

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SIXTY-SEVENTH DAY — TUESDAY, MAY 3, 2011

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

The roll of the house was called and a quorum was announced present (Record 629).

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

LEAVES OF ABSENCE GRANTED

On motion of Representative McClendon and by unanimous consent, all members who were granted leaves of absence on the previous legislative day were granted leaves for this legislative day.

RULES SUSPENDED

Representative McClendon moved to suspend all necessary rules to take up and consider at this time, on third reading and final passage, the bills on the local, consent, and resolutions calendar which were considered on the previous legislative day.

The motion prevailed.

MOTION FOR ONE RECORD VOTE

On motion of Representative McClendon and by unanimous consent, the house agreed to use the first record vote taken for all those bills on the local, consent, and resolutions calendar that require a record vote on third reading and final passage, with the understanding that a member may record an individual vote on any bill with the journal clerk.

LOCAL, CONSENT, AND RESOLUTIONS CALENDAR THIRD READING

The following bills which were considered on second reading on the previous legislative day on the local, consent, and resolutions calendar were laid before the house, read third time, and passed by the following record vote (members registering votes and the results of the vote are shown following bill number).

(Record 630): 144 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker.

Absent — Eiland; Martinez Fischer; Miles; Villarreal; Zedler.

STATEMENT OF VOTE

When Record No. 630 was taken, my vote failed to register. I would have voted yes.

Miles

HB 114 (Frullo - no) (143 - 1 - 1)

HB 554 (Berman, Cain, Flynn, Isaac, Landtroop, Perry, Simpson, and White - no) (136 - 8 - 1)

HB 557 (Aycock, Frullo, and Kolkhorst - no) (141 - 3 - 1)

HB 592

HB 633

SB 398

SB 410 (Phillips - present, not voting) (143 - 0 - 2)

HB 1113 (Aycock - no) (143 - 1 - 1)

HB 1199 (Aycock, Chisum, Creighton, and Pitts - no) (140 - 4 - 1)

HB 1224 (Landtroop, Perry, and Simpson - no) (141 - 3 - 1)

SB 483

HB 1253 (Aycock and Paxton - no) (142 - 2 - 1)

HB 1291

HB 1314

HB 1345 (Chisum, Frullo, and Pitts - no) (141 - 3 - 1)

HB 1401 (Cain and White - no) (142 - 2 - 1)

HB 1402

HB 1615

HB 1622 (Cain and White - no) (142 - 2 - 1)

HB 1643

HB 1789 (Aycock, Berman, Cain, Chisum, Flynn, Frullo, Harless, Harper-Brown, P. King, Kolkhorst, Laubenberg, Lewis, Paxton, Phillips, Pitts, Shelton, Solomons, and White - no) (126 - 18 - 1)

HB 1805 (Cain and White - no) (142 - 2 - 1)

HB 1830

HB 1959 (Cain and White - no) (142 - 2 - 1)

SB 1258

HB 2028 (Aycock, Berman, Flynn, Frullo, Harless, Isaac, Kolkhorst, Paxton, and White - no) (135 - 9 - 1)

HB 2069

SB 428

HB 2189 (Laubenberg and Simpson - no) (142 - 2 - 1)

HB 2256

HB 2265 (Aycock, Frullo, and Paxton - no) (141 - 3 - 1)

HB 2280 (Aycock, Cain, and White - no) (141 - 3 - 1)

HB 2310 (White - no) (143 - 1 - 1)

HB 2312 (Aycock, Chisum, Creighton, Landtroop, Paxton, Perry, Pitts, Sheffield, and Simpson - no) (135 - 9 - 1)

HB 2313 (Isaac and Simpson - no) (142 - 2 - 1)

HB 2370

HB 2387 (Kolkhorst - no) (143 - 1 - 1)

HB 2393

HB 2422 (Aycock, Chisum, Creighton, Landtroop, Perry, Pitts, and Simpson - no) (137 - 7 - 1)

HB 2471

HB 2490 (C. Anderson, Aycock, Berman, Chisum, Creighton, Flynn, Kleinschmidt, Phillips, and Pitts - no) (135 - 9 - 1)

HB 2516 (Aycock and Lewis - no) (142 - 2 - 1)

HB 2519

HB 2628

SB 1269 (White - no) (143 - 1 - 1)

HB 2630

HB 2643 (Simpson and White - no) (142 - 2 - 1)

HB 2711

HB 2727 (C. Anderson, Berman, Cain, Creighton, Flynn, Harless, Harper-Brown, Isaac, Kleinschmidt, Kolkhorst, Kuempel, Landtroop, Lewis, Perry, Phillips, Simpson, Weber, and White - no) (126 - 18 - 1)

HB 2758 (White - no) (143 - 1 - 1)

HB 2770

HB 2790

HB 2847

HB 2851

HB 2853 (Isaac, Kolkhorst, Landtroop, Perry, Simpson, and Weber - no) (138 - 6 - 1)

HB 2911 (Weber - present, not voting) (143 - 0 - 2)

HB 2978 (Bohac, Laubenberg, Paxton, and White - no) (140 - 4 - 1)

HB 2981 (White - no) (143 - 1 - 1)

HB 2999 (Weber - present, not voting) (143 - 0 - 2)

HB 3076 (Berman and Flynn - no) (142 - 2 - 1)

HB 3033 (Weber - present, not voting) (143 - 0 - 2)

HB 3093

HB 3099

HB 3146

HB 3179

SB 1147

HB 3207

HB 3246 (Cain and White - no) (142 - 2 - 1)

HB 3270

HB 3307

HB 3309 (Cain, Kolkhorst, Landtroop, Perry, and White - no) (139 - 5 - 1)

HB 3342

HB 3384 (Harper-Brown, Phillips, and White - no) (141 - 3 - 1)

HB 3409

HB 3478

HB 3547

HB 3570

HB 3616

HB 3674

HB 3708 (Weber - present, not voting) (143 - 0 - 2)

HB 3814

HB 3815

HB 3818

HB 3819

HB 3821

HB 3827

HB 3828

HB 3831

HB 3834

HB 3835

HB 3836

HB 3847 (Cain - no; Phillips - present, not voting) (142 - 1 - 2)

HB 3857

The following resolutions which were laid out on the previous legislative day on the local, consent, and resolutions calendar were adopted by the above referenced vote (Record 630): 144 Yeas, 0 Nays, 1 Present, not voting (members registering votes and the results of the vote are shown following bill number).

HCR 42

HR 306

REGULAR ORDER OF BUSINESS SUSPENDED

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

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 21).

MAJOR STATE CALENDAR

HOUSE BILLS

THIRD READING

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

HB 2608 ON THIRD READING

(by Harper-Brown)

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

Amendment No. 1

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

Amend **HB 2608** on third reading as follows:

(1) In ARTICLE 1 of the bill, strike SECTION 1.08 (second reading engrossment, page 4, line 16, through page 5, line 24) and substitute the following:

SECTION 1.08. Subchapter H, Chapter 2306, Government Code, is amended by adding Section 2306.1875 to read as follows:

Sec. 2306.1875. ENERGY EFFICIENCY MEASURES: MANDATORY DISCLOSURE AND TRAINING. (a) An energy service provider that, in connection with the provision of any energy conservation and efficiency measures required under Section 2306.187 or in connection with the provision of weatherization measures under a program described by Section 2306.097 or another program administered by the department, recommends any energy efficiency measure, including a weatherization measure, to a consumer must provide to the consumer a written disclosure regarding whether the provider receives or has received any financial or other benefit from recommending energy efficiency measures to consumers. The disclosure must specify any particular energy efficiency measure with respect to which the provider receives or has received a financial or other benefit, regardless of whether the provider makes a specific recommendation regarding that measure to the consumer.

(b) Each person who performs state-funded or federally funded energy or green facility audits, energy code inspections, energy performance testing, or other energy efficiency or green analyses or evaluations of single-family or multifamily dwellings in connection with the provision of any energy conservation and efficiency measures or weatherization measures described by Subsection (a) or who awards energy ratings with respect to the provision of

those measures must be an independent third party without any direct or indirect financial or other interest in the services performed, other than direct compensation for those services.

(c) Each person providing services described by Subsection (b) is entitled to independently inspect, test, and analyze building systems and equipment to evaluate factors relating to energy efficiency, energy usage, or carbon emissions or other factors in order to determine the appropriate energy or green conservation measures or improvements or to make other related recommendations or perform other related actions.

(d) Each person providing services described by Subsection (b) must complete appropriate training from a training organization that is approved by the department and that is accredited by an industry organization or a state or federal governmental entity that has written standards, an ethics policy, and an industry-acceptable quality control policy and process.

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

SECTION 5.____. The change in law made by this Act in adding Section 2306.1875, Government Code, does not affect an energy audit or analysis or energy testing performed or an energy rating awarded before the effective date of this Act. An energy audit or analysis or energy testing performed or an energy rating awarded before the effective date of this Act is governed by the law in effect on the date the audit, analysis, or testing was performed or the rating was awarded, and the former law is continued in effect for that purpose.

(3) In ARTICLE 6 of the bill, strike SECTION 6.01 (second reading engrossment, page 30, line 3) and substitute the following:

SECTION 6.01. (a) Except as provided by Subsection (b) of this section, this Act takes effect September 1, 2011.

(b) Section 2306.1875, Government Code, as added by this Act, takes effect April 1, 2012.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Turner offered the following amendment to **HB 2608**:

Amend **HB 2608** on third reading as follows:

(1) On page 8, between lines 17 and 18, insert the following:

(d) In developing the plan under this section the department and the Texas Department of Rural Affairs shall seek from county judges and mayors in areas impacted by large-scale natural disasters input regarding the development of future methods of distributing federal funding for long-term disaster recovery.

(2) On page 8, line 18, strike "(d)" and substitute "(e)".

(3) On page 8, line 20, strike "(e)" and substitute "(f)".

Amendment No. 2 was adopted.

Amendment No. 3

Representative Bohac offered the following amendment to **HB 2608**:

Amend **HB 2608** on third reading by adding the following appropriately numbered SECTION to ARTICLE 3 of the bill and renumbering subsequent SECTIONS of the ARTICLE accordingly:

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

(f) The board may allocate housing tax credits to more than one development in a single community, as defined by department rule, in the same calendar year only if the developments are or will be located more than two [~~one~~] linear miles [~~mile~~] apart. This subsection applies only to communities contained within counties with populations exceeding one million.

Amendment No. 3 was adopted.

HB 2608, as amended, was passed by (Record 631): 144 Yeas, 5 Nays, 1 Present, not voting.

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

Nays — Isaac; Landtroop; Lavender; Perry; Simpson.

Present, not voting — Mr. Speaker.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 631. I intended to vote no.

Gooden

I was shown voting yes on Record No. 631. I intended to vote no.

Hunter

I was shown voting yes on Record No. 631. I intended to vote no.

Laubenberg

**MAJOR STATE CALENDAR
SENATE BILLS
THIRD READING**

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

**SB 655 ON THIRD READING
(Keffer - House Sponsor)**

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

Amendment No. 1

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

Amend **SB 655** on third reading by striking the SECTION of the bill adding Section 551.091, Government Code, as added on second reading by Amendment No. 37 by P. King.

AMENDMENT NO. 1 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE P. KING: Mr. Speaker, members—members, if I could get your attention, yesterday, late in the day I put in an amendment on that is intended to fix what is a, I think, systemic problem that the railroad commissioners have been forced to live under. And if you can imagine being three people running an organization that can never sit down and say, "What are you thinking about this," or brainstorm, or discuss, unless they do it in a public hearing, during a formal setting where they are taking evidence. It's just an impossible way to run an organization. I attempted to do an amendment that would let them do what a lot of our agencies do—go into executive session to discuss matters to try to correct that. It would put them under the open government code, where we have very specific procedures for that. I think it's one of those things that seemed like a good idea at the time but after discussing it with you and thinking through it through the night, I think it is the wrong fix for a problem that does need fixing. And so, with your permission, I would like to withdraw that amendment. We'll have to vote to do that so that—I don't want anybody ever saying that any member of this house ever voted for anything to allow an agency to do something in secret. And my concern is that if someone would misconstrue this and say that we voted to do something in secret and I don't want to let that happen. And so, with your permission, I would like to adopt this amendment.

Amendment No. 1 was adopted.

REMARKS ORDERED PRINTED

Representative P. King moved to print remarks on Amendment No. 1.

The motion prevailed.

Amendment No. 2

Representative Turner offered the following amendment to **SB 655**:

Amend, on 3rd reading, the Turner Amendment No. ____ to **CSSB 655**, and adopted on 2nd reading, as follows:

(1) Strike added Subsections (a) to (e) of Section ____, and substitute:

(a) The Texas Oil and Gas Commission shall conduct a study of the treatment of tax expenses for the purpose of computing gas utility rates under Subchapter B, Chapter 104, Utilities Code, so the commission can ensure that ratepayers receive the full benefit of all federal income tax deductions and credits included in the gas utility or its affiliated group in the filing of a consolidated federal income tax return.

(b) The Texas Oil and Gas Commission in conducting the study shall examine the extent to which federal income tax law limits the consideration of federal income tax issues in computing gas utility rates under Subchapter B, Chapter 104, Utilities Code.

(c) The Texas Oil and Gas Commission shall report the results of the study conducted under this section to the governor, the lieutenant governor, and the speaker of the house of representatives not later than December 1, 2012.

(d) This section expires December 1, 2012.

Amendment No. 2 was adopted. (Weber recorded voting no.)

Amendment No. 3

Representative Strama offered the following amendment to **SB 655**:

Amend **SB 655** on third reading in the SECTION of the bill adding Subchapter S, Chapter 91, Natural Resources Code, as follows:

(1) Strike added Section 91.902(1)(C), Natural Resources Code, and substitute the following:

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

(2) Strike added Section 91.903, Natural Resources Code, and substitute the following:

Sec. 91.903. RELOCATION OF SALTWATER PIPELINE FACILITY FOR CERTAIN PURPOSES. (a) The Texas Transportation Commission may require a saltwater pipeline operator to relocate a saltwater pipeline facility at the cost of the saltwater pipeline operator to accommodate construction or expansion of a public road if the saltwater pipeline operator does not have a property interest in the land occupied by the saltwater pipeline facility to be relocated.

(b) The Texas Transportation Commission shall notify the saltwater pipeline operator of the relocation requirement and may not require the operator to relocate the saltwater pipeline facility before the 180th day after the date the operator receives the notice. The notice must identify the saltwater pipeline facility to be relocated and indicate the location on the new right-of-way where the saltwater pipeline operator may place the saltwater pipeline facility.

Amendment No. 3 was adopted.

SB 655, as amended, was passed by (Record 632): 148 Yeas, 0 Nays, 2 Present, not voting.

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

Present, not voting — Mr. Speaker; Chisum.

**GENERAL STATE CALENDAR
HOUSE BILLS
THIRD READING**

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

**HB 2494 ON THIRD READING
(by Legler, et al.)**

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

Representative Legler moved to postpone consideration of **HB 2494** until the end of postponed business on today's calendar.

The motion prevailed.

**HB 90 ON THIRD READING
(by Cook)**

HB 90, A bill to be entitled An Act relating to the minimum age and education requirements necessary to obtain a hardship license.

HB 90 was passed by (Record 633): 135 Yeas, 13 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo;

Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; White; Woolley(C); Workman; Zedler; Zerwas.

Nays — Bonnen; Burkett; Hilderbran; Landtroop; Larson; Marquez; Orr; Otto; Perry; Riddle; Simpson; Smithee; Weber.

Present, not voting — Mr. Speaker.

Absent — Gallego.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 633. I intended to vote no.

