose Sanchez, Jr., Cynthia Sanchez, Jaime Sanchez, Anthony Gonzales, Elisa Gonzales, James Varela, Brad Anderson, Tony Wilson, Kris Smithson, Rosa Sanchez, Ulises Barrios,, Nicole Barrios, Azael Guzman, Jose Amaya, Juan Ochoa, Lisy Ochoa, Benito Moreno, Jesse Amaya, Juan Amaya, Adrian Moreno, Lamonica Prado, Armida Ruiz, Rafael Narvaez, Rafael Narvaez Jr., Isabel Narvaez, Rafael Narvaez III, Gorge Tello, Gustavo Jimenez, Alfredo Castaneda, Ipolito Gauna, Marta Olvera, Francisco Alvarez,, Dolores Martinez, Marie Chevrier, Maria Engen, Sheila Gutierrez, Miguel Razo, Cristina Gonzalez, Nancy Bustos, Carlos Tapia, Evelyn Mendoza, Cindy Sanchez, Gerardo Fuentes, Jose Rojas, Laura Varela, Dan Martinez, Hector Martinez, Rebecca Martinez, Hector Martinez, Joel Martinez, Richard Martinez, Javier Martinez, Kimberly Pena, Yvette Uresti, Ruth Zavala, Lewis Moreno, Susan Manuel, Susan Manuel, Tonia Velasquez, Miguel Vergara, Maria Saenz, Renee Lopez, Gloria Lopez, Isabelle Diaz, Sonia Diaz, Jacob Hernandez, Felisha Hernandez, Hernesto Hernandez, Jorge Hernandez, Barbara Hernandez, Rebekah Chavez, Susan Chavez, Isla Rodriguez, Lilian Rodriguez, Able Rodriguez, Miguel Bardalez, Miguel Lopez, John Chavez, DeLuzio Crista, Ruben Arellano, Luis Garci, Carla Mendolia, Eduardo Morales, Aaron Sanchez, Jennifer Valadez, Daniel Garza, Paul Cruz, Brandy Alvarez, Ricardo De La Fuente, Cristina Gonzalez, Milagros Garcia, Ruben Sanchez, Rosemary Sanchez, Susana Solera, John Chavez, Crista Deluzio, Maria Eguez, Veronica Leon, Luis Pena, Francisco Moran, Alberto Pastor, Luis Polanco, Elizabeth Rojas, Angie Castillo, Maria Escobar, Sylvia Manzano, Francisco Pedraza, Diego Vacano, Armando Alonzo, Carlos Blanton, Felipe Hinojosa, Lisa Ramos, Alberto Moreiras, Victor Arizpe, Norma Arizpe, Norma Carrero, Eduardo Espina, Juan Galdo, Hilaire Kallendorf, Veronica Rodriguez, Alessandra Luiselli, Bertin Ortega, Esther Quintana, Eduardo Urbina, Teresa Vilaros-soler, Jose Villalobos, Gorge Padilla, Rosa Llano, Lisa Flores, Patricia Gonzalez, Edgardo Perez, Alex Adame, Victor Agosto, Julio Aguilar, Carlos Ayarza Oscar Berrio Nancy DeHonores Maikel Hernandez Raymond Inman Martha Montejo Miguel Muniz Jose Palacios Carlos Rodriguez, Miguel Zarate, Alicia Zavala, Nadia Flores, Zulema Valadez, Hilario Molina, Omar Camarillo, Evelyn Espinoza, Marc Garcia, Garcia San Juanita, Larry Molina, Trinidad Morales, Marisa Sanchez, Andres Alarcon, Diana Alonzo, Freddie Joe Alonzo, Gerardo Alonzo, Luisa Alonzo, Monica Alonzo,

Roberto Alonzo, Xiomara Alonzo, Margarita Alvarez, Marty Alvarardo, Gilbert Aranza, Sylvia Atuna, James Avila, Yvette Avila, Brenda Barajas, Ida Barboza, Judith Beltran, Lucy Bocanegra, Cesar Calderon, Gloria Carillo, Priscilla Castillo, Ingrid Casillas, Eddie/Lydia Casillo Alberto Cisneros, Stephen Claver, Ismael-Coca Cola, Sylvia Collins, Eduardo Cuba, Chris Culbertson, Dalia David Davila, Jeovany De Paz, Umberto Dominguez, Hilda Duarte, Juan Escobar, Alex Espinoza, Laura Estrada, Joe Farias, Gracie Flores, Ernesto Fraga, Gloria Garcia, Juanita Garcia, Marina Garcia, Marci Garrot, Hector Garza, Richard Giesler, Andrew Goldsmith, Maria Gomez, Roberto Gomez, Angela Gonzales, David Gonzales, Israel Gonzales, Mark Gonzales, Todd Grocki, Bert Guerrero, Jose Angel Gutierrez, Elvira Guzman, Daniel Hernandez, Juan Hernandez, Macario Hernandez, Toni Hinojosa, Hobie Hukill, Imelda Jaso, Sara Juarez, Rita Leos, Dona Licha, Arturo Lopez, Fred Maldonado, Carlos Maroquin, Anna Martinez, Bob Martinez, Fernando Martinez, George Martinez, Mayela Martinez, Luis Merren, Armando Miranda, Pedro Montoya, Ana Morales, Alejandro Moreno, Norma Moreno, Randy Moreno, Rafael Narvaez, Judge Jerry Nicholson, Javier Olguin, Lili Ortega, Rosanne Ortega Jesse Palomarez, Dalia Perez, Marco Plaza, Bill Pulte, Luis Ramirez, L.A. Ramos, David Reyna, Manuel Rodela, Connie Rodriguez, Durman Rodriguez, Raul Rodriguez, Jesse Romero, Gabriela Rosales, Sandra Rueda, Jesse Salas, Antonio Torres, German Trejo, Humberto Trejo, Louis Trujillo, Melodie Valdez, Fernando Vaquera, Johnny Villastrigo, Cesa Calderon, Gloria Carillo, Ricardo Castanon Maggie Contreras Judge Raymond DeLeon Adriana Flores John Flores Maryann Fonte Ernesto Fraga Gonzalo Garcia, Marina Garcia, Michael Garcia, Richard Giesler, Lorelda Haldenway, Jeanet Hernandez, Gonzalo Hidalgo, John Lopez, Ana Martinez, Pete Martinez, Sara Martinez, Hilaria Perez, Betty Phillips, Doris Phillips, Luis Ramirez, Esmeralda Rodriguez, Rosy Rodriguez, Miguel Sanchez, Josue Sixtos, Andrew Smith, Eliseo Solis, David Soto, Angela Tamez, Johnny Villastrigo

#### **24-HOUR POSTING RULE SUSPENDED**

Representative L. Taylor moved to suspend the 24-hour posting rule and all necessary rules to allow the Committee on Elections to consider **HJR 13** at 9 a.m. tomorrow in E2.028.

The motion prevailed.

#### **COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Elections, 9 a.m. tomorrow, E2.028, for a public hearing, to consider **HJR 13**.

#### **SB 7 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE INSTRUCTED**

On motion of Representative Zerwas, the house granted the request of the senate for the appointment of a Conference Committee on **SB 7**.

Representative S. Miller moved to instruct the Conference Committee on **SB 7** to retain Amendment Nos. 7, 8, and 27.

The motion to instruct conferees prevailed by (Record 83): 101 Yeas, 37 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, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Garza; Geren; Gonzales, L.; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lyne; Madden; Margo; Martinez; Miller, D.; Miller, S.; Morrison; Muñoz; 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.; Torres; Truitt; Weber; White; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Deshotel; Dukes; Dutton; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; Lucio; Mallory Caraway; Martinez Fischer; McClendon; Menendez; Naishtat; Oliveira; Quintanilla; Raymond; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Frullo; Marquez; Miles; Taylor, V.; Vo; Woolley.