Garza

I was shown voting no on Record No. 633. I intended to vote yes.

Marquez

HB 123 ON THIRD READING (by Veasey and Alonzo)

HB 123, A bill to be entitled An Act relating to an adult diabetes education program in certain county hospital systems and hospital districts.

HB 123 was passed by (Record 634): 147 Yeas, 2 Nays, 1 Present, not voting.

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

Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; White; Woolley(C); Workman; Zedler; Zerwas.

Nays — Frullo; Weber.

Present, not voting — Mr. Speaker.

STATEMENT OF VOTE

I was shown voting yes on Record No. 634. I intended to vote no.

Torres

POSTPONED BUSINESS

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

SB 396 ON SECOND READING (Marquez - House Sponsor)

SB 396, A bill to be entitled An Act relating to the state fire marshal's investigation of the death of a firefighter who dies in the line of duty or in connection with an on-duty incident.

SB 396 was considered in lieu of **HB 956**.

SB 396 was read second time and was passed to third reading by (Record 635): 145 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker.

Absent — Eissler; Elkins; Gonzales, V.; Menendez.

STATEMENTS OF VOTE

When Record No. 635 was taken, I was in the house but away from my desk. I would have voted yes.

Eissler

When Record No. 635 was taken, I was in the house but away from my desk. I would have voted yes.

Menendez

HB 956 - LAID ON THE TABLE SUBJECT TO CALL

Representative Marquez moved to lay **HB 956** on the table subject to call.

The motion prevailed.

SB 934 ON SECOND READING

(Hilderbran - House Sponsor)

SB 934, A bill to be entitled An Act relating to the enforcement of tax laws; providing a criminal penalty.

SB 934 was considered in lieu of **CSHB 255**.

SB 934 was read second time and was passed to third reading.

CSHB 255 - LAID ON THE TABLE SUBJECT TO CALL

Representative Hilderbran moved to lay **CSHB 255** on the table subject to call.

The motion prevailed.

SB 1086 ON SECOND READING

(Hardcastle - House Sponsor)

SB 1086, A bill to be entitled An Act relating to the operation by the Department of Agriculture of programs for rural economic development and the marketing and promotion of agricultural and other products grown, processed, or produced in this state.

SB 1086 was considered in lieu of **CSHB 2334**.

SB 1086 was read second time and was passed to third reading by (Record 636): 133 Yeas, 14 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Aycoc; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Lewis; Lozano; Lucio; Lyne;

Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Scott; Sheets; Sheffield; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Woolley(C); Workman; Zerwas.

Nays — Anderson, C.; Callegari; Creighton; Flynn; King, P.; Legler; Miller, D.; Miller, S.; Schwertner; Shelton; Simpson; Weber; White; Zedler.

Present, not voting — Mr. Speaker.

Absent — Guillen; Morrison.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 636. I intended to vote no.

Cain

I was shown voting yes on Record No. 636. I intended to vote no.

Laubenberg

I was shown voting no on Record No. 636. I intended to vote yes.

D. Miller

When Record No. 636 was taken, I was in the house but away from my desk. I would have voted yes.

Morrison

I was shown voting no on Record No. 636. I intended to vote yes.

Shelton

CSHB 2334 - LAID ON THE TABLE SUBJECT TO CALL

Representative Hardcastle moved to lay **CSHB 2334** on the table subject to call.

The motion prevailed.

HB 1250 ON SECOND READING

(by Frullo)

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

HB 1250 was read second time on April 26 and was postponed until 9 a.m. today.

Representative Frullo moved to postpone consideration of **HB 1250** until 9 a.m. Friday, May 6.

The motion prevailed.

HJR 122 ON SECOND READING**(by Legler)**

HJR 122, A joint resolution proposing a constitutional amendment authorizing garnishment of wages for the recovery of fraudulently obtained unemployment benefits.

HJR 122 was read second time on May 2 and was postponed until 9 a.m. today.

HJR 122 - POINT OF ORDER

Representative Alonzo raised a point of order against further consideration of **HJR 122** under Rule 4, Section 32(c)(1) of the House Rules on the grounds that the bill analysis is incorrect.

The chair overruled the point of order.

Amendment No. 1

Representative Solomons offered the following amendment to **HJR 122**:

Amend **HJR 122** (house committee printing) by striking page 1, lines 7-13 and substituting:

Sec. 28. No current wages for personal service shall ever be subject to garnishment, except for the enforcement of court-ordered:

- (1) child support payments; [~~or~~]
- (2) spousal maintenance; or
- (3) recovery of fraudulently obtained unemployment benefits.

Amendment No. 1 was adopted.

HJR 122, as amended, was passed to engrossment by (Record 637): 86 Yeas, 56 Nays, 1 Present, not voting.

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

Nays — Allen; Alonzo; Alvarado; Anchia; Brown; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hamilton; Hernandez Luna; Hilderbran; Hochberg; Howard, D.; Johnson; King, T.; Landtroop; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McClendon;

Menendez; Miles; Muñoz; Naishtat; Nash; Oliveira; Patrick; Peña; Perry; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Taylor, V.; Thompson; Turner; Veasey; Vo; Walle.

Present, not voting — Mr. Speaker.

Absent — Hartnett; Hughes; Lozano; Lyne; Marquez; Smith, T.; Villarreal.

STATEMENTS OF VOTE

I was shown voting no on Record No. 637. I intended to vote yes.

Hilderbran

When Record No. 637 was taken, I was in the house but away from my desk. I would have voted no.

Marquez

When Record No. 637 was taken, I was temporarily out of the house chamber. I would have voted yes.

T. Smith

COMMITTEE GRANTED PERMISSION TO MEET

Representative Phillips requested permission for the Committee on Transportation to meet while the house is in session, at 3 p.m. today, in 3W.15, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Transportation, 3 p.m. today, 3W.15, for a formal meeting, to consider pending business.

HJR 130 ON SECOND READING (by Branch)

HJR 130, A joint resolution meeting requirements of the United States Department of Education concerning federal student aid by naming private institutions of higher education in the State of Texas that are authorized to operate educational programs beyond secondary education, including programs leading to a degree or certificate.

HJR 130 was read second time on May 2 and was postponed until 9 a.m. today.

HJR 130 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE COOK: Mr. Branch, do you understand correctly that we're passing this joint resolution in response to regulations passed by the U.S. Department of Education?

REPRESENTATIVE BRANCH: Yes, Mr. Cook, we are.

COOK: And can you explain to me what the U.S. Department of Education did that requires this action?

BRANCH: Yes, the Department of Education, as I mentioned, adopted detailed regulations to "clarify" the role of the states in assuring the integrity of Federal Student Aid programs. The regulations require an institution to be established, by name, as an educational institution by a state and is authorized to operate educational programs beyond secondary education, including programs leading to a degree or certificate—that's the stated language of the regulation. All public institutions are created by name in our statutes, but few private institutions are named in law.

COOK: Mr. Branch, historically, we haven't authorized these institutions to operate and grant degrees. Can you tell me more clearly what the problem is?

BRANCH: We do have a process for new institutions to obtain a certificate of authority to grant a degree from the Texas Higher Education Coordinating Board, those certificates have their names on them. The problem is the institutions named in this resolution have cooperated for many years and have been regionally accredited as long as the crediting agencies have existed. Because of the accreditation, they are exempt from the coordinating board certificate process. So, we must take this action to make the DOE recognize these institutions are authorized under Texas law, and beyond that, in this session, the legislature has acted and named them as authorized through this resolution.

COOK: Why did you choose to use an HJR for this purpose when that is usually reserved for amendments to the Constitution or to ratify an amendment to the U.S. Constitution?

BRANCH: That's a fair question. As mentioned, we decided to use a joint resolution because we, because it requires a two-thirds majority of both the house and the senate to pass a joint resolution and we believe that that should be a sufficient demonstration of state action—we're not exactly sure what that means, but this is our best attempt to comply with the federal regulations.

(Speaker in the chair)

REMARKS ORDERED PRINTED

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

The motion prevailed.

HJR 130 was adopted by (Record 638): 145 Yeas, 0 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker(C).

Absent — Eiland; Hughes; Madden; Villarreal.

STATEMENT OF VOTE

When Record No. 638 was taken, my vote failed to register. I would have voted yes.

Hughes

PROVIDING FOR A LOCAL, CONSENT, AND RESOLUTIONS CALENDAR

Representative Thompson moved to set a local, consent, and resolutions calendar for 10 a.m. Thursday, May 5.

The motion prevailed.

(Hughes in the chair)

COMMITTEE GRANTED PERMISSION TO MEET

Representative Thompson requested permission for the Committee on Local and Consent Calendars to meet while the house is in session, at 3:15 p.m. today, in 3W.9, to set a calendar.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Local and Consent Calendars, 3:15 p.m. today, 3W.9, for a formal meeting, to set a calendar.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Raymond requested permission for the Committee on Human Services to meet while the house is in session, at 4 p.m. today, in 3W.9, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Human Services, 4 p.m. today, 3W.9, for a formal meeting, to consider pending business.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence temporarily for today to attend a meeting of the Committee on Transportation:

Bonnen on motion of Brown.

Y. Davis on motion of Brown.

Fletcher on motion of Brown.

Harper-Brown on motion of Brown.

Lavender on motion of Brown.

Martinez on motion of Brown.

Phillips on motion of Brown.

Pickett on motion of Brown.

Rodriguez on motion of Brown.

The following member was granted leave of absence for the remainder of today to attend a meeting of the Committee on Transportation:

McClendon on motion of Brown.

COMMITTEE GRANTED PERMISSION TO MEET

Representative L. Taylor requested permission for the Committee on Elections to meet while the house is in session, at 3:05 p.m. today, in 1W.14, to consider **HB 1696** and **HB 2051**.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Elections, 3:05 p.m. today, 1W.14, for a formal meeting, to consider **HB 1696** and **HB 2051**.

(Speaker in the chair)

CSHB 8 ON SECOND READING

(by Darby, Geren, R. Anderson, Pitts, Menendez, et al.)

CSHB 8, A bill to be entitled An Act relating to prohibiting certain private transfer fees and the preservation of private real property rights; providing penalties.

CSHB 8 was read second time on May 2, amendments were offered and disposed of, and **CSHB 8** was postponed until 9 a.m. today.

CSHB 8 - POINT OF ORDER

Representative V. Taylor raised a point of order against further consideration of **CSHB 8** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

The speaker overruled the point of order.

CSHB 8 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE ZERWAS: I appreciate you spending a little time with me to just kind of go over some things that you and I have discussed significantly on this bill, and I'm proud to be a coauthor on this bill with you, I think it's good work. Specifically, what I want to do is draw your attention to Section 5.202. It's on page 2, where it relates to certain private transfer fee obligations void. And under Subsection (b), you list nine situations or circumstances that are not considered private transfer fees.

REPRESENTATIVE DARBY: Correct.

ZERWAS: And number eight, that would be one that would apply to a situation where a neighborhood has a golf club in the neighborhood, and for which transfer fees or dues are an obligation to a homeowner to pay if they're going to live in that neighborhood. Is that correct?

DARBY: That's correct.

ZERWAS: Okay. And so, that's considered not a transfer fee under this subsection.

DARBY: That's correct.

ZERWAS: At one time, I discussed having an amendment with you where number eight, specifically related to the golf club, would be deleted. What would be the consequences of deleting that exemption?

DARBY: Of course, this bill is simply prospective in nature only, so any subdivision that had a transfer fee associated with it for the support of a golf club would still continue in existence. After the bill takes effect, then, at that private property, the transfer fee did not follow into an exemption, then it would be in violation of this act.

ZERWAS: And it would be an unenforceable transfer fee in that situation.

DARBY: That's correct.

ZERWAS: So, if I live in a neighborhood that's built out, that's pretty mature—most of the building has been completed, clearly defined as a tract of land—and after the enactment of this bill goes forward, if I did exempt that, if you did choose to exempt that group, there would still be the requirement of a transfer fee to be paid out in that circumstance.

DARBY: Exactly.

ZERWAS: Only if the person went out and built a new tract of land would it be unenforceable. Is that correct?

DARBY: That's correct.

ZERWAS: Okay, now, the next question would be—is that you have a number of reporting requirements and transparency issues in here, which I wholly support. If number eight was exempted, would the people that had that transfer fee in place, in other words, a grandfather transfer fee, would they still be obligated to do the reporting as defined in this bill?

DARBY: They would be.

ZERWAS: Okay, so, regardless of whether there was an amendment to exempt number eight versus not being in there, there is going to be to continue the requirement that they report publicly and comply with the provisions of this law. Is that correct?

DARBY: Exactly.

REMARKS ORDERED PRINTED

Representative Zerwas moved to print remarks between Representative Darby and Representative Zerwas.

The motion prevailed.

Amendment No. 6

Representative V. Taylor offered the following amendment to **CSHB 8**:

Amend **CSHB 8** (house committee printing) as follows:

(1) On page 6, between lines 5 and 6, add the following:

Sec. 5.2025. EXCEPTION; WAIVER. (a) This section applies only to a private transfer fee obligation created on or after the effective date of this Act.

(b) A private transfer fee obligation is binding and enforceable and is not void under Section 5.202 provided that, before a person is obligated to pay the private transfer fee, the person:

(1) consults with an attorney licensed to practice law in this state or a licensed real estate broker or salesperson regarding the private transfer fee obligation; and

(2) acknowledges in writing that the person:

(A) has complied with Subdivision (1);

(B) understands and agrees to comply with the private transfer fee obligation; and

(C) waives any rights under this subchapter.

(2) On page 8, line 21, strike "VOID".

(3) On page 8, line 22, between "void" and the period, insert ", except as provided by Section 5.2025".

Representative Darby moved to table Amendment No. 6.

The motion to table prevailed by (Record 639): 121 Yeas, 15 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Craddick; Creighton; Crownover; Darby; Davis, J.;

Davis, S.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Flynn; Frullo; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hunter; Isaac; Jackson; Johnson; Keffer; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Legler; Lewis; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez Fischer; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Peña; Perry; Pitts; Price; Quintanilla; Reynolds; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Thompson; Truitt; Turner; Vo; Walle; Weber; White; Woolley; Workman; Zerwas.

Nays — Aliseda; Anderson, C.; Christian; Coleman; Cook; Garza; Hughes; Laubenberg; Paxton; Raymond; Simpson; Taylor, V.; Torres; Veasey; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused, Committee Meeting — Bonnen; Davis, Y.; Fletcher; Harper-Brown; Lavender; Martinez; McClendon; Phillips; Pickett; Rodriguez.

Absent — King, P.; Lozano; Villarreal.

STATEMENTS OF VOTE

When Record No. 639 was taken, I was excused for a committee meeting. I would have voted yes.

Fletcher

I was shown voting no on Record No. 639. I intended to vote yes.

Torres

I was shown voting no on Record No. 639. I intended to vote yes.

Veasey

Amendment No. 7

Representative V. Taylor offered the following amendment to **CSHB 8**:

Amend **CSHB 8** (house committee printing) on page 2, between lines 21 and 22, by adding the following:

Sec. 5.2011. ELECTION TO APPROVE APPLICABILITY OF CHAPTER REQUIRED. (a) This subchapter applies only to a private transfer fee obligation in connection with real property all or part of which is located in a county in which a majority of the voters voting at an election held under this section have approved the regulation and prohibition of private transfer fee obligations as provided by this subchapter.

(b) The commissioners court of each county shall order and hold an election in the county on the question of approving this subchapter.

(c) For an election under this section, the ballot shall be prepared to permit voting for or against the proposition: "Approving the regulation and prohibition of certain private transfer fee obligations in connection with the transfer of real property in _____ (name of county) as provided by Subchapter G, Chapter 5, Property Code."

Amendment No. 7 was withdrawn.

CSHB 8 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE RIDDLE: I was reviewing this, Drew, the other night, and I'm going to have to admit, it's a bit little confusing to me. I looked at those who testified for and against, and there seems to be quite a bit of folks who testified against it, including Pam Bailey from Chaparral Management and other community association management corporations like that. And there seems to be a concern with that. Can you sort of address the concern?

REPRESENTATIVE DARBY: I certainly can, I'm glad you brought that up, Representative Riddle. When this bill was first laid out, it was a whole lot different than it is today. We met the concerns of the HOAs. Quite frankly, after visiting with a lot of the people that appeared and submitted testimony when the bill was laid out, they were confused. A lot of them thought that my bill didn't go far enough—they wanted to do away with HOAs entirely, and so they were against my bill because it didn't go far enough to do away with HOAs. When I explained to them this has nothing to do with the HOAs themselves, it's just the private transfer fee that is being administered by the HOAs, we resolved a lot of that concern.

RIDDLE: So that eliminates that transfer fee that can go on for 99 years?

DARBY: That's correct. And there was concern about HOAs. You've got to understand that HOAs normally charge a processing fee or a transactional fee, if you will, to change on the books and the record, on the HOA, the former seller and the owner with the new owner. And so, they needed a perfunctory processing fee to charge in connection with that transfer. They have historically called that fee a transfer fee. So, when my bill says "a prohibition against transfer fees," then they were naturally alarmed that that little \$100, \$200 fee to change on their records was being impacted negatively. We assured them that that was not the purpose of the bill and we've added language that clarifies that. So, I think we've removed most of the objections that the HOAs had.

RIDDLE: Okay, thank you very much, Representative Darby. I appreciate you adding a great deal of clarity to this. Thank you.

REMARKS ORDERED PRINTED

Representative Riddle moved to print remarks between Representative Darby and Representative Riddle.

The motion prevailed.

CSHB 8, as amended, was passed to engrossment. (V. Taylor recorded voting no.)

LEAVE OF ABSENCE GRANTED

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

R. Anderson on motion of Sheets.

HB 1435 ON SECOND READING

(by Elkins)

HB 1435, A bill to be entitled An Act relating to the participation by a taxing unit in a suit to compel an appraisal review board to order a change in an appraisal roll.

HB 1435 was read second time on April 21, postponed until April 28, and was again postponed until 10 a.m. today.

Representative L. Taylor moved to postpone consideration of **HB 1435** until 9 a.m. Friday, May 6.

The motion prevailed.

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

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

CSHB 3790 ON SECOND READING

(by Pitts)

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

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

The motion prevailed.

POSTPONED BUSINESS

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

HB 2494 ON THIRD READING

(by Legler, et al.)

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

HB 2494 was read third time earlier today and was postponed until this time.

Representative Legler moved to postpone consideration of **HB 2494** until 12 p.m. Monday, July 4.

The motion prevailed.

MAJOR STATE CALENDAR
(consideration continued)

CSHB 3640 ON SECOND READING
(by Pitts)

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

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

The motion prevailed.

CONSTITUTIONAL AMENDMENTS CALENDAR
HOUSE JOINT RESOLUTIONS
SECOND READING

The following resolutions were laid before the house and read second time:
(Fletcher, Martinez, and Phillips now present)

HJR 98 ON SECOND READING
(by Burkett, Carter, et al.)

HJR 98, A joint resolution proposing a constitutional amendment denying bail to certain persons charged with a violent or sexual offense after having been previously convicted of a violent or sexual offense.

HJR 98 was adopted by (Record 640): 139 Yeas, 1 Nays, 1 Present, not voting.

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

Nays — Dutton.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anderson, R.

Absent, Excused, Committee Meeting — Bonnen; Davis, Y.; Harper-Brown; Lavender; McClendon; Pickett; Rodriguez.

Absent — Garza.

(Y. Davis, Lavender, and Rodriguez now present)

STATEMENT OF VOTE

When Record No. 640 was taken, I was in the house but away from my desk. I would have voted yes.

Garza

GENERAL STATE CALENDAR HOUSE BILLS SECOND READING

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

HB 238 ON SECOND READING

(by Phillips, Schwertner, et al.)

HB 238, A bill to be entitled An Act relating to the issuance of "Choose Life" license plates and the creation of the Choose Life account in the general revenue fund.

HB 238 - POINT OF ORDER

Representative Farrar raised a point of order against further consideration of **HB 238** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

The speaker overruled the point of order.

SB 257 ON SECOND READING

(Phillips and Schwertner - House Sponsors)

SB 257, A bill to be entitled An Act relating to the issuance of "Choose Life" license plates and the creation of the Choose Life account in the general revenue fund.

SB 257 was considered in lieu of **HB 238**.

SB 257 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE FARRAR: Mr. Phillips, you're aware, I'm sure, of the 2004 Fourth Circuit case, *South Carolina v. Rose*.

REPRESENTATIVE PHILLIPS: Tell me about that.

FARRAR: Well, in that case, the South Carolina "Choose Life" license plates were ruled unconstitutional in that they discriminated against the viewpoint of those that opposed its anti-choice message.

PHILLIPS: And, you know, that would be an issue if you didn't have the right to bring your anti-choice legislation and to present a plate, or present that viewpoint. We're not limiting anybody's viewpoint. We're just allowing those folks that want to say—have, "Choose Life." And again, to make sure we're clear, this

"Choose Life" license plate—the proceeds from this is going to go benefit adoption and those mothers that have found a tough time in their life and they're going to put that child up for adoption—it helps with that process and it helps those that help those young ladies through.

I think I've shared before the opportunity my wife and I had to have a young lady live with us who made the choice of life. But, her family said, you know, during this pregnancy they didn't want her to stay there. She came and lived with us, lived with our family, and my wife got to be the birth coach and got to see the amazing opportunity of that baby being born, and that new adoptive family coming and taking that child home and that child having an opportunity in life. And that's the type of thing this will help. It will help those young ladies who find themselves in a situation where they are choosing adoption and this will provide for them.

So, I'm not worried about Planned Parenthood—if they want to file a lawsuit, they may do that. I believe we have a good attorney general who will stand up for our Texas rights and deal with that appropriately.

FARRAR: You mentioned earlier that this body—that there's an opportunity in this body to express an opposite viewpoint, so I believe there's an amendment that's been filed that does express that opposite viewpoint. Are you willing to accept that amendment?

PHILLIPS: No, because this is the senate version, because I want to get this bill passed. I'm not going to accept any amendments so it doesn't have to go back over there. I think that this is specifically—we've worked through, I've got bill authors that have signed off on this—and I know some of the bill authors may be okay with some of the amendments, but I have coauthors, and I'm committed to get this bill through, as is.

FARRAR: What do you believe is the likelihood of the opposite viewpoint, of a bill like that, passing this body?

PHILLIPS: You know, I don't know until we see that. It depends on what it says and it depends on what people are going on. But, that's not this bill. This bill is very specific to "Choose Life" license plate. And, I've got a picture here.

FARRAR: So, you actually believe that such a bill could pass this body?

PHILLIPS: Well, you know that's not this bill, and I don't know what it says.

FARRAR: I just want to know what you believe—if this body could actually pass such a thing, or are you just not going to answer the question?

PHILLIPS: I don't know if it will pass this.

FARRAR: Okay, it's fair if you don't want to answer this question.

PHILLIPS: My understanding is, there are those that probably wouldn't want to bring it, because if it passed, it wouldn't sell enough to make a license plate. But, I don't know that. This is kind of what the license plate—would look something like that—pretty standard across the United States.

FARRAR: Does this bill contain any provision that would express the view of Texans like myself who are pro-choice?

PHILLIPS: You can vote against this. This is "Choose Life." It doesn't say anything else, it doesn't say pro-life. It just says "Choose Life" and it goes to adoption. I don't think this discriminates—

FARRAR: I know that, you've said that several times. But, I'm just asking, is there any possibility in your bill for another viewpoint to be expressed?

PHILLIPS: I don't know what viewpoint you want to express other than we're going to "Choose Life" and we're going to support adoption.

FARRAR: So, it's limited to one viewpoint, then.

PHILLIPS: That's the bill that I brought, and again, you're more than welcome to bring legislation—

FARRAR: Okay, that's fair, I just want an answer.

PHILLIPS: —to express those, any other views that you want.

FARRAR: Where does the money from these license plates that's collected, where does it go?

PHILLIPS: Well, as I set out, as you know, as I discussed a while ago, the attorney general will be involved in setting up a panel and developing rules under this section. And specifically, just so we read exactly what it says—

FARRAR: Can you also answer the question as to whether any pro-choice organizations are eligible to receive these funds, while you're looking?

PHILLIPS: Okay, let's just kind of talk about this. What this says is that it may be spent only to provide for the material needs of pregnant women who are considering placing their children for adoption, including the provision of clothing, housing, prenatal care, food, utilities, and transportation to provide for the needs of infants who are waiting placement with adoptive parents; to provide training and advertising related to adoption and to provide pregnancy testing; or pre-adoption or post-adoption counseling. Those are the things that it will be used for.

FARRAR: So, it's limited to only those women who have made the decision to not have an abortion, correct? It doesn't expend any money, say counseling for women that are maybe in between somewhere in their decision? It's only women who have decided not to have the abortion, correct?

PHILLIPS: No, I don't think that's correct. It says pre-adoption counseling.

FARRAR: So that means you've made the decision not to have an abortion.

PHILLIPS: I don't think so, that's not what it says. It says pre-adoption counseling.

FARRAR: Okay, let me ask you this. To your knowledge, do you know of any other specialty license plate the State of Texas has for which a pro-choice organization would qualify for funding?

PHILLIPS: Which a what?

FARRAR: For which a pro-choice organization would qualify for funding? Do you know of any other specialty license plates?

PHILLIPS: We've got so many specialty license plate programs. I don't know all of them. So, I couldn't answer that.

FARRAR: Are you saying you don't know or are you saying—

PHILLIPS: I'm just saying—

FARRAR: You're the chairman of Transportation, you don't know?

PHILLIPS: And we have so many specialty license plates, I don't know what all of them do. I know that I was involved at one time with doing a "Smile Texas Style," and so if you had a pro-choice organization related to that, I don't know. I don't know what their restrictions are. But, this doesn't say "pro-choice" anywhere in here.

FARRAR: But, you're also a huge advocate for your position, so I would imagine that you would know if somebody on the opposite end was receiving any money.

PHILLIPS: I just don't know.

FARRAR: Do you believe that these plates purport to speak to all Texans, or just those Texans with the message that you're promoting?

PHILLIPS: I believe that anybody that wants to get this license plate, and pay for it, that they're entitled to do it under this bill.

FARRAR: Right, and this is a political message, unlike some of the others. So, I'm just wondering if there is some opportunity for someone with a different viewpoint on this political issue to express that opinion.

PHILLIPS: I disagree that this is a political statement. "Choose Life".

REMARKS ORDERED PRINTED

Representative Farrar moved to print remarks between Representative Phillips and Representative Farrar.

The motion prevailed.

REPRESENTATIVE CASTRO: Representative Phillips, just to get the mechanics straight. So, people would buy the license plates, and part of that money would go to a fund, which would be administered by the attorney general with the advice and counsel of an advisory committee on funding certain organizations that either provide counseling and material assistance to pregnant women who are considering placing their children for adoption, and who do not charge for their services, and that are not related to any abortion-related services. Is that right?

PHILLIPS: I believe that's right, I think you read that correctly.

CASTRO: Okay, do you have an example? Can you give us an example of an organization or two that might qualify under your bill?

PHILLIPS: I don't have any specific ones in mind. I think until they set the rules and go through that, we're not going to know exactly, but I know that there are some non-profit adoption groups that are helping young ladies find the opportunity, and families in this situation. I think probably they would come towards that.

CASTRO: So, I guess to Representative Farrar's question—a group that was philosophically pro-choice could receive money if they met the qualifications about providing counseling to people that are thinking about getting—thinking about adopting, as long as they're not providing abortion related services.

PHILLIPS: And it's even beyond that, they can't refer to those who do, as well.

CASTRO: What do you mean by that?

PHILLIPS: Well, that's what the language says.

CASTRO: Well, what do you mean by that language? What's the legal effect of that language in this statute?

PHILLIPS: I think that's what it says.

CASTRO: They can't mention the word "Planned Parenthood?" Or they can't know that Planned Parenthood exists? What's the standard?

PHILLIPS: "Does not contract with an organization that provides abortions or abortion-related services, or makes referrals to abortion providers."

CASTRO: So, practically speaking, you're probably intending, then, to not have brochures up that sends them over to a facility that performs abortions or gives them information about a facility that performs abortions. Is that your intent?

PHILLIPS: Could you say that again?

CASTRO: So, practically speaking, I would imagine that your intention is that, whatever center these women—whatever center is receiving funding, they don't either verbally refer these women to any place that might perform an abortion, or at their site give out a brochure or other information about a provider of abortion services?

PHILLIPS: Correct. I think that's exactly correct.

CASTRO: Okay. I'm concerned that on the first page, under Section 402.036, the last few lines of that section, under (a)(2), or actually under (a)(1), it talks about money deposited to the credit of the account under this bill, and then also that this account can be replenished with gifts, grants, donations, and legislative appropriations. So, I have a few questions regarding that. First, are you setting up a line item here that can be funded later by an appropriations committee of a future legislature? In addition to—

PHILLIPS: Yes, I think that would allow for that to happen, yes.

CASTRO: But, that is your intent?

PHILLIPS: Yes.

CASTRO: Okay, gifts, grants and donations. So, not only are we dealing with any kind of state appropriations or funds that would be generated by the sales of license plates, but also the attorney general's office may be operating what would amount to a kind of non-profit organization or fund, which would be giving out money to other non-profits?

PHILLIPS: Typically, on these licenses plates, to get them going you have to put a certain amount of money, so you can't sell plates—the plates in existence. And so, typically that's where the grants and donations will come that's to put money in there to get those plates started. That's fairly common.

CASTRO: But you would agree, representative, that it would also leave open the possibility that the attorney general or the advisory committee members could continue to solicit, basically, with the state acting as an agent, to solicit donations for this fund.

PHILLIPS: If people want to give money to help those folks in this adoption situation, I think that would be a good thing.

CASTRO: But you agree it could create that situation.

(Geren in the chair)

REMARKS ORDERED PRINTED

Representative Castro moved to print remarks between Representative Phillips and Representative Castro.

The motion prevailed.

(S. Davis in the chair)

Amendment No. 1

Representative Farrar offered the following amendment to **SB 257**:

Amend **SB 257** as follows:

(1) On page 2, line 2, amend the caption following "CHOOSE LIFE LICENSE PLATES" insert "AND CHOOSE ADOPTION LICENSE PLATES".

(2) On page 1, line 7, strike ""CHOOSE LIFE."" and substitute ""CHOOSE LIFE" and "CHOOSE ADOPTION."".

(3) On page 1, line 9, following "Choose Life", insert "and Choose Adoption".

(4) On page 1, line 14, following "Choose Life", insert "and Choose Adoption".

(5) On page 1, line 18, strike ""CHOOSE LIFE."" and substitute ""CHOOSE LIFE" and "CHOOSE ADOPTION."".

(6) On page 2, line 1, following "Life", insert "and Choose Adoption".

(7) On page 3, line 17, following "LIFE", insert "AND CHOOSE ADOPTION".

(8) On page 3, line 18, following "Life", insert "and Choose Adoption".

(9) On page 3, line 27, following "Life", insert "and Choose Adoption".