Absent — Davis, J.; Davis, Y.; Eiland; King, T.; Reynolds.

Representative Brown moved to instruct the Conference Committee on **SB 7** to retain the anti-fraud amendment.

The motion to instruct conferees prevailed.

### **SB 7 - CONFERENCE COMMITTEE APPOINTED**

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 7**: Zerwas, chair; Pitts, J. Davis, Kolkhorst, and V. Gonzales.

### **LEAVE OF ABSENCE GRANTED**

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

Anchia on motion of D. Howard.

### **MAJOR STATE CALENDAR HOUSE BILLS SECOND READING**

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

### **HB 3 ON SECOND READING (by Smithee)**

**HB 3**, A bill to be entitled An Act relating to the operation and name of the Texas Windstorm Insurance Association and to the resolution of certain disputes concerning claims made to that association; providing penalties.

### LEAVE OF ABSENCE GRANTED

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

Villarreal on motion of Madden.

### HB 3 - (consideration continued)

#### Amendment No. 1

Representative Smithee offered the following amendment to **HB 3**:

Amend **HB 3** (house committee printing) as follows:

(1) On page 1, line 23, strike "by a person who is insured under Chapter 2210".

(2) On page 2, strike lines 4-20 and substitute the following appropriately numbered SECTION of the bill:

SECTION \_\_\_\_\_. Section 2210.002(a), Insurance Code, is amended to read as follows:

(a) This chapter may be cited as the Texas Coastal ~~[Windstorm]~~ Insurance Plan ~~[Association]~~ Act. A reference to the Texas Windstorm Insurance Association Act means this chapter.

(3) On page 4, at the end of line 2, insert:

Notwithstanding any other provision of this code or this chapter, a class action under Subchapter F, Chapter 541, or under Rule 42, Texas Rules of Civil Procedure, may only be brought against the association by the attorney general at the request of the department.

(4) On page 5, lines 15-17, strike "A board member, employee of the association, or member of the windstorm insurance legislative oversight board established under Subchapter N" and substitute "A board member or employee of the association".

(5) On page 5, lines 18-21, strike "any board member, employee of the association, or member of the windstorm insurance legislative oversight board established under Subchapter N" and substitute "any board member or employee of the association".

(6) On page 5, line 23, strike "the Travis County district attorney or the department." and substitute "the department and may report the conduct and the identity of the person engaging in the conduct to another appropriate governmental authority. The department shall forward a report received under this subsection to the appropriate governmental authority if the department does not have the authority to finally resolve, or jurisdiction over, the matter that is the subject of the report."

(7) On page 6, line 17, strike "Section 2210.058" and substitute "Sections 2210.058 and 2210.061".

(8) On page 6, strike lines 18-22 and substitute:

Sec. 2210.058. CLAIMS PRACTICES AUDIT. (a) The commissioner, in the manner and at the time the commissioner determines to be necessary, shall conduct a random audit of claim files concerning claims the bases of which are damage to insured property caused by a particular storm to:

(9) On page 7, lines 2-3, strike "after the filing of the 100th claim described by Subsection (a)".

(10) On page 7, line 14, between "commissioner" and the underlined period, insert "and issue an order to that effect".

(11) On page 7, between lines 14 and 15, insert:

Sec. 2210.061. CONTRACTORS AND MANAGERIAL EMPLOYEES: COMPENSATION AND BONUSES. The association shall post on the association's Internet website any compensation, monetary or otherwise, and any bonus that, when aggregated, exceed \$100,000 in a calendar year and that are paid or given by the association to:

(1) a vendor or independent contractor with whom the association has a contract; and

(2) an association employee.

(12) On page 10, strike lines 1-10.

(13) On page 11, strike lines 1-8 and substitute:

(b-1) The commissioner or the commissioner's designated representative may attend 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, except for those portions of a closed meeting that involve the rendition of legal advice to the board concerning a regulatory matter or that would constitute an ex parte communication with the commissioner.

(14) On page 12, line 23, between "(1)" and "is", insert "subject to Subsection (d)."

(15) On page 12, line 26, strike "or adjuster involved with" and substitute "representing a claimant or the association in connection with".

(16) On page 13, between lines 3 and 4, insert:

(d) The association, before disclosing a settlement agreement to which the association is a party, shall redact from the settlement agreement any information that is confidential under Chapter 552, Government Code.

(17) On page 13, line 8, strike "2210.577(f)" and substitute "2210.578(f)".

(18) On page 13, strike lines 10-11 and substitute "surges, or rising waters not caused by waves or surges."

(19) On page 14, lines 8-10, strike "A person insured under this chapter may submit an application for renewal coverage directly to the association on forms prescribed by the association. An" and substitute "The association shall develop a simplified process that allows for the acceptance of an application for initial or renewal coverage from, and payment of premiums by, a property and casualty agent, a person insured under this chapter, or an applicant for coverage under this chapter. Each".

(20) On page 15, strike lines 3-7 and substitute:

(d) The commissioner, after receiving a recommendation from the board of directors, shall approve 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. 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 market.

(21) On page 16, lines 15 and 16, strike "Section 2210.575 and independent coverage review under Section 2210.576" and substitute "Section 2210.574 and alternative dispute resolution under Section 2210.575".

(22) On page 16, line 16, strike "and".

(23) On page 16, line 17, between "(B)" and "the necessity", insert: the binding effect of appraisal under Section 2210.574; and

(C)

(24) On page 17, line 2, between "gambling establishment" and the underlined semicolon, insert ", other than a premises on which bingo may be conducted under Chapter 2001, Occupations Code".

(25) On page 19, line 9, strike "January 1, 2012," and substitute "August 31, 2011,".

(26) On page 20, at the end of line 23, insert:

A surcharge under this subsection must be developed and implemented in an amount that does not exceed the percentage of premium at which a surcharge under Section 2210.259(a) is assessed.

(27) Strike page 23, line 15, through page 24, line 21.

(28) On page 25, strike lines 1-3 and 12-19 and renumber subdivisions of added Section 2210.571, Insurance Code, appropriately.

(29) On page 25, lines 24-25, strike "(b) The association or an agent or representative of the association" and substitute "(b) Subject to Section 2210.576, the association".

(30) On page 25, line 25, strike "on a claim".

(31) On page 25, line 26, strike the underlined colon.

(32) On page 25, line 27, strike "(1) amounts" and substitute "covered losses".

(33) On page 26, lines 1-2, strike "for loss to an insured structure, loss to contents of an insured structure, and additional living expenses; and" and substitute an underlined period.

(34) On page 26, strike line 3.

(35) On page 26, line 4, strike "association or an agent" and substitute "association, and an agent".

(36) On page 26, line 5, between "association" and "may", insert an underlined comma.

(37) On page 26, line 7, strike "trebling of damages" and substitute "additional damages, punitive damages,".

(38) Strike page 26, line 8, through page 33, line 22, and substitute:

Sec. 2210.573. FILING OF CLAIM; CLAIM PROCESSING. (a) Subject to Section 2210.205(b), an insured must file a claim under an association policy not later than the first anniversary of the date on which the damage to property that is the basis of the claim occurs.

(b) The claimant may submit written materials, comments, documents, records, and other information to the association relating to the claim. If the claimant fails to submit information in the claimant's possession that is necessary for the association to determine whether to accept or reject a claim, the association may, not later than the 30th day after the date the claim is filed, request in writing the necessary information from the claimant.

(c) The association shall, on request, provide a claimant reasonable access to all information relevant to the determination of the association concerning the claim. The claimant may copy the information at the claimant's own cost or may request the association to provide a copy of all or part of the information to the claimant. The association may charge a claimant the actual cost incurred by the association in providing a copy of information under this section, excluding any amount for labor involved in making any information or copy of information available to a claimant.



(d) Unless the applicable 60-day period described by this subsection is extended by order of the commissioner, not later than the later of the 60th day after the date the association receives a claim or the 60th day after the date the association receives information requested under Subsection (b), the association shall provide the claimant, in writing, notification that:

- (1) the association has accepted coverage for the claim in full;
- (2) the association has accepted coverage for the claim in part and has denied coverage for the claim in part; or
- (3) the association has denied coverage for the claim in full.

(e) In a notice described by Subsection (d)(1), the association must inform the claimant of the amount of loss the association will pay and of the time limit to request appraisal under Section 2210.574.

(f) In a notice described by Subsection (d)(2) or (3), the association must inform the claimant of, as applicable:

- (1) the portion of the loss for which the association accepts coverage and the amount of loss the association will pay;
- (2) the portion of the loss for which the association denies coverage and a detailed summary of the manner in which the association determined not to accept coverage for that portion of the claim; and
- (3) the time limit to:

(A) request appraisal under Section 2210.574 of the portion of the loss for which the association accepts coverage; and

(B) provide notice of intent to bring an action as required by Section 2210.575.

(g) In addition to the notice required under Subsection (d)(2) or (3), the association shall provide a claimant with a form on which the claimant may provide the association notice of intent to bring an action as required by Section 2210.575.

Sec. 2210.574. DISPUTES CONCERNING AMOUNT OF ACCEPTED COVERAGE. (a) If the association accepts coverage for a claim in full and a claimant disputes only the amount of loss the association will pay for the claim, or if the association accepts coverage for a claim in part and a claimant disputes the amount of loss the association will pay for the accepted portion of the claim, the claimant may request from the association a detailed summary of the manner in which the association determined the amount of loss the association will pay.

(b) If a claimant disputes the amount of loss the association will pay for a claim or a portion of a claim, the claimant, not later than the 60th day after the date the claimant receives the notice described by Section 2210.573(d)(1) or (2), may demand appraisal in accordance with the terms of the association policy.

(c) If a claimant, on a showing of good cause and not later than the 15th day after the expiration of the 60-day period described by Subsection (b), requests in writing that the 60-day period be extended, the association may grant an additional 30-day period in which the claimant may demand appraisal.

(d) If a claimant demands appraisal under this section:

(1) the appraisal must be conducted as provided by the association policy; and

(2) the claimant and the association are responsible in equal shares for paying any costs incurred or charged in connection with the appraisal, including a fee charged under Subsection (e).

(e) If a claimant demands appraisal under this section and the appraiser retained by the claimant and the appraiser retained by the department are able to agree on an appraisal umpire to participate in the resolution of the dispute, the appraisal umpire is the umpire chosen by the two appraisers. If the appraiser retained by the claimant and the appraiser retained by the department are unable to agree on an appraisal umpire to participate in the resolution of the dispute, the commissioner shall select an appraisal umpire from a roster of qualified umpires maintained by the department. The department may:

(1) require appraisers to register with the department as a condition of being placed on the roster of umpires; and

(2) charge a reasonable registration fee to defray the cost incurred by the department in maintaining the roster and the commissioner in selecting an appraisal umpire under this subsection.

(f) The appraisal decision is binding on the claimant and the association as to the amount of loss the association will pay for a fully accepted claim or the accepted portion of a partially accepted claim and is not appealable or otherwise reviewable. A claimant that does not demand appraisal before the expiration of the periods described by Subsections (b) and (c) waives the claimant's right to contest the association's determination of the amount of loss the association will pay with reference to a fully accepted claim or the accepted portion of a partially accepted claim.

(g) A claimant may not bring an action against the association with reference to a claim for which the association has accepted coverage in full.

Sec. 2210.575. DISPUTES CONCERNING DENIED COVERAGE. (a) If the association denies coverage for a claim in part or in full and the claimant disputes that determination, the claimant, not later than the 60th day after the date the claimant receives the notice described by Section 2210.573(d)(2) or (3), must provide the association with notice that the claimant intends to bring an action against the association concerning the partial or full denial of the claim.

(b) If a claimant, on a showing of good cause and not later than the 15th day after the expiration of the 60-day period described by Subsection (a), requests in writing that the 60-day period be extended, the association may grant an additional 30-day period in which the claimant may provide the notice required under Subsection (a).

(c) If a claimant provides notice of intent to bring an action under Subsection (a) or (b), the association may require the claimant, as a prerequisite to filing the action against the association, to submit the dispute to alternative dispute resolution by mediation or moderated settlement conference, as provided by Chapter 154, Civil Practice and Remedies Code. A claimant that does not provide notice of intent to bring an action before the expiration of the periods described by Subsections (a) and (b) waives the claimant's right to contest the association's partial or full denial of coverage and is barred from bringing an action against the association concerning the denial of coverage.

(d) The association must request alternative dispute resolution of a dispute described by Subsection (c) not later than the 60th day after the date the association receives from the claimant notice of intent to bring an action.

(e) Alternative dispute resolution under this section must be completed not later than the 60th day after the date a request for alternative dispute resolution is made under Subsection (d). The 60-day period described by this subsection may be extended by the commissioner by rule or by the association and a claimant by mutual consent.

(f) If the claimant is not satisfied after completion of alternative dispute resolution, or if alternative dispute resolution is not completed before the expiration of the 60-day period described by Subsection (e) or any extension under that subsection, the claimant may bring an action against the association in a district court in the county in which the loss that is the subject of the coverage denial occurred. An action brought under this subsection 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.

(g) If a claimant brings an action against the association concerning a partial or full denial of coverage, the court shall abate the action until the notice of intent to bring an action has been provided and, if requested by the association, the dispute has been submitted to alternative dispute resolution, in accordance with this section.

(h) A moderated settlement conference under this section may be conducted by a panel consisting of one or more impartial third parties.

(i) If the association requests mediation under this section, the claimant and the association are responsible in equal shares for paying any costs incurred or charged in connection with the mediation.

(j) If the association requests mediation under this section, and the claimant and the association are able to agree on a mediator, the mediator is the mediator agreed to by the claimant and the association. If the claimant and the association are unable to agree on a mediator, the commissioner shall select a mediator from a roster of qualified mediators maintained by the department. The department may:

(1) require mediators to register with the department as a condition of being placed on the roster; and

(2) charge a reasonable registration fee to defray the cost incurred by the department in maintaining the roster and the commissioner in selecting a mediator under this section.

(k) The commissioner shall establish rules to implement this section, including provisions for expediting alternative dispute resolution, facilitating the ability of a claimant to appear with or without counsel, establishing qualifications necessary for mediators to be placed on the roster maintained by the department under Subsection (j), and providing that formal rules of evidence shall not apply to the proceedings.

Sec. 2210.576. ISSUES BROUGHT TO SUIT; LIMITATIONS ON RECOVERY. (a) The only issues a claimant may raise in an action brought against the association under Section 2210.575 are:

(1) whether the association's denial of coverage was proper; and

(2) the amount of the damages described by Subsection (b) to which the claimant is entitled, if any.

(b) A claimant that brings an action against the association under Section 2210.575 may recover only:

(1) the covered loss payable under the terms of the association policy less, if applicable, the amount of loss already paid by the association for any portion of a covered loss for which the association accepted coverage;

(2) prejudgment interest from the 30th day after the date specified in Section 2210.573(d), at the prejudgment interest rate provided in Subchapter B, Chapter 304, Finance Code; and

(3) court costs and reasonable and necessary attorney's fees.