Representative Phillips moved to table Amendment No. 1.

The motion to table prevailed by (Record 641): 99 Yeas, 40 Nays, 2 Present, not voting.

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

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Dukes; Dutton; Eiland; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; King, T.; Lucio; Marquez; Martinez; Martinez Fischer; Menendez; Miles; Naishtat; Oliveira; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo.

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

Absent, Excused — Anderson, R.

Absent, Excused, Committee Meeting — Bonnen; Harper-Brown; McClendon; Pickett.

Absent — Deshotel; Farias; Mallory Caraway; Walle.

Amendment No. 2

Representative Farrar offered the following amendment to **SB 257**:

Amend **SB 257** (house committee printing) as follows:

(1) On page 2, strike proposed Section 402.036(f) and substitute the following:

(f) Money received by an eligible organization under this section may be spent only to provide for the critical needs of children and families by, promoting development and learning, providing support to families, coordinating services, and decreasing the need for costly special programs, but may not be used to pay an administrative, legal, or capital expense.

(2) On pages 2-3, strike proposed section 402.036(g) and substitute the following:

(g) In this section, "eligible organization" means an organization in this state that:

(1) is a provider or program who provides services through the Division of Early Childhood Intervention in the Department of Assistive and Rehabilitative Services.

Representative Phillips moved to table Amendment No. 2.

The motion to table prevailed by (Record 642): 93 Yeas, 42 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, C.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gooden; Hamilton; Hancock; Hardcastle; Harless; 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; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Burnam; Castro; Coleman; Davis, Y.; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Howard, D.; Johnson; King, T.; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; Menendez; Muñoz; Naishat; Oliveira; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Strama; Thompson; Turner; Veasey; Vo; Walle.

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

Absent, Excused — Anderson, R.

Absent, Excused, Committee Meeting — Bonnen; Harper-Brown; McClendon; Pickett.

Absent — Anchia; Deshotel; Gonzales, L.; Hernandez Luna; Hochberg; Miles; Peña; Villarreal.

STATEMENT OF VOTE

When Record No. 642 was taken, my vote failed to register. I would have voted no.

Anchia

Amendment No. 3

Representative Villarreal offered the following amendment to **SB 257**:

Amend **SB 257** (house committee printing) as follows:

(1) On page 3, between lines 16 and 17, insert the following:

(7) Is a maternity home licensed under chapter 249 of the Health and Safety Code

Representative Phillips moved to table Amendment No. 3.

The motion to table prevailed by (Record 643): 98 Yeas, 42 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, C.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Driver; Eissler; Elkins;

Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

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

Absent, Excused — Anderson, R.

Absent, Excused, Committee Meeting — Bonnen; Harper-Brown; McClendon; Pickett.

Absent — Eiland; Torres; Villarreal.

(Pickett now present)

Amendment No. 4

Representative Castro offered the following amendment to **SB 257**:

Amend **SB 257** on page 3, between lines 19 and 20, by inserting the following:

(a-1) A person required to register under Chapter 305, Government Code, is not eligible for appointment to the committee.

Representative Phillips moved to table Amendment No. 4.

The motion to table prevailed by (Record 644): 95 Yeas, 45 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, C.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Driver; Eissler; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; 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; Pickett; Pitts; Price; Quintanilla; Riddle; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

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

Absent, Excused — Anderson, R.

Absent, Excused, Committee Meeting — Bonnen; Harper-Brown; McClendon.

Absent — Elkins; King, T.; Peña; Thompson.

COMMITTEE GRANTED PERMISSION TO MEET

Representative S. Miller requested permission for the Committee on Homeland Security and Public Safety to meet while the house is in session, at 4:30 p.m. today, in 3W.15, to consider pending business.

Permission to meet was granted.

FIVE-DAY POSTING RULE SUSPENDED

Representative Gallego moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Criminal Jurisprudence to consider **SB 82, SB 250, SB 331, SB 480, SB 485, SB 604, SB 841, SB 877, SB 1200, SB 1331, and SB 1416** upon final adjournment today in JHR 120.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Homeland Security and Public Safety, 4:30 p.m. today, 3W.15, for a formal meeting, to consider pending business.

Criminal Jurisprudence, upon final adjournment today, JHR 120, for a public hearing, to consider **SB 82, SB 250, SB 331, SB 480, SB 485, SB 604, SB 841, SB 877, SB 1200, SB 1331, and SB 1416**.

MESSAGE FROM THE SENATE

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

SB 257 - (consideration continued)

Amendment No. 5

Representative Castro offered the following amendment to **SB 257**:

Amend **SB 257** (house committee printing), on page 2, line 25, by adding the following sentence immediately following the period:

Money received by an eligible organization under this section may not be used to pay for lobbying expenses.

Representative Phillips moved to table Amendment No. 5.

The motion to table prevailed by (Record 645): 95 Yeas, 47 Nays, 2 Present, not voting.

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

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

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

Absent, Excused — Anderson, R.

Absent, Excused, Committee Meeting — Bonnen; Harper-Brown; McClendon.

Absent — Eiland; Villarreal.

Amendment No. 6

Representative Farrar offered the following amendment to **SB 257**:

Amend **SB 257** (house committee printing) on page 3, between lines 19 and 20, by inserting the following:

(a-1) A person who represents an organization that receives money from the choose life account established under Section 402.036 is not eligible for appointment to the advisory committee.

Representative Phillips moved to table Amendment No. 6.

The motion to table prevailed by (Record 646): 96 Yeas, 47 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, C.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Hilderbran; Hopson; Howard, C.;

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

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

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

Absent, Excused — Anderson, R.

Absent, Excused, Committee Meeting — Bonnen; Harper-Brown; McClendon.

Absent — Peña.

LEAVE OF ABSENCE GRANTED

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

Harper-Brown on motion of L. Taylor.

SB 257 - (consideration continued)

SB 257 - POINT OF ORDER

Representative Walle raised a point of order against further consideration of **SB 257** under Rule 4, Section 18(a) of the House Rules on the grounds that the committee minutes are incomplete.

The chair overruled the point of order.

SB 257 was passed to third reading by (Record 647): 95 Yeas, 29 Nays, 4 Present, not voting.

Yeas — Aliseda; Anchia; Anderson, C.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Cook; Creighton; Crownover; Darby; Davis, J.; Deshotel; Eissler; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Gooden; Guillen; Hancock; Hardcastle; Hartnett; Hochberg; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Margo; Martinez; Menendez; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Price; Quintanilla; Riddle;

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

Nays — Allen; Alonzo; Alvarado; Burnam; Coleman; Davis, Y.; Dukes; Dutton; Farrar; Giddings; Gonzales, V.; Gonzalez; Gutierrez; Howard, D.; Johnson; Marquez; Martinez Fischer; Miles; Naishtat; Pickett; Raymond; Reynolds; Rodriguez; Strama; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker; Castro; Davis, S.(C); Mallory Caraway.

Absent, Excused — Anderson, R.; Harper-Brown.

Absent, Excused, Committee Meeting — Bonnen; McClendon.

Absent — Christian; Craddick; Driver; Eiland; Elkins; Farias; Gonzales, L.; Hamilton; Harless; Hernandez Luna; Hilderbran; Hopson; King, T.; Oliveira; Pitts; Ritter; Thompson; Zerwas.

STATEMENTS OF VOTE

When Record No. 647 was taken, I was excused to conduct state business in the district. I would have voted yes.

R. Anderson

When Record No. 647 was taken, I was in the house but away from my desk. I would have voted yes.

Christian

When Record No. 647 was taken, I was in the house but away from my desk. I would have voted yes.

Driver

When Record No. 647 was taken, I was in the house but away from my desk. I would have voted yes.

Harless

When Record No. 647 was taken, I was in the house but away from my desk. I would have voted yes.

Hilderbran

When Record No. 647 was taken, I was temporarily out of the house chamber. I would have voted yes.

T. King

When Record No. 647 was taken, I was temporarily out of the house chamber. I would have voted yes.

Pitts

When Record No. 647 was taken, my vote failed to register. I would have voted yes.

Ritter

I was shown voting no on Record No. 647. I intended to vote yes.

Vo

When Record No. 647 was taken, I was in the house but away from my desk. I would have voted yes.

Zerwas

(Geren in the chair)

CSHB 257 ON SECOND READING
(by Hilderbran and Harper-Brown)

CSHB 257, A bill to be entitled An Act relating to the presumed abandonment of certain unclaimed personal property.

LEAVES OF ABSENCE GRANTED

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

V. Taylor on motion of Otto.

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

L. Gonzales on motion of Otto.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Keffer requested permission for the Committee on Energy Resources to meet while the house is in session, at 5:15 p.m. today, in 3W.9, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Energy Resources, 5:15 p.m. today, 3W.9, for a formal meeting, to consider pending business.

LEAVE OF ABSENCE GRANTED

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

Hunter on motion of Guillen.

CSHB 257 - (consideration continued)

Representative Hilderbran moved to postpone consideration of **CSHB 257** until 7 p.m. today.

The motion prevailed.

CSHB 300 ON SECOND READING
(by Kolkhorst, Naishtat, et al.)

CSHB 300, A bill to be entitled An Act relating to the privacy of protected health information; providing administrative and civil penalties.

Amendment No. 1

Representative Kolkhorst offered the following amendment to **CSHB 300**:

Amend **CSHB 300** (house committee printing) as follows:

(1) On page 1, line 12, strike "to another person" and substitute "outside the entity holding the information".

(2) On page 1, line 17, strike "April 1, 2011" and substitute "September 1, 2011".

(3) On page 2, line 14, strike "April 1, 2011" and substitute "September 1, 2011".

(4) On page 6, line 16, strike "serious" and substitute "egregious".

(5) On page 9, strike lines 13-17 and substitute the following:

(b) If the commission has evidence that a covered entity has committed violations of this chapter that are egregious and constitute a pattern or practice, the commission may:

(1) require the covered entity to submit to the commission the results of a risk analysis conducted by the covered entity as described by 45 C.F.R. Section 164.308(a)(1)(ii)(A); or

(2) if the covered entity is licensed by a licensing agency of this state, request that the licensing agency conduct an audit of the covered entity's system to determine compliance with the provisions of this chapter.

Amendment No. 1 was adopted.

LEAVE OF ABSENCE GRANTED

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

Pitts on motion of Chisum.

CSHB 300 - (consideration continued)

Amendment No. 2

Representative Kolkhorst offered the following amendment to **CSHB 300**:

Amend **CSHB 300** (house committee printing) as follows:

(1) On page 2, line 3, strike "A" and substitute "Subject to Section 181.051, a".

(2) On page 3, line 12, between "EXCEPTIONS." and "A" insert "(a)".

(3) On page 3, line 20, strike "or".

(4) On page 3, between lines 21 and 22, insert the following:

(D) performing an insurance or health maintenance organization function described by Section 602.053, Insurance Code; or

(5) On page 3, between lines 23 and 24, insert the following:

(b) The direct or indirect remuneration a covered entity receives for making a disclosure of protected health information authorized by Subsection (a)(1)(D) may not exceed the covered entity's reasonable costs of preparing or transmitting the protected health information.

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

(e) This section does not apply to a covered entity, as defined by Section 602.001, Insurance Code, if that entity is not a covered entity as defined by 45 C.F.R. Section 160.103 or Section 181.001 of this code.

(7) On page 11, line 10, between "must" and the underlined colon, insert "be designed to".

(8) On page 12, line 7, strike "including Sections 181.153 and 181.154" and substitute "except as otherwise provided by that subchapter".

Amendment No. 2 was adopted.

HB 238 - LAID ON THE TABLE SUBJECT TO CALL

Representative Phillips moved to lay **HB 238** on the table subject to call.

The motion prevailed.

CSHB 300 - (consideration continued)

Amendment No. 3

Representative Simpson offered the following amendment to **CSHB 300**:

Amend **CSHB 300** (house committee printing) as follows:

(1) On page 13, line 18, strike "and".

(2) On page 13, between lines 20 and 21, insert the following:

(C) at least one private citizen who represents patient and parental rights; and

Amendment No. 3 was adopted.

CSHB 300, as amended, was passed to engrossment.

CSHB 528 ON SECOND READING (by Solomons)

CSHB 528, A bill to be entitled An Act relating to the provision of pharmaceutical services through informal and voluntary networks in the workers' compensation system; providing an administrative violation.

Amendment No. 1

Representative Solomons offered the following amendment to **CSHB 528**:

Amend **CSHB 528** (house committee printing) as follows:

(1) On page 1, between lines 15 and 16, insert:

SECTION 2. Sections 408.028(f) and (g), Labor Code, are amended to read as follows:

(f) Notwithstanding any other provision of this title, the commissioner by rule shall adopt a fee schedule for pharmacy and pharmaceutical services that will:

(1) provide reimbursement rates that are fair and reasonable;

(2) assure adequate access to medications and services for injured workers; ~~and~~

(3) minimize costs to employees and insurance carriers; and

(4) take into consideration the increased security of payment afforded by this subtitle.

(g) Section 413.011(d) and the rules adopted to implement that subsection do not apply to the fee schedule adopted by the commissioner under Subsection (f). ~~[Insurance carriers must reimburse for pharmacy benefits and services using the fee schedule as developed by this section, or at rates negotiated by contract.]~~

(2) Strike SECTION 4 of the bill (page 7, line 20).

(3) Renumber the SECTIONS of the bill accordingly.

Amendment No. 1 was adopted.

CSSH 528, as amended, was passed to engrossment.

LEAVE OF ABSENCE GRANTED

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

Bonnen on motion of Harless.

**CSSB 321 ON SECOND READING
(Kleinschmidt - House Sponsor)**

CSSB 321, A bill to be entitled An Act relating to an employee's transportation and storage of certain firearms or ammunition while on certain property owned or controlled by the employee's employer.

CSSB 321 was considered in lieu of **HB 681**.

CSSB 321 - POINT OF ORDER

Representative Burnam raised a point of order against further consideration of **CSSB 321**.

The chair overruled the point of order.

(Speaker in the chair)

Amendment No. 1

Representative Kleinschmidt offered the following amendment to **CSSB 321**:

Amend **CSSB 321** (house committee printing) in SECTION 1 of the bill, in added Section 52.062(a)(2)(F), Labor Code (page 2, line 25), between "stores the handgun" and "in a locked", by adding "and related handgun ammunition".

(Hughes, Morrison, Naishtat, and Raymond now present)

Amendment No. 1 was adopted.

Amendment No. 2

Representative Kleinschmidt offered the following amendment to **CSSB 321**:

Amend **CSSB 321** (house committee printing) in SECTION 1 of the bill, in added Section 52.062(a)(2)(E), Labor Code (page 2, line 15), by striking "executed before September 1, 2011,".

(Gonzalez, Hunter, Laubenberg, Lewis, and V. Taylor now present)

Amendment No. 2 was adopted by (Record 648): 109 Yeas, 27 Nays, 2 Present, not voting.

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

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Davis, Y.; Dukes; Dutton; Farrar; Giddings; Gonzales, V.; Gutierrez; Hernandez Luna; Howard, D.; Mallory Caraway; Miles; Naishtat; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

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

Absent, Excused — Anderson, R.; Bonnen; Gonzales, L.; Harper-Brown; Pitts.

Absent, Excused, Committee Meeting — Hopson; McClendon.

Absent — Coleman; Hochberg; Marquez; Martinez Fischer; Woolley.

STATEMENT OF VOTE

When Record No. 648 was taken, I was in the house but away from my desk. I would have voted yes.

Marquez

Amendment No. 3

Representative Veasey offered the following amendment to **CSSB 321**:

Amend **CSSB 321** (house committee report) as follows:

(1) On page 2, line 17, strike "or".