Sec. 2210.577. LIMITATIONS PERIOD. (a) Notwithstanding any other law, a claimant who brings an action against the association under Section 2210.575 must bring the action not later than the second anniversary of the date on which the person receives a notice described by Section 2210.573(d)(2) or (3).

(b) This section is a statute of repose and controls over any other applicable limitations period.

(39) On page 33, line 23, strike "Sec. 2210.577. TECHNICAL" and substitute "Sec. 2210.578. EXPERT".

(40) On page 33, line 24, strike "technical".

(41) On page 33, lines 25-26, strike "damage to property insured under an association policy" and substitute "a loss to insurable property".

(42) On page 33, line 27, between "tidal surges," and "rising waters", insert "or".

(43) On page 34, line 1, strike ", and wind-driven rain associated with a storm".

(44) On page 34, line 9, between "tidal surges," and "rising waters", insert "or".

(45) On page 34, line 10, strike ", and wind-driven rain associated with a storm".

(46) On page 34, strike lines 13-15.

(47) On page 34, lines 18 and 19, strike "and to provide guidance or other information requested by an independent review panel under Section 2210.576." and substitute ". The cost and expense incurred by the panel associated with the work of the panel under this section shall be paid or reimbursed by the association."

(48) On page 34, strike lines 20-26 and substitute:

(e) At the request of the commissioner, the panel shall recommend to the commissioner methods or models for determining the extent to which a loss to insurable property may be or was incurred as a result of wind, waves, tidal surges, or rising waters not caused by waves or surges for geographic areas or regions designated by the commissioner.

(49) On page 35, line 3, strike "technical".

(50) On page 35, between lines 6 and 7, insert:

(h) In any review of a claim under this subchapter, and in any action brought against the association under Section 2210.575, the guidelines published by the commissioner under Subsection (f) govern the claim and are presumed to be accurate and correct, unless clear and convincing evidence supports a deviation from the guidelines.

(51) Strike page 35, line 7, through page 37, line 14.

(52) On page 37, strike lines 18-23 and substitute:

Sec. 2210.580. RULEMAKING. (a) The commissioner shall adopt rules regarding the provisions of this subchapter, including rules concerning:

(1) qualifications and selection of appraisers for the appraisal procedure, mediators for the mediation process, and members of the expert panel;

(2) procedures and deadlines for the payment and handling of claims by the association as well as the procedures and deadlines for a review of a claim by the association;

(3) notice of expert panel meetings and the transparency of deliberations of the panel; and

(4) any other matters regarding the handling of claims that are not inconsistent with this subchapter.

(b) All rules adopted by the commissioner under this section shall promote the fairness of the process, protect the rights of aggrieved policyholders, and ensure that policyholders may participate in the claims review process without the necessity of engaging legal counsel.

(53) On page 42, line 21, strike "Section 2210.551(e), Insurance Code, is" and substitute "Sections 2210.551(e) and 2210.552, Insurance Code, are".

(54) Strike page 42, line 27, through page 44, line 5, and substitute:

(b) The committee is composed of 12 members appointed as follows:

(1) four members of the senate appointed by the lieutenant governor, two of whom represent one or more first tier coastal counties and two of whom do not represent a first tier coastal county;

(2) four members of the house of representatives appointed by the speaker of the house of representatives, two of whom represent one or more first tier coastal counties and two of whom do not represent a first tier coastal county; and

(3) four public members with a background in actuarial science, law, business, or insurance, as follows:

(A) two members who do not reside in a first tier coastal county, appointed by the governor;

(B) one member who resides in a first tier coastal county, appointed by the lieutenant governor; and

(C) one member who resides in a first tier coastal county, appointed 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, one of whom represents or resides in a first tier coastal county.

(d) The committee shall:

(1) examine alternative ways to provide insurance to the seacoast territory of this state through a quasi-governmental entity, including providing insurance coverage through a system or program in which insurers in this state provide insurance in the seacoast territory of this state in proportion to the percentage of insurance coverage provided in geographic areas of this state other than the seacoast territory;

(2) study the residual markets for windstorm and hail insurance in other states to determine if those markets operate more efficiently and effectively than the residual market for windstorm and hail insurance coverage in this state;

(3) study windstorm-related building codes and mitigation strategies to determine which codes or strategies are most effective;

(4) 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

(5) estimate funding requirements to implement the recommendations.

(55) On page 44, between lines 13 and 14, insert:

(h) This section expires June 1, 2013.

(56) Strike page 44, line 21, through page 46, line 6.

(57) Strike page 46, lines 7-18, and substitute the following appropriately numbered SECTION:

SECTION \_\_\_\_\_. (a) Except as otherwise specifically provided by this section, this Act applies only to a Texas windstorm and hail insurance policy, and to a dispute under a Texas windstorm and hail insurance policy, that is delivered, issued for delivery, or renewed by the Texas Windstorm Insurance Association on or after the 60th day after the effective date of this Act. A Texas windstorm and hail insurance policy, and a dispute under a Texas windstorm and hail insurance policy, that is delivered, issued for delivery, or renewed by the Texas Windstorm Insurance Association before the 60th 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.

(b) The deadline to file a claim under a Texas windstorm and hail insurance policy delivered, issued for delivery, or renewed before the effective date of this Act by the Texas Windstorm Insurance Association is governed by the law in effect on the date the policy under which the claim is filed was delivered, issued for delivery, or renewed, and that law is continued in effect for that purpose.

(c) If a person insured by the Texas Windstorm Insurance Association disputes the amount the association will pay for a partially or fully accepted claim filed by the person, Section 2210.574, Insurance Code, as added by this Act, applies only if the claim is filed on or after the 60th day after the effective date of this Act.

(d) If a person insured by the Texas Windstorm Insurance Association disputes the amount the association will pay for a partially or fully accepted claim filed by the person and the claim is filed before the 60th day after the effective date of this Act:

(1) Section 2210.574, Insurance Code, as added by this Act, does not apply to the resolution of the dispute; and

(2) notwithstanding Section 2210.574, Insurance Code, as added by this Act, or any other provision of this Act, the claimant must attempt to resolve the dispute through the appraisal process contained in the association policy under which the claim is filed before an action may be brought against the Texas Windstorm Insurance Association concerning the claim.

(e) The person insured by the Texas Windstorm Insurance Association and the association may agree that an appraisal conducted under Subsection (d)(2) of this section is binding on the parties.

(f) An action brought against the association concerning a claim described by Subsection (d) of this section shall be abated until the appraisal process under Subsection (d)(2) of this section is completed.

(g) Notwithstanding Sections 2210.575 and 2210.576, Insurance Code, as added by this Act, Subsection (b) of this section, or any other provision of this Act, Sections 2210.576(b)(1)-(3), Insurance Code, apply to any cause of action that accrues against the Texas Windstorm Insurance Association on or after the effective date of this Act and the basis of which is a claim filed under a Texas windstorm and hail policy that is delivered, issued for delivery, or renewed by the association, regardless of the date on which the policy was delivered, issued for delivery, or renewed.

(58) On page 46, line 21, strike "January 1, 2012" and substitute "the 60th day after the effective date of this Act".

(59) Correct cross-references and renumber SECTIONS of the bill accordingly.

**Amendment No. 2**

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

Amend Floor Amendment No. 1 by Smithee to **HB 3** as follows:

- (1) On page 2, line 28, strike "and" and substitute "or".
- (2) On page 8, line 21, strike "department" and substitute "association".
- (3) On page 8, line 25, strike "department" and substitute "association".
- (4) On page 9, line 22, strike "60th day" and substitute "expiration of the limitations period described by Section 2210.557(a), but".
- (5) In Item (38) of the amendment, in added Section 2210.574, Insurance Code, strike Subsections (b) of the section (page 9, line 27 through page 10, line 1) and reletter subsequent subsections of the section and cross references to those subsections accordingly (page 10, lines 2, 14, 15, 18, 21, 24, and 27; page 11 lines 5, 11, 14, 18, 30; and page 12, line 4.
- (6) On page 10, line 3, strike "or (b)".
- (7) On page 10, lines 9-10, strike "periods described by Subsections (a) and (b)" and substitute "period described by Subsection (a)".

Amendment No. 2 was adopted.

Amendment No. 1, as amended, was adopted.

**Amendment No. 3**

Representative L. Taylor offered the following amendment to **HB 3**:

Amend **HB 3** (house committee printing) as follows:

(1) Strike SECTION 8 of the bill (page 6, lines 11-15) and substitute the following appropriately numbered SECTION of the bill:

SECTION \_\_\_\_\_. Section 2210.053, Insurance Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) The department may develop programs to improve the efficient operation of the association, including a program for approving policy forms under Section 2301.010 and a program designed to create incentives for insurers to write windstorm and hail insurance voluntarily to cover property located in a catastrophe area, especially property located on the barrier islands of this state.

(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.

(2) On page 20, line 25, strike "Subsections (c) and (d)" and substitute "Subsections (c), (d), and (e)".

(3) On page 21, following line 27, insert:

(e) The report submitted under this section is for informational purposes only and does not bind the association to a particular course of action.

(4) On page 22, following line 27, insert:

(d) The catastrophe plan submitted under this section is for informational purposes only and does not bind the association to a particular course of action.

(5) Add the following appropriately numbered SECTIONS to the bill:

SECTION \_\_\_\_\_. Section 2210.009(a), Insurance Code, is amended to read as follows:

(a) The department shall maintain a list of all authorized insurers that engage in the business of property and casualty insurance in the voluntary market in the seacoast territory.

SECTION \_\_\_\_\_. Section 2210.259, Insurance Code, is amended by adding Subsection (c) to read as follows:

(c) The commissioner by rule may provide for a discount of, or a credit against, a surcharge assessed under Subsection (a) in instances in which a policyholder demonstrates that the noncompliant structure was constructed with at least one structural building component that complies with the building code standards set forth in the plan of operation.

SECTION \_\_\_\_\_. 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) This section applies only to an insurer that issues windstorm and hail insurance in the catastrophe area, as defined by Section 2210.003.

(b) Notwithstanding Section 16.070, Civil Practice and Remedies Code, and for the purpose described by Section 2210.053(b), a policy form or printed endorsement form for residential or commercial property insurance that is filed by an insurer described by Subsection (a) or adopted by the department under this subchapter for use by an insurer described by Subsection (a) 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.

(c) A policy or endorsement described by Subsection (b) may also 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.

(d) A contractual provision contrary to Subsection (b) or (c) is void. If a contractual provision is voided under this subsection, the voiding of the provision 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.

(e) The department, to encourage the authorized insurers to write windstorm and hail insurance in the catastrophe area, as defined by Section 2210.003, and in other areas of the state, may approve policy or contractual provisions other than those described by Subsections (b) and (c) that are consistent with sound underwriting and insurance principles, provided that the policy or contractual provisions meet the requirements of Sections 2301.007(a) and 2301.053.

(f) An insurer using a policy form or endorsement form in this state that includes a provision described by Subsection (b) or (c) shall, at the time the policy or endorsement is issued or renewed, disclose in writing to an applicant or insured the contractual limitations or claims filing period, as applicable, in the policy or endorsement.



SECTION \_\_\_\_\_. Section 2301.010, 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. 3 was adopted.

#### Amendment No. 4

Representative Smithee offered the following amendment to **HB 3**:

Amend **HB 3** (house committee printing) as follows:

(1) Strike SECTIONS 11-13 of the bill (page 7, line 22, through page 9, line 17) and substitute the following SECTIONS, appropriately numbered:

SECTION \_\_\_\_\_. Section 2210.072, Insurance Code, is amended by amending Subsections (a), (b), and (c) and adding Subsections (b-1), (e), and (f) to read as follows:

(a) Losses not paid under Section 2210.071(b) [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 14 [40] 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:

(1) may be issued on the request of the board of directors with the approval of the commissioner; and

(2) may not, in the aggregate, exceed \$1 billion at any one time, regardless of the calendar year or years in which the outstanding public securities were issued.

(b-1) Public securities described by Subsection (a):

(1) shall be issued as necessary in a principal amount not to exceed \$1 billion per catastrophe year, in the aggregate, for securities issued during that catastrophe year 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, and regardless of whether for a single occurrence or a series of occurrences; and

(2) subject to the \$1 billion maximum described by Subdivision (1), may be issued, in one or more issuances or tranches, during the calendar year in which the occurrence or series of occurrences occurs or, if the public securities cannot reasonably be issued in that year, during the following calendar year.

(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.

(e) The proceeds of any outstanding public securities described by Subsection (a) that are issued before an occurrence or series of occurrences shall be depleted before the proceeds of any securities issued after an occurrence or series of occurrences may be used. This subsection does not prohibit the association from issuing securities after an occurrence or series of occurrences before the proceeds of outstanding public securities issued during a previous catastrophe year have been depleted.

(f) If, under Subsection (e), the proceeds of any outstanding public securities issued during a previous catastrophe year must be depleted, those proceeds shall count against the \$1 billion limit on public securities described by this section in the catastrophe year in which the proceeds must be depleted.

SECTION \_\_\_\_\_. Section 2210.073, Insurance Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) Public securities described by Subsection (a):

(1) may be issued as necessary in a principal amount not to exceed \$1 billion per catastrophe year, in the aggregate, whether for a single occurrence or a series of occurrences; and

(2) subject to the \$1 billion maximum described by Subdivision (1), may be issued, in one or more issuances or tranches, during the calendar year in which the occurrence or series of occurrences occurs or, if the public securities cannot reasonably be issued in that year, during the following calendar year.

(c) 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, Insurance Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) Public securities described by Subsection (a):

(1) may be issued as necessary in a principal amount not to exceed \$500 million per catastrophe year, in the aggregate, whether for a single occurrence or a series of occurrences; and

(2) subject to the \$500 million maximum described by Subdivision (1), may be issued, in one or more issuances or tranches, during the calendar year in which the occurrence or series of occurrences occurs or, if the public securities cannot reasonably be issued in that year, during the following calendar year.

(c) 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 2210.075, Insurance Code, is amended to read as follows:

Sec. 2210.075. REINSURANCE. (a) Before any occurrence or series of occurrences, an insurer may elect to purchase reinsurance to cover an assessment for which the insurer would otherwise be liable under Section 2210.074(c) [2210.074(b)].

(b) An insurer must notify the board of directors, in the manner prescribed by the association whether the insurer will be purchasing reinsurance. If the insurer does not elect to purchase reinsurance under this section, the insurer remains liable for any assessment imposed under Section 2210.074(c) [2210.074(b)].

(2) Renumber the SECTIONS of the bill accordingly.

Amendment No. 4 was adopted.

**Amendment No. 5**

Representative Walle offered the following amendment to **HB 3**:

On page 14, line 23, amend **HB 3** by adding "(c)" between "(a)" and "and"

On page 15, line 3, insert subsection (c) 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."

Representative Smithee moved to table Amendment No. 5.

The motion to table prevailed by (Record 84): 99 Yeas, 39 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; Garza; Geren; Gonzales, L.; Gonzalez; Gooden; 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; Lucio; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Quintanilla; Riddle; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Torres; Truitt; Weber; White; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Burnam; Castro; Coleman; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gutierrez; Hamilton; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; Lozano; Mallory Caraway; Martinez; Martinez Fischer; McClendon; Menendez; Muñoz; Naishtat; Oliveira; Raymond; Reynolds; Ritter; Rodriguez; Thompson; Turner; Veasey; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Frullo; Marquez; Miles; Taylor, V.; Villarreal; Vo; Woolley.