(2) On page 3, line 5 between "personnel" and the underlined period insert the following:

(G) a private recreational facility; or

(H) a facility that provides child care services

Representative Kleinschmidt moved to table Amendment No. 3.

The motion to table prevailed by (Record 649): 100 Yeas, 41 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anderson, R.; Bonnen; Gonzales, L.; Harper-Brown; Pitts.

Absent, Excused, Committee Meeting — Hopson; McClendon.

Absent — Pickett.

Amendment No. 4

Representative Lewis offered the following amendment to **CSSB 321**:

Delete Sec. 52.063, beginning on page 3, line 14, and replace with the following:

Sec. 52.063. IMMUNITY FROM CIVIL LIABILITY. (a) Except as otherwise provided in Article XVI, Section 26, Texas Constitution, a public or private employer or the employer's principal, officer, director, employee, or agent is not liable in a civil action for personal injury, death, property damage, or any other damages resulting from or arising out of an occurrence involving a firearm or ammunition transported onto or stored on the employer's property under a right to do so provided by this subchapter, including an action for damages resulting from or arising out of the theft of the firearm or ammunition or the use of the firearm or ammunition by a person other than the employee or agent who transported or stored the firearm or ammunition on the employer's property. The presence of a firearm or ammunition transported or stored in the manner and in a location described by Subsection (a) does not by itself constitute a failure by the

employer to provide a safe workplace. For purposes of this section, a public or private employer or the employer's principal, officer, director, employee, or agent does not have a duty:

(1) to patrol, inspect, or secure:

(A) any parking lot, parking garage, or other parking area the employer provides for employees; or

(B) any privately owned motor vehicle located in such a parking lot, parking garage, or other parking area; or

(2) to investigate, confirm, or determine an employee's compliance with laws related to the ownership or possession of a firearm or ammunition or the transportation and storage of a firearm or ammunition.

(b) This section does not limit or alter the personal liability of:

(1) an individual who causes harm or injury by using or exhibiting a firearm or ammunition;

(2) an individual who aids, assists or encourages another to cause harm or injury by using or exhibiting a firearm or ammunition; or

(3) an employee who transports or stores a firearm or ammunition on the property of an employer but who fails to comply with the requirements of Section 52.061.

(Aycock in the chair)

Representative Deshotel moved to table Amendment No. 4.

The vote of the house was taken on the motion to table Amendment No. 4 and the vote was announced yeas 70, nays 70.

A verification of the vote was requested and was granted.

The roll of those voting yea and nay was again called and the verified vote resulted, as follows (Record 650): 70 Yeas, 67 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Berman; Brown; Burnam; Callegari; Castro; Coleman; Cook; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Farias; Farrar; Fletcher; Gallego; Giddings; Gonzales, V.; Gonzalez; Gutierrez; Hamilton; Hardcastle; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Howard, C.; Howard, D.; Huberty; Hunter; Johnson; King, T.; Kleinschmidt; Lozano; Lucio; Madden; Mallory Caraway; Marquez; Martinez; Martinez Fischer; Menendez; Miles; Miller, S.; Muñoz; Naishtat; Oliveira; Patrick; Pickett; Quintanilla; Raymond; Reynolds; Smith, W.; Smithee; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle; Weber; Zerwas.

Nays — Aliseda; Beck; Bohac; Branch; Burkett; Button; Cain; Carter; Chisum; Christian; Creighton; Crownover; Darby; Davis, S.; Elkins; Flynn; Frullo; Garza; Geren; Gooden; Guillen; Hancock; Harless; Isaac; Jackson; Keffer; King, P.; King, S.; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Margo; Miller, D.; Morrison; Murphy; Nash; Orr; Otto; Parker; Paxton; Peña; Perry; Phillips; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Solomons; Taylor, L.; Taylor, V.; Torres; White; Woolley; Workman; Zedler.

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

Absent, Excused — Anderson, R.; Bonnen; Gonzales, L.; Harper-Brown; Pitts.

Absent, Excused, Committee Meeting — Hopson; McClendon.

Absent — Craddick; Hughes; Rodriguez; Truitt.

STATEMENTS OF VOTE

I was shown voting no on Record No. 650. I intended to vote yes.

Bohac

I was shown voting yes on Record No. 650. I intended to vote no.

Callegari

When Record No. 650 was taken, I was temporarily out of the house chamber. I would have voted yes.

Hughes

I was shown voting yes on Record No. 650. I intended to vote no.

Patrick

The speaker stated that the motion to table prevailed by the above vote.

Amendment No. 5

Representative Dutton offered the following amendment to **CSSB 321**:

Amend **CSSB 321** (house committee report) in SECTION 1 of the bill, by striking added Section 52.063, Labor Code (page 3, lines 14-26), and substituting the following:

Sec. 52.063. LIABILITY INSURANCE COVERAGE. A public or private employer may purchase an insurance policy that provides coverage against liability of the employer or the employer's agent in a civil action for personal injury, death, property damage, or any other damages resulting from or arising out of an occurrence involving a firearm or ammunition transported or stored by an employee of the employer under Section 52.061. The employer may pass the cost of the policy to the employer's employees who transport or store a firearm or ammunition under that section.

LEAVES OF ABSENCE GRANTED

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

Truitt on motion of Harless.

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

Craddick on motion of Parker.

(Speaker in the chair)

CSSB 321 - (consideration continued)

Amendment No. 5 was withdrawn.

Amendment No. 6

Representative Dutton offered the following amendment to **CSSB 321**:

Amend **CSSB 321** (house committee printing) on page 1, by striking lines 14-16, and substituting "from transporting or storing the firearm that the person is licensed to carry and ammunition for that firearm in a locked.".

Representative Kleinschmidt moved to table Amendment No. 6.

The motion to table prevailed by (Record 651): 103 Yeas, 35 Nays, 1 Present, not voting.

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

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Farias; Farrar; Giddings; Gonzales, V.; Gonzalez; Gutierrez; Hartnett; Hernandez Luna; Hochberg; Howard, D.; Johnson; Mallory Caraway; Marquez; Martinez; Martinez Fischer; Miles; Naishtat; Reynolds; Strama; Thompson; Turner; Veasey; Walle; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anderson, R.; Bonnen; Craddick; Gonzales, L.; Harper-Brown; Pitts; Truitt.

Absent, Excused, Committee Meeting — Hopson; McClendon.

Absent — Rodriguez; Vo.

MESSAGE FROM THE SENATE

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

CSSB 321 - (consideration continued)**Amendment No. 7**

Representative Turner offered the following amendment to **CSSB 321**:

Amend **CSSB 321** (house committee printing) on page 3, between lines 13 and 14, by inserting the following:

(c) Section 52.061 does not prohibit an employer from requiring an employee transporting a firearm or ammunition to park the employee's vehicle in a specific, designated parking lot, parking garage, or other parking area the employer provides for employees.

Representative Kleinschmidt moved to table Amendment No. 7.

The motion to table prevailed by (Record 652): 93 Yeas, 43 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Button; Cain; Carter; Chisum; Christian; Cook; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzalez; Gooden; Hamilton; Hancock; Hardcastle; Harless; Hilderbran; 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; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Perry; Phillips; Pickett; Price; Quintanilla; Riddle; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Weber; White; Workman; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Callegari; Castro; Coleman; Davis, Y.; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Guillen; Gutierrez; Hartnett; Hernandez Luna; Hochberg; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; Miles; Muñoz; Naishtat; Oliveira; Peña; Raymond; Reynolds; Ritter; Strama; Thompson; Turner; Villarreal; Vo; Walle; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anderson, R.; Bonnen; Craddick; Gonzales, L.; Harper-Brown; Pitts; Truitt.

Absent, Excused, Committee Meeting — Hopson; McClendon.

Absent — Deshotel; Menendez; Rodriguez; Veasey.

STATEMENTS OF VOTE

I was shown voting no on Record No. 652. I intended to vote yes.

Callegari

I was shown voting no on Record No. 652. I intended to vote yes.

Gallego

I was shown voting no on Record No. 652. I intended to vote yes.

Peña

Amendment No. 8

Representative Castro offered the following amendment to **CSSB 321**:

Amend **CSSB 321** in SECTION 1 of the bill, in added Subchapter G, Chapter 52, Labor Code, by adding the following Section 52.0615 (page 1, between lines 18 and 19):

Sec. 52.0615. COMPLIANCE INSPECTIONS. A public or private employer may conduct inspections to ensure that an employee described by Section 52.061 is complying with the requirements of Section 52.061.

Representative Kleinschmidt moved to table Amendment No. 8.

The motion to table prevailed by (Record 653): 105 Yeas, 30 Nays, 1 Present, not voting.

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

Nays — Allen; Alonzo; Anchia; Burnam; Castro; Coleman; Davis, Y.; Dutton; Farias; Farrar; Giddings; Gonzales, V.; Gonzalez; Gutierrez; Hartnett; Hernandez Luna; Hochberg; Howard, D.; Mallory Caraway; Marquez; Martinez Fischer; Miles; Naishtat; Reynolds; Strama; Thompson; Turner; Vo; Walle; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anderson, R.; Bonnen; Craddick; Gonzales, L.; Harper-Brown; Pitts; Truitt.

Absent, Excused, Committee Meeting — Hopson; McClendon.

Absent — Alvarado; Deshotel; Dukes; Lyne; Rodriguez.

LEAVE OF ABSENCE GRANTED

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

Rodriguez on motion of Muñoz.

CSSB 321 - (consideration continued)**Amendment No. 9**

Representative Burnam offered the following amendment to **CSSB 321**:

Amend **CSSB 321** in SECTION 2 of the bill, in amended Section 411.203, Government Code, by striking the added sentence (page 4 lines 6-7) and substituting the following:

In this section, "premises" means a building, a portion of a building, or grounds associated with a building. The term does not include a public driveway, street, sidewalk, walkway, parking lot, parking garage, or another parking area.

AMENDMENT NO. 9 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE BURNAM: Thank you, Mr. Speaker, members. This amendment simply addresses the concern that I was raising in my point of order. If you look at the definition in the Penal Code, which is the last section of the bill as filed, it is much more comprehensive than what the bill's been represented. So, this amendment is intended to simply do what the bill analysis said it was going to do, which would allow what the author of the bill is trying to accomplish without allowing them to take guns on other parts of the grounds, of the campus, of the facility, of the business. Move its adoption.

REPRESENTATIVE KLEINSCHMIDT: Members, the statutory language used to define premises is in the Penal Code, it's out there, it's been used. To add another term or premises in the law today just doesn't get us anywhere. It's not practical. It just leads to more questions in the statute. Penal Code's got a good definition.

BURNAM: On the Penal Code—it's defined, is that not correct, in the senate bill? Or it's referred to.

KLEINSCHMIDT: —refers to the section of the Penal Code that defines premises.

BURNAM: Right, and in the Penal Code, the way they define premises is strictly the building—that's not applied to the grounds, the sidewalks, the picnic areas, or any other aspect of the facility. Is that correct?

KLEINSCHMIDT: I believe that's correct—does not include the parking lot.

BURNAM: So, I don't understand. All I'm trying to do is better define what you say in your bill analysis you're trying to do, to make sure it does what you say in your opening comments about the bill. All I'm trying to do is define it to do what you say it does. So, what's your objection?

KLEINSCHMIDT: I think the bill stays a lot cleaner if you don't add a new definition to the statutes.

BURNAM: Well, there's this misrepresentation that's going on as to whether or not we intend to open this up or actually do what you said you did, both in the subject line and the HRO report. We're just talking about honesty in communication about what's going on. So, I'm just trying to get a clear definition.

KLEINSCHMIDT: Well, an amendment ought to clarify the statute. This doesn't help, it simply adds an additional definition into the statutes.

BURNAM: So, what you are saying is, it is your intent in this legislation that it be restricted to parking lots, and not be able to carry guns around, and other various parts of the campus, of the business facility.

KLEINSCHMIDT: This is a parking lot bill. There is no intention for employees to be able to carry beyond their employer's parking lot. It'll let them carry in the parking lot. They can show up in their vehicle with it and have it in their locked vehicle in the parking lot.

REMARKS ORDERED PRINTED

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

The motion prevailed.

Amendment No. 9 was withdrawn.

CSSB 321, as amended, was passed to third reading. (Anchia, V. Gonzales, and D. Howard recorded voting no.)

POSTPONED BUSINESS

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

CSHB 257 ON SECOND READING (by Hilderbran and Harper-Brown)

CSHB 257, A bill to be entitled An Act relating to the presumed abandonment of certain unclaimed personal property.

CSHB 257 was read second time earlier today and was postponed until this time.

HB 681 - LAID ON THE TABLE SUBJECT TO CALL

Representative Kleinschmidt moved to lay **HB 681** on the table subject to call.

The motion prevailed.

CSHB 257 - (consideration continued)

Amendment No. 1

Representative Hilderbran offered the following amendment to **CSHB 257**:

Amend **CSHB 257** (house committee printing) as follows:

(1) Strike page 4, line 10.

(2) Insert the following appropriately numbered **SECTIONS** and renumber **SECTIONS** of the bill accordingly:

SECTION ____. Section 74.101(a), Property Code, is amended to read as follows:

(a) Each holder who on March 1 [~~June 30~~] holds property that is presumed abandoned under Chapter 72, 73, or 75 of this code or under Chapter 154, Finance Code, shall file a report of that property on or before the following July [~~November~~] 1. The comptroller may require the report to be in a particular format, including a format that can be read by a computer.

SECTION _____. Section 74.1011(a), Property Code, is amended to read as follows:

(a) Except as provided by Subsection (b), a holder who on March 1 [~~June 30~~] holds property valued at more than \$250 that is presumed abandoned under Chapter 72, 73, or 75 of this code or Chapter 154, Finance Code, shall, on or before the following May [~~August~~] 1, mail to the last known address of the known owner written notice stating that:

(1) the holder is holding the property; and

(2) the holder may be required to deliver the property to the comptroller on or before July [~~November~~] 1 if the property is not claimed.

SECTION _____. Sections 74.301(a) and (c), Property Code, are amended to read as follows:

(a) Except as provided by Subsection (c), each holder who on March 1 [~~June 30~~] holds property that is presumed abandoned under Chapter 72, 73, or 75 shall deliver the property to the comptroller on or before the following July [~~November~~] 1 accompanied by the report required to be filed under Section 74.101.

(c) If the property subject to delivery under Subsection (a) is the contents of a safe deposit box, the comptroller may instruct a holder to deliver the property on a specified date before July [~~November~~] 1 of the following year.

SECTION _____. Sections 74.601(e), Property Code, is amended to read as follows:

(e) The comptroller on receipt or from time to time may [~~from time to time~~] sell securities, including stocks, bonds, and mutual funds received under this chapter or any other statute requiring the delivery of unclaimed property to the comptroller and use the proceeds to buy, exchange, invest, or reinvest in marketable securities. When making or selling the investments, the comptroller shall exercise the judgment and care of a prudent person.

SECTION _____. Sections 74.708, Property Code, is amended to read as follows:

Sec. 74.708. PROPERTY HELD IN TRUST. A holder who on March 1 [~~June 30~~] holds property presumed abandoned under Chapters 72-75 holds the property in trust for the benefit of the state on behalf of the missing owner and is liable to the state for the full value of the property, plus any accrued interest and penalty. A holder is not required by this section to segregate or establish trust accounts for the property provided the property is timely delivered to the comptroller in accordance with Section 74.301.

SECTION _____. (a) Except as provided by Subsection (b) of this section, this Act takes effect September 1, 2011.