Absent — Davis, Y.; Guillen; Pickett.

**Amendment No. 6**

Representative W. Smith offered the following amendment to **HB 3**:

Amend **HB 3** (house committee printing) as follows:

(1) In the recital to SECTION 24 of the bill, between "by" and "adding" (page 17, lines 10-11), insert "amending Subsection (a) and".

(2) In SECTION 24 of the bill, immediately before added Section 2210.254(e), Insurance Code (page 17, between lines 11 and 12), insert the following:

(a) For purposes of this chapter, a "qualified inspector" includes:

(1) a person determined by the department to be qualified because of training or experience to perform building inspections;

(2) a licensed professional engineer who is on the roster described by Section 1001.652, Occupations Code, and meets the requirements specified by commissioner rule for appointment to conduct windstorm inspections; and

(3) an inspector who:

(A) is certified by the International Code Council, the Building Officials and Code Administrators International, Inc., the International Conference of Building Officials, or the Southern Building Code Congress International, Inc.;

(B) has certifications as a buildings inspector and coastal construction inspector; and

(C) complies with other requirements specified by commissioner rule.

(3) In SECTION 25 of the bill, in the heading to added Section 2210.2551, Insurance Code (page 17, line 16), strike "EXCLUSIVE".

(4) In SECTION 25 of the bill, in added Section 2210.2551(a), Insurance Code (page 17, line 19), between "this chapter" and the underlined period, insert "and to the physical inspection of structures for the purposes of this chapter, including the submission of documents to the department or association regarding the physical inspection of structures".

(5) In SECTION 25 of the bill, in added Section 2210.2551, Insurance Code (page 18, between lines 7 and 8), insert the following:

(d) The department shall report to the Texas Board of Professional Engineers if the department determines that:

(1) after an oversight inspection, the results of a windstorm inspection performed by a qualified inspector who is licensed by that board are based on questionable grounds or were the result of questionable circumstances; or

(2) a qualified inspector on the roster described by Section 1001.652, Occupations Code, failed to submit to the department plans, designs, or calculations of other substantiating information necessary to demonstrate that an inspected structure meets the requirements of this chapter and department rules.

(e) The department shall include in its biennial report to the legislature under Section 32.022 the number of matters reported to the Texas Board of Professional Engineers under this section and the outcome of those matters.

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

SECTION \_\_\_\_\_. Section 2210.251(g), Insurance Code, is amended to read as follows:

(g) The department shall issue a certificate of compliance for each structure that qualifies for coverage. The certificate is evidence of insurability of the structure by the association. The decision whether to issue a certificate of compliance for a structure is wholly within the discretion of the department and is not dependent on the actions of the Texas Board of Professional Engineers or any other regulatory agency.

SECTION \_\_\_\_\_. Section 2210.255(a), Insurance Code, is amended to read as follows:

(a) On request of an engineer who is licensed by the Texas Board of Professional Engineers and is on the roster described by Section 1001.652, Occupations Code, the commissioner shall appoint the engineer as an inspector under this subchapter not later than the 10th day after the date the engineer delivers to the commissioner information demonstrating that the engineer is qualified to perform windstorm inspections under this subchapter.

SECTION \_\_\_\_\_. Chapter 1001, Occupations Code, is amended by adding Subchapter N to read as follows:

#### SUBCHAPTER N. WINDSTORM-RELATED DESIGN SERVICES

Sec. 1001.651. DEFINITIONS. In this subchapter:

(1) "Association" means the Texas Windstorm Insurance Association.

(2) "Plan of operation" means the plan of operation of the association.

(3) "Windstorm certification standards" means the building specifications and building codes applicable to insurable property under Subchapter F, Chapter 2210, Insurance Code, and the plan of operation, and applicable rules of the Texas Department of Insurance.

Sec. 1001.652. QUALIFICATIONS; ROSTER. (a) The board shall:

(1) review the plan of operation and the windstorm certification standards; and

(2) in consultation with the Texas Department of Insurance, adopt rules establishing criteria for determining whether an engineer possesses the knowledge, understanding, and professional competence to be qualified to provide engineering design services related to compliance with applicable windstorm certification standards under Subchapter F, Chapter 2210, Insurance Code.

(b) The board shall prepare and publish a roster of engineers who satisfy the criteria adopted under Subsection (a)(2) and shall make the roster available to the public without cost in an online computer database format.

Sec. 1001.653. COMPLIANCE WITH BUILDING CODES; ENFORCEMENT. (a) The board, in consultation with the Texas Department of Insurance, shall adopt rules requiring an engineer who is providing engineering design services to comply with windstorm certification standards.

(b) The board may inspect a structure to ensure an engineer's compliance with Subsection (a).

(c) If the board determines that an engineer's engineering design services related to windstorm certification standards do not comply with the standards, the board may:

(1) issue an emergency order prohibiting the engineer from entering into a contract to provide design services related to compliance with applicable windstorm certification standards for a period not to exceed 30 days;

(2) remove the engineer from the roster described by Section 1001.652(b); or

(3) determine that a structure was not constructed, altered, remodeled, enlarged, repaired, or added to according to the applicable windstorm certification standards and report that finding to the association and the Texas Department of Insurance.

(d) The board shall give the engineer notice of any action under this section.

(e) A violation of this subchapter, including a violation of the windstorm inspection standards, is grounds for disciplinary action under Section 1001.452.

SECTION \_\_\_\_. Not later than December 1, 2011, the Texas Board of Professional Engineers shall adopt rules to implement Subchapter N, Chapter 1001, Occupations Code, as added by this Act.

Amendment No. 6 was adopted.

#### **Amendment No. 7**

Representative Gallego offered the following amendment to **HB 3**:

Amend **HB 3** by striking page 25, lines 20-27 through page 26, lines 1-7.

Representative Smithee moved to table Amendment No. 7.

The motion to table prevailed by (Record 85): 103 Yeas, 36 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; Dutton; Eissler; Elkins; Fletcher; Flynn; Garza; Geren; Gonzales, L.; Gonzalez; Gooden; Guillen; 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; Lucio; Lyne; Madden; Mallory Caraway; 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; Strama; Taylor, L.; Torres; Truitt; Weber; White; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gutierrez; Hamilton; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; Lozano; Martinez; Martinez Fischer; Menendez; Muñoz; Naishtat; Oliveira; Quintanilla; Raymond; Reynolds; Rodriguez; Thompson; Turner; Veasey; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Frullo; Marquez; Miles; Taylor, V.; Villarreal; Vo; Woolley.

Absent — Dukes; McClendon.

#### **Amendment No. 8**

Representative Eiland offered the following amendment to **HB 3**:

Amend **HB 3** (house committee printing), page 45, lines 14-15, by striking the current Subsection (2) and inserting in lieu thereof the following:

(2) an individual required to register as a lobbyist under Chapter 305, Government Code because of the person's activities for compensation on behalf of a profession or entity related to the operation of the department; or

Amendment No. 8 was adopted.

#### **Amendment No. 9**

Representative Walle offered the following amendment to **HB 3**:

Amend **HB 3** (house committee printing) by striking page 2, lines 4-20, and substituting the following appropriately numbered SECTION of the bill:

SECTION \_\_\_\_ . Section 2210.002(a), Insurance Code, is amended to read as follows:

(a) This chapter may be cited as the Texas Coastal ~~[Windstorm]~~ Insurance Plan ~~[Association]~~ Act. A reference to the Texas Windstorm Insurance Association Act means this chapter.

Amendment No. 9 was adopted.

#### **Amendment No. 10**

Representative Hernandez Luna offered the following amendment to **HB 3**:

On page 6, line 11, amend **HB 3** by adding a new section to read as follows and renumber subsequent sections accordingly:

Section \_\_\_\_ . Section 2210.051, Insurance Code, is amended by adding Subsection (d) to read as follows:

(d) an insurer that is a member of the association shall offer windstorm and hail insurance in all geographic areas where the member insurer offered windstorm and hail insurance on September 1, 2011.

Representative Smithee moved to table Amendment No. 10.

The motion to table prevailed by (Record 86): 98 Yeas, 43 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; Garza; Geren; Gonzales, L.; Gonzalez; Gooden; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hochberg; 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; Riddle; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Torres; Truitt; Weber; White; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Guillen; Gutierrez; Hamilton; Hernandez Luna; Howard, D.; Hunter; Johnson; Lozano; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McClendon; Menendez; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Thompson; Turner; Veasey; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Frullo; Marquez; Miles; Taylor, V.; Villarreal; Vo; Woolley.

#### **Amendment No. 11**

Representative Sheets offered the following amendment to **HB 3**:

Amend **HB 3** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_ . Section 2210.502, Insurance Code, is amended by adding Subsection (e) to read as follows:

(e) Notwithstanding Subsection (a), the maximum liability limit for dwellings and corporeal movable property described by Section 2210.501(b)(1) may not exceed \$1.5 million.

Amendment No. 11 was adopted by (Record 87): 77 Yeas, 61 Nays, 1 Present, not voting.

Yeas — Allen; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Carter; Chisum; Craddick; Creighton; Crownover; Darby; Davis, S.; Davis, Y.; Driver; Dukes; Elkins; Fletcher; Flynn; Gonzales, L.; Gonzalez; Gooden; Hancock; Hardcastle; Harper-Brown; Hartnett; Howard, C.; Hughes; Isaac; Keffer; King, P.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Lewis; Lyne; Madden; Mallory Caraway; Margo; McClendon; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Reynolds; Riddle; Schwertner; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Truitt; Turner; Weber; White; Workman.



Nays — Aliseda; Alvarado; Bonnen; Burnam; Button; Cain; Callegari; Castro; Christian; Coleman; Cook; Davis, J.; Deshotel; Dutton; Eiland; Eissler; Farias; Farrar; Gallego; Garza; Geren; Giddings; Gonzales, V.; Guillen; Gutierrez; Hamilton; Harless; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, D.; Huberty; Hunter; Johnson; King, S.; King, T.; Legler; Lozano; Lucio; Martinez; Martinez Fischer; Menendez; Miller, D.; Miller, S.; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Ritter; Rodriguez; Scott; Strama; Taylor, L.; Thompson; Torres; Veasey; Walle; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Frullo; Marquez; Miles; Taylor, V.; Villarreal; Vo; Woolley.

Absent — Alonzo; Jackson; Zedler.

**STATEMENTS OF VOTE**

I was shown voting yes on Record No. 87. I intended to vote no.

Bohac

I was shown voting yes on Record No. 87. I intended to vote no.

W. Smith

**Amendment No. 12**

Representative Castro offered the following amendment to **HB 3**:

Amend **HB 3** as follows:

Page 23, line 15, insert the following new section and renumber subsequent sections accordingly:

SECTION \_\_\_\_\_. Subchapter L, Chapter 2210, Insurance Code, is amended by adding Section 2210.5510 to read as follows:

Sec. 2210.5510. 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 5 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. 12.

The motion to table prevailed by (Record 88): 99 Yeas, 40 Nays, 1 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; 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; Lyne; Madden; 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; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Torres; Truitt; Weber; White; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Bohac; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; Lozano; Mallory Caraway; Martinez; Martinez Fischer; McClendon; Menendez; Muñoz; Naishtat; Oliveira; Quintanilla; Raymond; Reynolds; Rodriguez; Thompson; Turner; Veasey; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Frullo; Marquez; Miles; Taylor, V.; Villarreal; Vo; Woolley.

Absent — Lucio; Nash.

### STATEMENT OF VOTE

When Record No. 88 was taken, I was in the house but away from my desk. I would have voted yes.

Lucio

### Amendment No. 13

Representative L. Taylor offered the following amendment to **HB 3**:

Amend **HB 3** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 2210.608, Insurance Code, is amended by adding Subsection (c) to read as follows:

(c) Notwithstanding Subsection (a)(2), the proceeds from public securities issued under Section 2210.072 before an occurrence or series of occurrences that results in incurred losses, including investment income, may not be used to purchase reinsurance for the association.

Amendment No. 13 was adopted.

**HB 3**, as amended, was passed to engrossment by (Record 89): 99 Yeas, 41 Nays, 1 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; Garza; Geren; Gonzales, L.; Gonzalez; Gooden; Guillen; 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; Lucio; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Quintanilla; Riddle; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Torres; Truitt; Weber; White; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gutierrez; Hamilton; 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; Veasey; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Frullo; Marquez; Miles; Taylor, V.; Villarreal; Vo; Woolley.

Absent — Aycock.

### **HB 5 ON SECOND READING (by Kolkhorst and Creighton)**

**HB 5**, A bill to be entitled An Act relating to the Interstate Health Care Compact.

### **HB 5 - POINT OF ORDER**

Representative Coleman raised a point of order against further consideration of **HB 5** under Rule 4, Section 32(c)(1) of the House Rules on the grounds that the bill analysis is incorrect.

The speaker overruled the point of order.

(Anchia and Marquez now present)

**Amendment No. 1**

Representatives Turner and Eiland offered the following amendment to **HB 5**:

Amend **HB 5** (house committee printing) on page 8, between lines 18 and 19, by inserting:

Sec. 5002.002. IMPLEMENTATION IN TEXAS. The legislature may not implement the Interstate Health Care Compact in any manner that negatively affects or impacts any entitlement to Medicare benefits to senior adults in this state.

Amendment No. 1 was adopted by (Record 90): 132 Yeas, 8 Nays, 1 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; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Gallego; Geren; 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.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; Menendez; Miller, D.; Miller, S.; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, W.; Smithee; Solomons; Taylor, L.; Thompson; Torres; Truitt; Turner; Veasey; Walle; White; Workman; Zedler; Zerwas.

Nays — Alvarado; Dukes; Garza; Hartnett; Lyne; McClendon; Strama; Weber.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Frullo; Miles; Taylor, V.; Villarreal; Vo; Woolley.

Absent — Hernandez Luna; Morrison; Smith, T.

**STATEMENTS OF VOTE**

I was shown voting no on Record No. 90. I intended to vote yes.

Alvarado

I was shown voting no on Record No. 90. I intended to vote yes.

Dukes

I was shown voting no on Record No. 90. I intended to vote yes.

Garza

I was shown voting no on Record No. 90. I intended to vote yes.

Lyne

I was shown voting no on Record No. 90. I intended to vote yes.

Strama

I was shown voting no on Record No. 90. I intended to vote yes.

Weber

**HB 5**, as amended, was passed to engrossment by (Record 91): 97 Yeas, 43 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; Eiland; Eissler; Elkins; Farrar; Fletcher; Flynn; 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.; Truitt; Weber; White; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Farias; 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; Peña; Pickett; Quintanilla; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Frullo; Miles; Taylor, V.; Villarreal; Vo; Woolley.

Absent — Burnam; Raymond; Torres.

**STATEMENTS OF VOTE**

I was shown voting yes on Record No. 91. I intended to vote no.

Farrar

When Record No. 91 was taken, I was temporarily out of the house chamber. I would have voted yes.

Torres

### PROVIDING FOR ADJOURNMENT

Representative Bonnen 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 in memory of Stanley Joseph LaChance of Lake Jackson.

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.)