(b) Sections 74.101(a), 74.1011(a), 74.301(a) and (c), and 74.708, Property Code, as amended by this Act, take effect January 1, 2013.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Turner offered the following amendment to **CSHB 257**:

Amend **CSHB 257** (house committee printing) in SECTION 2 of the bill by striking "the first anniversary of the date" in each place that it appears and substituting "18 months after the date".

Amendment No. 2 was adopted.

Amendment No. 3

Representative Sheets offered the following amendment to **CSHB 257**:

Amend **CSHB 257** (house committee printing) on page 2, between lines 12 and 13, by inserting the following:

(c) A utility deposit is not presumed abandoned if the depositor was called to active military service in any branch of the United States armed forces during any part of the period described by Subsection (b).

Amendment No. 3 was adopted.

CSHB 257, as amended, was passed to engrossment.

RULES SUSPENDED

Representative Hunter moved to suspend all necessary rules to add bills to the Daily Calendar set for tomorrow and for the revised calendar with the added bills to be eligible for floor consideration at 10 a.m. tomorrow.

The motion prevailed by (Record 654): 134 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Anderson, R.; Bonnen; Craddick; Gonzales, L.; Harper-Brown; Pitts; Rodriguez; Truitt.

Absent, Excused, Committee Meeting — Hopson; McClendon.

Absent — Dukes; Hochberg; Villarreal; Weber.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Hunter requested permission for the Committee on Calendars to meet while the house is in session, at 8 p.m. today, in 3W.15, to set a calendar.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Calendars, 8 p.m. today, 3W.15, for a formal meeting, to set a calendar.

GENERAL STATE CALENDAR

(consideration continued)

SB 360 ON SECOND READING

(Creighton - House Sponsor)

SB 360, A bill to be entitled An Act relating to the composition and use of money in the rural water assistance fund.

SB 360 was considered in lieu of **HB 865**.

SB 360 was passed to third reading.

HB 865 - LAID ON THE TABLE SUBJECT TO CALL

Representative Creighton moved to lay **HB 865** on the table subject to call.

The motion prevailed.

SB 501 ON SECOND READING

(Dukes - House Sponsor)

SB 501, A bill to be entitled An Act relating to the disproportionality of certain groups in the juvenile justice, child welfare, health, and mental health systems and the disproportionality of the delivery of certain services in the education system.

SB 501 was considered in lieu of **HB 945**.

SB 501 was passed to third reading. (Aycock, Berman, Bohac, Cain, Chisum, Christian, Crownover, Flynn, Hancock, Hartnett, P. King, Landtroop, Laubenberg, Legler, Orr, Otto, Paxton, Perry, Phillips, Sheffield, Simpson, Solomons, L. Taylor, Weber, White, and Zedler recorded voting no.)

HB 945 - LAID ON THE TABLE SUBJECT TO CALL

Representative Dukes moved to lay **HB 945** on the table subject to call.

The motion prevailed.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence temporarily for today to attend a meeting of the Committee on Calendars:

Branch on motion of Patrick.
 Coleman on motion of Patrick.
 Cook on motion of Patrick.
 Geren on motion of Patrick.
 Hunter on motion of Patrick.
 Keffer on motion of Patrick.
 T. King on motion of Patrick.
 Kolkhorst on motion of Patrick.
 Lucio on motion of Patrick.
 Ritter on motion of Patrick.
 Solomons on motion of Patrick.
 Zerwas on motion of Patrick.

HB 961 ON SECOND READING (by Turner)

HB 961, A bill to be entitled An Act relating to the sealing of and restricting access to juvenile records of adjudications of delinquent conduct or conduct indicating a need for supervision.

Amendment No. 1

Representative Gallego offered the following amendment to **HB 961**:

Amend **HB 961** (house committee printing) as follows:

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

SECTION ____ Chapter 44, Code of Criminal Procedure, is amended by adding Article 44.2811 to read as follows:

Art. 44.2811. RECORDS RELATING TO CHILDREN CONVICTED OF FINE-ONLY MISDEMEANORS. All records and files and information stored by electronic means or otherwise, from which a record or file could be generated, relating to a child who is convicted of and has satisfied the judgment for a fine-only misdemeanor offense other than a traffic offense are confidential and may not be disclosed to the public except as provided under Article 45.0217(b). All records and files and information stored by electronic means or otherwise, from which a record or file could be generated, relating to a child whose conviction for a fine-only misdemeanor other than a traffic offense is affirmed are confidential upon satisfaction of the judgment and may not be disclosed to the public except as provided under Article 45.0217(b).

SECTION ____ Subchapter B, Chapter 45, Code of Criminal Procedure, is amended by adding Article 45.0217 to read as follows:

Art. 45.0217. CONFIDENTIAL RECORDS RELATED TO THE CONVICTION OF A CHILD. (a) Except as provided by Article 15.27 and Subsection (b), all records and files, including those held by law enforcement, and information stored by electronic means or otherwise, from which a record or file could be generated, relating to a child who is convicted of and has satisfied the judgment for a fine-only misdemeanor offense other than a traffic offense are confidential and may not be disclosed to the public.

(b) Information subject to Subsection (a) may be open to inspection only by:

- (1) judges or court staff;
- (2) a criminal justice agency for a criminal justice purpose, as those terms are defined by Section 411.082, Government Code;
- (3) the Department of Public Safety;
- (4) an attorney for a party to the proceeding;
- (5) the child defendant; or
- (6) the defendant's parent, guardian, or managing conservator.

SECTION _____. Subchapter A, Chapter 58, Family Code, is amended by adding Section 58.00711 to read as follows:

Sec. 58.00711. RECORDS RELATING TO CHILDREN CONVICTED OF FINE-ONLY MISDEMEANORS. Except as provided by Article 45.0217(b), Code of Criminal Procedure, all records and files and information stored by electronic means or otherwise, from which a record or file could be generated, relating to a child who is convicted of and has satisfied the judgment for a fine-only misdemeanor offense other than a traffic offense are confidential and may not be disclosed to the public.

SECTION _____. Section 411.0851(a), Government Code, is amended to read as follows:

(a) A private entity that compiles and disseminates for compensation criminal history record information shall destroy and may not disseminate any information in the possession of the entity with respect to which the entity has received notice that:

- (1) an order of expunction has been issued under Article 55.02, Code of Criminal Procedure; or
- (2) an order of nondisclosure has been issued under Section 411.081(d) [~~or (f-1)~~].

SECTION _____. The heading to Section 552.142, Government Code, is amended to read as follows:

Sec. 552.142. EXCEPTION: RECORDS OF CERTAIN DEFERRED ADJUDICATIONS [~~AND CERTAIN MISDEMEANORS PUNISHABLE BY FINE ONLY~~].

SECTION _____. Section 552.142(a), Government Code, is amended to read as follows:

(a) Information is excepted from the requirements of Section 552.021 if an order of nondisclosure with respect to the information has been issued under Section 411.081(d) [~~or (f-1)~~].

SECTION _____. Section 552.1425(a), Government Code, is amended to read as follows:

(a) A private entity that compiles and disseminates for compensation criminal history record information may not compile or disseminate information with respect to which the entity has received notice that:

(1) an order of expunction has been issued under Article 55.02, Code of Criminal Procedure; or

(2) an order of nondisclosure has been issued under Section 411.081(d) [~~or (f-1)~~].

SECTION _____. Sections 411.081(f-1) and (j), Government Code, are repealed.

SECTION _____. Articles 44.2811 and 45.0217, Code of Criminal Procedure, and Section 58.00711, Family Code, as added by this Act, and Sections 411.0851(a), 552.142, and 552.1425(a), Government Code, as amended by this Act, apply to convictions before, on, or after the effective date of this Act.

(2) On page 4, line 14, strike "The change in law made by this Act applies to" and substitute "Sections 58.003(c), 58.203(a), 58.208, and 58.209(a), Family Code, as amended by this Act, apply to".

Amendment No. 1 was adopted.

HB 961, as amended, was passed to engrossment.

**CSHB 1009 ON SECOND READING
(by Callegari)**

CSHB 1009, A bill to be entitled An Act relating to procedures for obtaining informed consent before certain postmortem examinations or autopsies.

CSHB 1009 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE ZERWAS: This bill addresses the disposition of organs, prosthetic devices, and tissue after the autopsy examination has been completed. Is that correct?

REPRESENTATIVE CALLEGARI: Correct. Yes.

ZERWAS: May one of those methods of disposition include the use of organs, prosthetic devices, and tissues for: research scientific purposes, therapeutic purposes, or education?

CALLEGARI: Yes.

REMARKS ORDERED PRINTED

Representative Zerwas moved to print remarks between Representative Callegari and Representative Zerwas.

The motion prevailed.

Amendment No. 1

Representative Gallego offered the following amendment to **CSHB 1009**:

Amend **CSHB 1009** (house committee printing) as follows:

(1) On page 2, line 26, strike "that member knows of an objection by another member of the class" and substitute "another member of the class files an objection with the physician, medical examiner, justice of the peace, or county judge".

(2) On page 2, line 26, strike "known" and substitute "filed".

(3) On page 3, line 5, strike "object" and substitute "file an objection".

(4) On page 5, line 9, strike "object to" and substitute "file an objection with [object to]".

Amendment No. 1 was adopted.

CSHB 1009, as amended, was passed to engrossment.

CSHB 1389 ON SECOND READING
(by Hopson and Shelton)

CSHB 1389, A bill to be entitled An Act relating to the criminal penalties for the owner of a dog that attacks another person.

CSHB 1389 was passed to engrossment by (Record 655): 112 Yeas, 7 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Aycocock; Beck; Berman; Bohac; Brown; Burkett; Burnam; Button; Callegari; Carter; Castro; Chisum; Christian; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Frullo; Gallego; Garza; Giddings; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Hernandez Luna; Hilderbran; Hochberg; Howard, C.; Howard, D.; Huberty; Jackson; Johnson; King, P.; King, S.; Kleinschmidt; Kuempel; Larson; Laubenberg; Lewis; Lozano; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Price; Quintanilla; Raymond; Reynolds; Riddle; Schwertner; Scott; Sheets; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Turner; Veasey; Vo; Walle; Weber; Woolley; Workman.

Nays — Cain; Flynn; Hartnett; Hughes; Isaac; Lavender; Legler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anderson, R.; Bonnen; Craddick; Gonzales, L.; Harper-Brown; Pitts; Rodriguez; Truitt.

Absent, Excused, Committee Meeting — Branch; Coleman; Cook; Geren; Hopson; Hunter; Keffer; King, T.; Kolkhorst; Lucio; McClendon; Ritter; Solomons; Zerwas.

Absent — Dutton; Landroop; Lyne; Perry; Sheffield; Villarreal; White; Zedler.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 655. I intended to vote no.

C. Anderson

When Record No. 655 was taken, I was in the house but away from my desk. I would have voted no.

Landtroop

I was shown voting yes on Record No. 655. I intended to vote no.

S. Miller

When Record No. 655 was taken, I was in the house but away from my desk. I would have voted no.

Perry

When Record No. 655 was taken, I was temporarily out of the house chamber in a committee meeting. I would have voted yes.

White

CSHB 1604 ON SECOND READING

(by Guillen and Raymond)

CSHB 1604, A bill to be entitled An Act relating to the regulation of subdivisions in counties, including certain border and economically distressed counties.

CSHB 1604 - POINT OF ORDER

Representative Martinez Fischer raised a point of order against further consideration of **CSHB 1604**.

The point of order was withdrawn.

Representative Guillen moved to postpone consideration of **CSHB 1604** until 8:30 p.m. today.

The motion prevailed.

(Coleman and Craddick now present)

SB 894 ON SECOND READING

(Coleman - House Sponsor)

SB 894, A bill to be entitled An Act relating to employment of physicians by certain hospitals.

SB 894 was considered in lieu of **HB 1700**.

SB 894 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE SHELTON: This session, chairman, we've made some significant changes in the corporate practice of medicine, mostly for rural areas in critical access areas. Is that correct?

REPRESENTATIVE COLEMAN: That's correct.

SHELTON: And so, in doing so, we need to have measures that protect physician autonomy. I suspect I may be the only person in this chamber of employed physicians, and I will tell you they are a pretty high maintenance group. And one of the things that's really important is that physicians maintain their autonomy, so that the—when you go to your doctor, your doctor's working for you and not the hospitals. So, could you share for me what is in this bill that protects physician autonomy from undue pressure, such as, "Doctor, you didn't order enough MRIs this month."

COLEMAN: Well, what's very important here is that, as you said, the hospital cannot force the doctor to do something outside of their practice act. And, within this bill, what it does is set up a mechanism through the medical board of the hospital, and the medical director, with a linkage to the Texas Medical Board on any issues that have to do with having a physician do something that's not within their practice, or coercion. And that physician is to go to the doctor, who is the head of the hospital, to make that complaint, and then that complaint goes to the medical board. No different than our discussion in Public Health about the peer discipline that we have in our medical board system. This allows the medical board to act on behalf of that physician and make sure there's no undue influence against their practice of medicine.

SHELTON: So, in your bill, is their employment dependant upon doing as the hospital says?

COLEMAN: No.

SHELTON: Okay. Now, is it your intent to expand this bill to physicians who work in rural or other critical access areas?

COLEMAN: This bill here today—**SB 894**—there's no intention to expand this bill any further. The intention, I hope, is to pass this bill off the floor of the house and send it to the governor.

REMARKS ORDERED PRINTED

Representative Shelton moved to print remarks between Representative Shelton and Representative Coleman.

The motion prevailed.

SB 894 was passed to third reading. (P. King recorded voting no.)

HB 1700 - LAID ON THE TABLE SUBJECT TO CALL

Representative Coleman moved to lay **HB 1700** on the table subject to call.

The motion prevailed.

HB 1720 ON SECOND READING

(by J. Davis)

HB 1720, A bill to be entitled An Act relating to improving health care provider accountability and efficiency under the child health plan and Medicaid programs.

Amendment No. 1

Representative J. Davis offered the following amendment to **HB 1720**:

Amend **HB 1720** (house committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.024161 to read as follows:

Sec. 531.024161. REIMBURSEMENT CLAIMS FOR CERTAIN MEDICAID OR CHIP SERVICES INVOLVING SUPERVISED PROVIDERS.

(a) If a provider, including a nurse practitioner or physician assistant, under the Medicaid or child health plan program provides a referral for or orders health care services for a recipient or enrollee, as applicable, at the direction or under the supervision of another provider, and the referral or order is based on the supervised provider's evaluation of the recipient or enrollee, the names and associated national provider identifier numbers of the supervised provider and the supervising provider must be included on any claim for reimbursement submitted by a provider based on the referral or order. For purposes of this section, "national provider identifier" means the national provider identifier required under Section 1128J(e), Social Security Act (42 U.S.C. Section 1320a-7k(e)).

(b) The executive commissioner shall adopt rules necessary to implement this section.

SECTION 2. Subchapter C, Chapter 531, Government Code, is amended by adding Sections 531.1131 and 531.117 to read as follows:

Sec. 531.1131. FRAUD AND ABUSE RECOVERY BY CERTAIN PERSONS; RETENTION OF RECOVERED AMOUNTS. (a) If a managed care organization's special investigative unit under Section 531.113(a)(1) or the entity with which the managed care organization contracts under Section 531.113(a)(2) discovers fraud or abuse in the Medicaid program or the child health plan program, the unit or entity shall:

(1) immediately notify the commission's office of inspector general;

(2) subject to Subsection (b), begin payment recovery efforts; and

(3) ensure that any payment recovery efforts in which the organization engages are in accordance with applicable rules adopted by the executive commissioner.