(C. Anderson in the chair)

### ADJOURNMENT

In accordance with a previous motion, the house, at 1:57 p.m., adjourned until 10 a.m. tomorrow.

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### ADDENDUM

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### 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

**HR 76** (By Quintanilla), In memory of U.S. Army Corporal Eduardo Pedregon of El Paso, who gave his life while fighting in the Korean War.

To Rules and Resolutions.

**HR 77** (By Craddick), Congratulating Billie Ann and Kenneth Baker of Midland on their 65th wedding anniversary.

To Rules and Resolutions.

**HR 78** (By Workman), Congratulating Neal White on earning first place in extemporaneous informative speaking at the 2011 UIL Conference 4A State Academics Spring Meet.

To Rules and Resolutions.

**HR 79** (By Workman), Congratulating James Bounds on earning the top score on the physics portion of the science contest at the 2011 UIL Conference 4A State Academics Spring Meet.

To Rules and Resolutions.

**HR 80** (By Larson), In memory of Steven F. Gehrlein of San Antonio.

To Rules and Resolutions.

**HR 81** (By Guillen), Honoring the life and work of Dr. Mamiliano Juan Rodriguez.

To Rules and Resolutions.

**HR 82** (By Guillen), Congratulating Cruz Garza, Jr., on his retirement from Rio Grande City High School.

To Rules and Resolutions.

**HR 83** (By Guillen), Honoring Gilberto Amado Hinojosa, Sr., of Benavides, for his service to Duval County.

To Rules and Resolutions.

**HR 84** (By Guillen), In memory of Lino Perez, Jr., of Rio Grande City.

To Rules and Resolutions.

**HR 85** (By Craddick), Congratulating Jack and Barbara Pallick of Midland on their 50th wedding anniversary.

To Rules and Resolutions.

**HR 86** (By Craddick), Congratulating L. G. and Willie Atchley on their 70th wedding anniversary.

To Rules and Resolutions.

**HR 87** (By Burkett), Congratulating Scott Coulson on his retirement as band director of Poteet High School in Mesquite.

To Rules and Resolutions.

**HR 88** (By Rodriguez), Commending Alda Santana for her service as senior legislative assistant in the office of State Representative Eddie Rodriguez.

To Rules and Resolutions.

**HR 89** (By Guillen), Honoring Jovita Rebecca Guevara of Jovita's Beauty Salon in Benavides.

To Rules and Resolutions.

**HR 90** (By Gooden), Congratulating Hunter Pritchett of Quinlan on attaining the rank of Eagle Scout.

To Rules and Resolutions.

**HR 91** (By Y. Davis), Congratulating Patricia Barton of Dallas and LaJuana Barton of DeSoto on the publication of Faithful Remembrances Volume I.

To Rules and Resolutions.

**HR 92** (By Hughes), In memory of the Honorable Ed Hunt of Mineola.

To Rules and Resolutions.

**HR 93** (By Hughes), In memory of U.S. Army Chief Warrant Officer 2 Bradley Justin Gaudet of Gladewater.

To Rules and Resolutions.

**HR 94** (By Craddick), Congratulating Floretta and Wilbern Peden of Midland on their 60th wedding anniversary.

To Rules and Resolutions.

**HR 95** (By Craddick), Congratulating Jim and Marilyn Clanahan of Midland on their 60th wedding anniversary.

To Rules and Resolutions.

**HR 96** (By Truitt), Congratulating Chief Robert Finn on his retirement from the police services division of the Southlake Department of Public Safety.

To Rules and Resolutions.

**HR 97** (By Larson), In memory of George Vernon Wright, Jr., of San Antonio.

To Rules and Resolutions.

**HR 98** (By Guillen), Paying tribute to the lives of Ramiro and Hortencia "Nena" Hinojosa of Starr County.

To Rules and Resolutions.

**HR 99** (By Guillen), Honoring the life and legacy of former Starr County sheriff Reymundo Alvarez.

To Rules and Resolutions.

**HR 100** (By Guillen), Commending the Honorable Jose Benito Canales for more than 30 years of service as justice of the peace of Precinct 4 of Duval County.

To Rules and Resolutions.

**HR 101** (By Alonzo), Paying tribute to Rodolfo, Marcos, Alejandro, Vicente, Jose, and Arturo Torres for their service in the armed forces of the United States of America.

To Rules and Resolutions.

**HR 103** (By Aliseda), Congratulating Tina Marie Garza on her graduation from The University of Texas at Austin.

To Rules and Resolutions.

**HR 107** (By McClendon), In memory of the Reverend R. A. Callies of San Antonio.

To Rules and Resolutions.

**HR 108** (By Madden), Commending Harry LaRosiliere for his service as a member of the Plano City Council.

To Rules and Resolutions.

**HR 109** (By Madden), Commending Jean Callison for her service on the Plano City Council.

To Rules and Resolutions.

**HR 110** (By Button), Congratulating the Methodist Richardson Foundation on the success of its 2011 WildRide! WildRun! Against Cancer.

To Rules and Resolutions.

**HR 111** (By Button), Honoring Richland College on its designation as a two-year National Center of Academic Excellence in Information Assurance Education.

To Rules and Resolutions.



**HR 112** (By Guillen), Honoring Elida "Lela" Gutierrez Garcia of Benavides for her longtime service to area residents as the owner of Lela's Beauty Shop.

To Rules and Resolutions.

**HR 113** (By Guillen), In memory of Manuel P. Guillen of Rio Grande City.

To Rules and Resolutions.

**HR 114** (By Guillen), Recognizing Dr. Roberto S. Margo of Rio Grande City for his service as a veterinarian.

To Rules and Resolutions.

**HR 116** (By Guillen), In memory of Javier "J. V." Villanueva of Duval County.

To Rules and Resolutions.

**HR 117** (By Guillen), In memory of former Starr County judge Blas Chapa of Mission.

To Rules and Resolutions.

**HR 118** (By Guillen), Paying tribute to the life and legacy of Dr. Ramiro Narro of Weslaco.

To Rules and Resolutions.

**HR 119** (By Guillen), Commemorating the 30th anniversary of the Liberty Cafe in Freer.

To Rules and Resolutions.

**HR 120** (By Guillen), Commending Edna and Arnolando Cantu of Freer for their contributions to their community.

To Rules and Resolutions.

**HR 121** (By Guillen), Honoring Francisco Guerra, Jr., of Starr County for his achievements in business.

To Rules and Resolutions.

**HR 122** (By Margo), Honoring Sun Metro on its receipt of a 2011 Outstanding Public Transportation System award by the American Public Transportation Association.

To Rules and Resolutions.

**HR 123** (By Margo), Congratulating retired Brigadier General Richard A. Behrenhausen and Elizabeth Behrenhausen of El Paso on their 50th wedding anniversary.

To Rules and Resolutions.

**HR 124** (By Burkett), Congratulating the baseball team of Eastfield College in Mesquite on winning the NJCAA Division III World Series.

To Rules and Resolutions.

**HR 125** (By Naishtat), Honoring the Center for Public Policy Priorities on its 25th anniversary.

To Rules and Resolutions.

**HR 126** (By Gooden), Congratulating William Noah Bankston on attaining the rank of Eagle Scout.

To Rules and Resolutions.

**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, June 15, 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 9** Williams

Relating to the enforcement of state and federal laws governing immigration by certain governmental entities and the administration of certain documentation of citizenship status and other lawful admittance by the Department of Public Safety of the State of Texas.

Respectfully,

Patsy Spaw

Secretary of the Senate

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**APPENDIX**

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**STANDING COMMITTEE REPORTS**

Favorable reports have been filed by committees as follows:

**June 14**

Judiciary and Civil Jurisprudence - **HB 79**

Public Education - **HB 72, SB 8**

**ENGROSSED**

**June 14 - HB 13, HB 18**