(b) If the amount sought to be recovered under Subsection (a)(2) exceeds \$100,000, the managed care organization's special investigative unit or contracted entity described by Subsection (a) may not engage in payment recovery efforts if, not later than the 10th business day after the date the unit or entity notified the commission's office of inspector general under Subsection (a)(1), the unit or entity receives a notice from the office indicating that the unit or entity is not authorized to proceed with recovery efforts.

(c) A managed care organization may retain any money recovered under Subsection (a)(2) by the organization's special investigative unit or contracted entity described by Subsection (a).

(d) A managed care organization shall submit a quarterly report to the commission's office of inspector general detailing the amount of money recovered under Subsection (a)(2).

(e) The executive commissioner shall adopt rules necessary to implement this section, including rules establishing due process procedures that must be followed by managed care organizations when engaging in payment recovery efforts as provided by this section.

Sec. 531.117. RECOVERY AUDIT CONTRACTORS. To the extent required under Section 1902(a)(42), Social Security Act (42 U.S.C. Section 1396a(a)(42)), the commission shall establish a program under which the commission contracts with one or more recovery audit contractors for purposes of identifying underpayments and overpayments under the Medicaid program and recovering the overpayments.

SECTION 3. Subchapter D, Chapter 62, Health and Safety Code, is amended by adding Section 62.1561 to read as follows:

Sec. 62.1561. PROHIBITION OF CERTAIN HEALTH CARE PROVIDERS. The executive commissioner of the commission shall adopt rules for prohibiting a person from participating in the child health plan program as a health care provider for a reasonable period, as determined by the executive commissioner, if the person:

(1) fails to repay overpayments under the program; or

(2) owns, controls, manages, or is otherwise affiliated with and has financial, managerial, or administrative influence over a provider who has been suspended or prohibited from participating in the program.

SECTION 4. Section 32.047, Human Resources Code, is amended to read as follows:

Sec. 32.047. PROHIBITION OF CERTAIN HEALTH CARE SERVICE PROVIDERS. (a) A person is permanently prohibited from providing or arranging to provide health care services under the medical assistance program if:

(1) the person is convicted of an offense arising from a fraudulent act under the program; and

(2) the person's fraudulent act results in injury to an elderly person, as defined by Section 48.002(a)(1) [~~48.002(1)~~], a disabled person, as defined by Section 48.002(a)(8)(A) [~~48.002(8)(A)~~], or a person younger than 18 years of age.

(b) The executive commissioner of the Health and Human Services Commission shall adopt rules for prohibiting a person from participating in the medical assistance program as a health care provider for a reasonable period, as determined by the executive commissioner, if the person:

(1) fails to repay overpayments under the program; or

(2) owns, controls, manages, or is otherwise affiliated with and has financial, managerial, or administrative influence over a provider who has been suspended or prohibited from participating in the program.

SECTION 5. Subchapter B, Chapter 32, Human Resources Code, is amended by adding Section 32.068 to read as follows:

Sec. 32.068. IN-PERSON EVALUATION REQUIRED FOR CERTAIN SERVICES. (a) A medical assistance provider may order or otherwise authorize the provision of home health services for a recipient only if the provider has conducted an in-person evaluation of the recipient within the six-month period preceding the date the order or other authorization was issued.

(b) A physician, physician assistant, nurse practitioner, clinical nurse specialist, or certified nurse-midwife that orders or otherwise authorizes the provision of durable medical equipment for a recipient in accordance with Chapter 157, Occupations Code, and other applicable law, including rules, must certify on the order or other authorization that the person conducted an in-person evaluation of the recipient within the six-month period preceding the date the order or other authorization was issued.

(c) The executive commissioner of the Health and Human Services Commission shall adopt rules necessary to implement this section.

SECTION 6. Section 531.1131, Government Code, as added by this Act, applies to the investigation of a fraudulent Medicaid or child health plan program claim or other program abuse that commences on or after the effective date of this Act. An investigation that commences before the effective date of this Act is governed by the law in effect when the investigation commenced, and the former law is continued in effect for that purpose.

SECTION 7. If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

SECTION 8. This Act takes effect September 1, 2011.

Amendment No. 1 was adopted.

HB 1720, as amended, was passed to engrossment.

HB 1723 ON SECOND READING
(by Lucio)

HB 1723, A bill to be entitled An Act relating to the penalties prescribed for a single violation or repeated violations of certain court orders or conditions of bond in a family violence case.

HB 1723 was passed to engrossment.

HB 1816 ON SECOND READING
(by C. Howard, Reynolds, Cook, et al.)

HB 1816, A bill to be entitled An Act relating to the vaccination against bacterial meningitis of first-time students at public and private or independent institutions of higher education.

Representative C. Howard moved to postpone consideration of **HB 1816** until 2 p.m. Thursday, May 5.

The motion prevailed.

SB 1160 ON SECOND READING
(Jackson - House Sponsor)

SB 1160, A bill to be entitled An Act relating to the liability of a landowner for harm to a trespasser.

SB 1160 was considered in lieu of **HB 1971**.

SB 1160 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE JACKSON: Mr. Speaker, members, **SB 1160** simply puts in statute what is generally recognized as common law regarding trespassing private property. Courts have generally held no duty of care to trespassers except in virulent and well-defined circumstances. The legislature previously put in statute limitations for owners for agricultural land.

Amendment No. 1

Representative Lozano offered the following amendment to **SB 1160**:

Amend **SB 1160** (house committee printing) by inserting the following appropriately numbered SECTIONS and renumbering SECTIONS of the bill accordingly:

SECTION _____. The heading to Section 75.006, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 75.006. LIABILITY LIMITED FOR ACTIONS OF FIREFIGHTER, FEDERAL LAW ENFORCEMENT OFFICER, OR PEACE OFFICER.

SECTION _____. Section 75.006, Civil Practice and Remedies Code, is amended by amending Subsection (a) and adding Subsections (c) and (d) to read as follows:

(a) In this section:

(1) "Federal law enforcement officer" means a law enforcement officer as defined by 5 U.S.C. Section 8331(20).

(2) "Firefighter" means a member of a fire department who performs a function listed in Section 419.021(3)(C), Government Code.

(3) ~~[(2)]~~ "Livestock" has the meaning assigned by Section 1.003, Agriculture Code.

(4) ~~[(3)]~~ "Peace officer" has the meaning assigned by Section 1.07, Penal Code, or other state or federal law.

(c) An owner, lessee, or occupant of agricultural land is not liable for any damage or injury to any person or property that arises from the actions of a peace officer or federal law enforcement officer when the officer enters or causes another person to enter the agricultural land with or without the permission of the owner, lessee, or occupant. The owner, lessee, or occupant of agricultural land is not liable for the damage or injury regardless of whether the damage or injury occurs on the agricultural land.

(d) The owner, lessee, or occupant of agricultural land is not liable for any damage or injury to any person or property that arises from the actions of an individual who, because of the actions of a peace officer or federal law enforcement officer, enters or causes another person to enter the agricultural land without the permission of the owner, lessee, or occupant.

(e) This section does not limit the liability of an owner, lessee, or occupant of agricultural land for any damage or injury that arises from a willful or wanton act or gross negligence by the owner, lessee, or occupant.

Amendment No. 1 was adopted.

SB 1160, as amended, was passed to third reading.

HB 1971 - LAID ON THE TABLE SUBJECT TO CALL

Representative Jackson moved to lay **HB 1971** on the table subject to call.

The motion prevailed.

(Geren, Keffer, and T. King now present)

CSHB 1942 ON SECOND READING

(by Patrick, Shelton, Strama, Eissler, Guillen, et al.)

CSHB 1942, A bill to be entitled An Act relating to bullying in public schools.

REMARKS ORDERED PRINTED

Representative Hughes moved to print remarks by Representative Jackson on **SB 1160**.

The motion prevailed.

CSHB 1942 - (consideration continued)

Amendment No. 1

Representative Patrick offered the following amendment to **CSHB 1942**:

Amend **CSHB 1942** (house committee report) as follows:

- (1) On page 4, line 16, strike "on a vehicle" and substitute "in a vehicle".
- (2) On page 5, line 23, strike "included in" and substitute "included".
- (3) On page 5, strike line 24 and substitute:
"(1) annually, in the student and employee school district handbooks;".
- (4) On page 5, line 26, between "(2)" and "the district", insert "in".

Amendment No. 1 was adopted.

Amendment No. 2

Representatives Simpson, Hughes, Kleinschmidt, Guillen, Anchia, Harper-Brown, T. King, Lyne, Isaac, V. Gonzales, Cain, C. Anderson, Martinez, Sheets, White, Jackson, Burnam, Weber, Orr, Landtroop, S. Davis, Truitt, Dutton, Turner, D. Howard, Ritter, Raymond, Hopson, Kolkhorst, V. Taylor, Cook, Driver, Hardcastle, Aliseda, Walle, Eissler, Larson, T. Smith, Aycock, Keffer, Schwertner, and Perry offered the following amendment to **CSHB 1942**:

Amend **CSHB 1942** (house committee printing) as follows:

- (1) On page 5, line 18, strike "and".
- (2) On page 5, line 21, strike ";" and substitute "; and".
- (3) On page 5, between lines 21 and 22, insert the following:

(7) prohibits the imposition of a disciplinary measure on a student who is a victim of bullying on the basis of that student's use of reasonable self-defense in response to the bullying.

(Branch, Hunter, and Solomons now present)

Representative Aycock moved to table Amendment No. 2.

The motion to table was lost by (Record 656): 43 Yeas, 86 Nays, 1 Present, not voting.

Yeas — Allen; Alvarado; Aycock; Brown; Burnam; Button; Carter; Davis, J.; Davis, S.; Eissler; Frullo; Gallego; Gonzalez; Gooden; Guillen; Gutierrez; Harless; Hilderbran; Hochberg; Huberty; King, S.; Kleinschmidt; Madden; Marquez; Martinez; Menendez; Miles; Miller, D.; Miller, S.; Murphy; Otto; Patrick; Pickett; Quintanilla; Raymond; Sheffield; Shelton; Smith, T.; Strama; Thompson; Villarreal; Woolley; Workman.

Nays — Aliseda; Alonzo; Anchia; Anderson, C.; Beck; Berman; Bohac; Branch; Burkett; Cain; Castro; Chisum; Christian; Craddick; Creighton; Darby; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Elkins; Farias; Farrar; Fletcher; Flynn; Garza; Giddings; Gonzales, V.; Hamilton; Hancock; Hartnett; Hernandez Luna; Howard, C.; Howard, D.; Hughes; Hunter; Isaac; Jackson; Johnson; King, P.; King, T.; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lozano; Lucio; Lyne; Margo; Martinez Fischer; Morrison; Muñoz; Naishtat; Nash; Oliveira; Orr; Parker; Paxton; Peña; Perry; Phillips; Price; Reynolds; Riddle; Ritter; Schwertner; Scott; Sheets; Simpson; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Turner; Veasey; Vo; Walle; Weber; White; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anderson, R.; Bonnen; Gonzales, L.; Harper-Brown; Pitts; Rodriguez; Truitt.

Absent, Excused, Committee Meeting — Cook; Geren; Hopson; Kolkhorst; McClendon; Zerwas.

Absent — Callegari; Coleman; Crownover; Hardcastle; Keffer; Lewis; Mallory Caraway.

STATEMENTS OF VOTE

When Record No. 656 was taken, I was excused for a committee meeting. I would have voted no.

Cook

I was shown voting yes on Record No. 656. I intended to vote no.

Gallego

I was shown voting yes on Record No. 656. I intended to vote no.

Quintanilla

I was shown voting yes on Record No. 656. I intended to vote no.

T. Smith

When Record No. 656 was taken, I was excused for a committee meeting. I would have voted no.

Zerwas

(Cook, Geren, Kolkhorst, and Zerwas now present)

Amendment No. 2 was adopted.

Amendment No. 3

Representative Simpson offered the following amendment to **CSHB 1942**:

Amend **CHSB 1942** (house committee printing) on page 3, line 8, between "identification," and "and resolution" by inserting "self-defense in response to,".

Amendment No. 3 was adopted.

CSHB 1942, as amended, was passed to engrossment by (Record 657): 102 Yeas, 34 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Aycock; Beck; Bohac; Branch; Brown; Burkett; Burnam; Button; Callegari; Carter; Castro; Coleman; Cook; Craddick; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Frullo; Gallego; Giddings; Gonzales, V.; Gonzalez; Gooden; Gutierrez; Hamilton; Hardcastle; Harless; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Howard, D.; Huberty; Hunter; Isaac; Jackson; Johnson; Keffer; King, S.; King, T.; Kleinschmidt; Kuempel; Landtroop; Larson; Lavender; Lozano; Lucio; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; Miles; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Peña; Perry; Quintanilla; Raymond; Reynolds; Ritter; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smithee; Strama; Torres; Turner; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Nays — Berman; Cain; Chisum; Christian; Creighton; Crownover; Fletcher; Flynn; Garza; Geren; Hancock; Howard, C.; Hughes; King, P.; Kolkhorst; Laubenberg; Legler; Lyne; Miller, D.; Miller, S.; Morrison; Paxton; Phillips; Price; Riddle; Schwertner; Smith, W.; Solomons; Taylor, L.; Taylor, V.; Thompson; White; Workman; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anderson, R.; Bonnen; Gonzales, L.; Harper-Brown; Pitts; Rodriguez; Truitt.

Absent, Excused, Committee Meeting — Hopson; McClendon.

Absent — Guillen; Lewis; Menendez; Pickett.

STATEMENT OF VOTE

I was shown voting yes on Record No. 657. I intended to vote no.

Parker

COMMITTEE GRANTED PERMISSION TO MEET

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

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

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

**HB 1992 ON SECOND READING
(by Hardcastle, et al.)**

HB 1992, A bill to be entitled An Act relating to the authority of the Texas Animal Health Commission to set and collect fees.

Amendment No. 1

Representative Hardcastle offered the following amendment to **HB 1992**:

Amend **HB 1992** (house committee printing) by striking page 1, lines 8-21, and substituting the following:

(a) The commission may charge a fee, as provided by commission rule, for an inspection made by the commission.

(b) The commission by rule may set and collect a fee for any service provided by the commission, including:

(1) the inspection of animals or facilities;

(2) the testing of animals for disease;

(3) obtaining samples from animals for disease testing;

(4) disease prevention, control or eradication, and treatment efforts;

(5) services related to the transport of livestock, exotic livestock, and domestic fowl;

(6) control and eradication of ticks and other pests; and

(7) any other service for which the commission incurs a cost.

(c) This subsection and Subsection (b) expire September 1, 2013.

Amendment No. 1 was adopted.

Amendment No. 2

Representative S. Miller offered the following amendment to **HB 1992**:

Amend **HB 1992** (house committee printing) as follows:

(1) On page 1, line 7, following "FEES.", insert "(a)".

(2) On page 1, between lines 21 and 22, insert the following:

(b) This section expires September 1, 2013.

Amendment No. 2 was withdrawn.

Amendment No. 3

Representative S. Miller offered the following amendment to **HB 1992**:

Amend **HB 1992** (house committee printing) as follows:

(1) On page 1, line 7, following "FEES.", insert "(a)".

(2) On page 1, between lines 21 and 22, insert the following:

(b) A fee collected under this section shall be deposited in a dedicated account in the general revenue fund to be used only for the purpose for which the fee was collected.

Amendment No. 3 was adopted.

Amendment No. 4

Representative S. Miller offered the following amendment to **HB 1992**:

Amend **HB 1992** on page 1 by striking lines 10-21 and substituting "~~inspection made~~ by the commission, including the inspection of animals or facilities."

Representative Hardcastle moved to table Amendment No. 4.

The motion to table was lost by (Record 658): 61 Yeas, 68 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Aycock; Beck; Branch; Brown; Castro; Chisum; Darby; Davis, J.; Davis, Y.; Dutton; Farias; Farrar; Frullo; Gallego; Geren; Gonzales, V.; Gonzalez; Hamilton; Hancock; Hardcastle; Hernandez Luna; Hilderbran; Hochberg; Howard, D.; Isaac; Jackson; Keffer; King, S.; King, T.; Kolkhorst; Kuempel; Landtroop; Larson; Lozano; Lucio; Lyne; Margo; Marquez; Martinez; Martinez Fischer; Miles; Muñoz; Oliveira; Orr; Otto; Patrick; Perry; Price; Reynolds; Ritter; Schwertner; Strama; Veasey; Vo; Walle; Zerwas.

Nays — Anderson, C.; Berman; Bohac; Burkett; Burnam; Button; Cain; Callegari; Carter; Christian; Cook; Craddick; Creighton; Crownover; Davis, S.; Deshotel; Driver; Eissler; Elkins; Fletcher; Flynn; Garza; Gooden; Gutierrez; Harless; Hartnett; Howard, C.; Hughes; Hunter; Johnson; King, P.; Kleinschmidt; Laubenberg; Lavender; Legler; Lewis; Madden; Miller, D.; Miller, S.; Murphy; Naishtat; Nash; Parker; Paxton; Peña; Phillips; Quintanilla; Raymond; Riddle; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Thompson; Torres; Villarreal; Weber; White; Woolley; Workman; Zedler.

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

Absent, Excused — Anderson, R.; Bonnen; Gonzales, L.; Harper-Brown; Pitts; Rodriguez; Truitt.

Absent, Excused, Committee Meeting — Hopson; McClendon.

Absent — Coleman; Dukes; Eiland; Giddings; Guillen; Huberty; Mallory Caraway; Menendez; Morrison; Pickett.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 658. I intended to vote no.

Branch

I was shown voting yes on Record No. 658. I intended to vote no.

Isaac

I was shown voting yes on Record No. 658. I intended to vote no.

Keffer

When Record No. 658 was taken, my vote failed to register. I would have voted yes.

Menendez

When Record No. 658 was taken, I was in the house but away from my desk. I would have voted yes.

Morrison

I was shown voting no on Record No. 658. I intended to vote yes.

Naishtat

Amendment No. 4 was adopted.

Amendment No. 5

Representative S. Miller offered the following amendment to **HB 1992**:

Amend Floor Amendment No. ___ by _____ to **HB 1992** by striking page 1, lines 6-20 and substituting "service provided by the commission. The commission may not collect more than \$2 million in fees under this section during a biennium."

Amendment No. 5 was adopted.

HB 1992, as amended, was passed to engrossment. (C. Anderson, Berman, Cain, Carter, Flynn, P. King, Laubenberg, Paxton, Peña, Phillips, Sheets, Sheffield, Solomons, V. Taylor, Weber, and Workman recorded voting no.)

POSTPONED BUSINESS

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

CSHB 1604 ON SECOND READING

(by Guillen and Raymond)

CSHB 1604, A bill to be entitled An Act relating to the regulation of subdivisions in counties, including certain border and economically distressed counties.

CSHB 1604 was read second time earlier today and was postponed until this time.

Representative Guillen moved to postpone consideration of **CSHB 1604** until 9:20 p.m. today.

The motion prevailed.

GENERAL STATE CALENDAR
(consideration continued)

CSHB 2232 ON SECOND READING
(by W. Smith, et al.)

CSHB 2232, A bill to be entitled An Act relating to the operation, powers, and duties of ship channel districts.

Representative W. Smith moved to postpone consideration of **CSHB 2232** until 9 a.m. Thursday, May 5.

The motion prevailed.

HB 2366 ON SECOND READING
(by Truitt)

HB 2366, A bill to be entitled An Act relating to the authority of an open-enrollment charter school operated by a municipality to give a preference in admissions to children of employees of the municipality.

HB 2366 was passed to engrossment.

CSHB 2400 ON SECOND READING
(by D. Miller)

CSHB 2400, A bill to be entitled An Act relating to the powers and duties of the Texas Commission on Environmental Quality and other entities regarding water and sewer utilities and certain conservation and reclamation districts.

Representative D. Miller moved to postpone consideration of **CSHB 2400** until 10 a.m. tomorrow.

The motion prevailed.

CSHB 2470 ON SECOND READING
(by Phillips)

CSHB 2470, A bill to be entitled An Act relating to the regulation of sport bikes.

Amendment No. 1

On behalf of Representative Raymond, Representative Phillips offered the following amendment to **CSHB 2470**:

Amend **CSHB 2470** (house committee printing) by striking page 2, lines 20-23 and substituting:

Sec. 547.803. SAFETY EQUIPMENT. If a motorcycle, including a sport bike, is designed to carry more than one person, the motorcycle must be equipped with foot pegs and handholds for use by a passenger on the motorcycle.

Amendment No. 1 was adopted.

CSHB 2470, as amended, was passed to engrossment. (White recorded voting no.)

HB 2610 ON SECOND READING
(by Guillen, Hopson, and Dukes)

HB 2610, A bill to be entitled An Act relating to the establishment of a community-based navigator program to assist individuals applying or seeking to apply through the Internet for certain public assistance benefits programs.

Representative Guillen moved to postpone consideration of **HB 2610** until 10 a.m. Thursday, May 5.

The motion prevailed.

SB 980 ON SECOND READING
(Hancock - House Sponsor)

SB 980, A bill to be entitled An Act relating to communications services and markets.

SB 980 was considered in lieu of **HB 2620**.

Amendment No. 1

Representative Hancock offered the following amendment to **SB 980**:

Amend **SB 980** (house committee report) in SECTION 3 of the bill, in added Section 52.002(d)(2), Utilities Code (page 4, line 2), between "law" and the semicolon, by inserting "the applicability of Chapter 66, or a requirement to make a payment under Chapter 66".

Amendment No. 1 was adopted.

SB 980, as amended, was passed to third reading.

HB 2620 - LAID ON THE TABLE SUBJECT TO CALL

Representative Hancock moved to lay **HB 2620** on the table subject to call.

The motion prevailed.

HB 2671 ON SECOND READING
(by Miles)

HB 2671, A bill to be entitled An Act relating to the disclosure of personal information under the Motor Vehicle Records Disclosure Act.

HB 2671 was passed to engrossment. (Simpson recorded voting no.)

CSHB 2761 ON SECOND READING
(by Garza and C. Howard)

CSHB 2761, A bill to be entitled An Act relating to meetings and records of certain property owners' associations.

CSHB 2761 was passed to engrossment. (Simpson recorded voting no.)

CSHB 2735 ON SECOND READING**(by Madden)**

CSHB 2735, A bill to be entitled An Act relating to procedures for certain persons charged with an administrative violation of a condition of release from the Texas Department of Criminal Justice on parole or to mandatory supervision.

CSHB 2735 was passed to engrossment.

HB 2826 ON SECOND READING**(by Murphy and Coleman)**

HB 2826, A bill to be entitled An Act relating to the issuance of a certificate for a municipal setting designation.

HB 2826 was passed to engrossment.

HB 2940 ON SECOND READING**(by T. King)**

HB 2940, A bill to be entitled An Act relating to the form of death certificates and fetal death certificates.

HB 2940 was passed to engrossment. (Sheffield recorded voting no.)

CSHB 2963 ON SECOND READING**(by Crownover)**

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

Representative Crownover moved to postpone consideration of **CSHB 2963** until 8 a.m. Friday, May 6.

The motion prevailed.

CSHB 2973 ON SECOND READING**(by Hunter, Raymond, Hochberg, Martinez Fischer, et al.)**

CSHB 2973, A bill to be entitled An Act relating to encouraging public participation by citizens by protecting a person's right to petition, right of free speech, and right of association from meritless lawsuits arising from actions taken in furtherance of those rights.

CSHB 2973 was passed to engrossment.

CSHB 2902 ON SECOND READING**(by Zerwas)**

CSHB 2902, A bill to be entitled An Act relating to the release of extraterritorial jurisdiction by certain general-law municipalities.

Amendment No. 1

Representative Martinez offered the following amendment to **CSHB 2902**:

Amend **CSHB 2902** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 42.022, Local Government Code, is amended by amending Subsection (c) and adding Subsection (d) to read as follows:

(c) The expansion of the extraterritorial jurisdiction of a municipality through annexation, request, or increase in the number of inhabitants may not include any area in the existing extraterritorial jurisdiction of another municipality, except as provided by Subsection (d).

(d) The extraterritorial jurisdiction of a municipality may be expanded through annexation to include area that on the date of annexation is located in the extraterritorial jurisdiction of another municipality if a written agreement between the municipalities in effect on the date of annexation allocates the area to the extraterritorial jurisdiction of the annexing municipality.

SECTION _____. Section 42.023, Local Government Code, is amended to read as follows:

Sec. 42.023. REDUCTION OF EXTRATERRITORIAL JURISDICTION. The extraterritorial jurisdiction of a municipality may not be reduced unless the governing body of the municipality gives its written consent by ordinance or resolution, except:

(1) in cases of judicial apportionment of overlapping extraterritorial jurisdictions under Section 42.901; or

(2) in accordance with an agreement under Section 42.022(d).

Amendment No. 1 was adopted.

CSHB 2902, as amended, was passed to engrossment.

CSHB 2969 ON SECOND READING (by Oliveira)

CSHB 2969, A bill to be entitled An Act relating to authorizing the sale of certain real property held by certain state agencies.

Amendment No. 1

Representative Oliveira offered the following amendment to **CSHB 2969**:

Amend **CSHB 2969** (house committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. AUTHORIZATION FOR SALE. (a) Except as provided by Section 2 of this Act, the General Land Office shall, not later than August 31, 2013, offer for sale on behalf of each holder of real property the tracts of real property described by Section 3 of this Act.

(b) Except as otherwise provided by this Act, the sale shall be conducted as provided by Section 31.158, Natural Resources Code.

SECTION 2. SPECIFIC TERMS. (a) The General Land Office may not offer for sale the property described by Section 3(b) of this Act held by the Texas Department of Transportation until after the date the agency completes the relocation of the agency operations to another location.

(b) The General Land Office is required to implement this Act with respect to the property held by the Texas Department of Criminal Justice described in Section 3(a)(2) of this Act only if the legislature prohibits the use of appropriated money to operate the Central Unit, Sugar Land, Fort Bend County. If the legislature does not prohibit the use of appropriated money specifically for the operation of the Central Unit, Sugar Land, Fort Bend County, the General Land Office may not implement this Act with respect to the property described in Section 3(a)(2) of this Act.

(c) The General Land Office is required to implement this Act with respect to the property held by the Texas Youth Commission described in Section 3(f) of this Act only if the legislature reduces money appropriated so that the Texas Youth Commission may operate a maximum of 1,600 institutional beds. If the legislature appropriates money specifically for the operation of more than a maximum of 1,600 institutional beds, the General Land Office may not implement this Act with respect to the property described in Section 3(f) of this Act.

(d) The General Land Office is required to implement this Act with respect to the property held by the Department of Aging and Disability Services described in Section 3(g) of this Act only if the legislature prohibits the use of appropriated money to operate the named state supported living center. If the legislature does not prohibit the use of appropriated money specifically for the operation of the named state supported living center, the General Land Office may not implement this Act with respect to the property described in Section 3(g) of this Act.

(e) Before the sale of a parcel of real property described by SECTION 3 of this Act may be made, a survey of the parcel must be conducted by or under the direction of the General Land Office.

SECTION 3. PROPERTY DESCRIPTIONS. (a) Property held by the Texas Department of Criminal Justice is described as follows:

(1) Estelle Unit (part), Parcel B, 895.99 acres out of a 5,458.73 acre tract, GLO ID #702, located at FM 980 and FM 3478, Huntsville, Walker County, Texas, more particularly described as follows:

Being all that certain tract or parcel of land situated in the Stephen Manning Survey, Abstract Number 31 and being a part of a 2507.09 acre tract of land called Second Tract conveyed by the W. L. Smither Estate to the State of Texas Department of Corrections and described in deed of record in Volume 392, Pages 124 - 130 of the Walker County Deed Records (W.C.D.R.) and more particularly described as follows:

BEGINNING at a found 1 1/4" galvanized iron pipe in the Right of Way of F.M. 980 having Texas State Plane Coordinate Value of X = 3,522,562.7595 ft. (3,522,562.78'), Y = 468,762.5719 ft. (468,762.63') for the lower southwest corner of a 4928.35 acre tract described in a deed from the Trinity River Authority to the State of Texas Department of Corrections of record in Volume 223, Page 745 W.C.D.R. and the southeast corner of said 2507.09 acre tract and of this tract, from which U.S. Coast and Geodetic Triangulation Station

"PRAIRIE 1943" bears S 58° 13' 35" W 11,117.22 ft. THE SOURCE OF BEARINGS FOR THIS SURVEY IS THE GRID BEARING BETWEEN THE SAID STATION AND ITS AZIMUTH MARK;

THENCE, S 59° 56' 38" W (N 59° 57' 20" E 275.57') with a southerly line of said 2507.09 acre tract and within the said Right of Way of F.M. 980 a distance of 275.58 ft. to another found 1 1/4" galvanized iron pipe for an angle corner of said tract and this tract;

THENCE, S 64° 54' 28" W (N 64° 54' 20" E 6629.24') continuing with another southerly line of said 2507.09 acre tract and generally with fence a distance of 5431.97 ft. to a found concrete monument for an angle corner of this tract and the northerly Right of Way of F.M. 980;

THENCE, S 75° 40' 07" W (N 75° 59' 50" E 101.98') leaving the southerly line of said 2507.09 acre tract, with a northerly Right of Way line of said F.M. 980 and generally with fence a distance of 102.04 ft. to another found concrete monument for an angle corner of said right of way and of this tract;

THENCE, S 64° 52' 22" W (N 64° 41' 15" E 600.00') with another northerly Right of Way line of F.M. 980 and generally with fence a distance of 599.80 ft. to another found concrete monument at the intersection of said right of way line and the easterly Right of Way line of F.M. 3478 for a corner of this tract, from which a found 5/8" iron rod on the northerly Right of Way line of F.M. 980 and on the west line of said 2507.09 acre tract bears S 63° 46' 57" W 499.19;

THENCE, N 35° 21' 01" W (S 35° 22' 19" E 113.76') with an easterly Right of Way line of said F.M. 3478 and generally with fence a distance of 113.49 ft. to another found concrete monument for a corner of this tract;

THENCE, N 7° 24' 35" W (S 7° 28' 45" E 5335.18') with another easterly Right of Way line of said F.M. 3478 and generally with fence a distance of 5331.22 ft. to a found concrete monument at the Point of Curve to the left, for a corner of this tract;

THENCE, with said curve to the left, and generally with fence, having the following data: Delta - 5° 14' 08" Lt. (5° 14' Lt.), Radius - 2924.79 ft. (2924.79'), Length - 267.26 ft. (267.14'), Long Chord - N 10° 06' 46" W 267.17 ft. (S 10° 05' 45" E 267.05') and a Radial Bearing In - S 82° 30' 11" W, to another found concrete monument at the Point of Tangent for a corner of this tract;

THENCE, N 12° 39' 43" W (S 12° 42' 45" E 2703.16') continuing with the easterly Right of Way of said F.M. 3478 and generally with fence a distance of 2699.86 ft. to another found concrete monument for the north corner of this tract and an angle corner of said right of way line, from which another found concrete monument bears N 29° 12' 28" E 127.67 ft. (S 29° 32' 39" W 129.31');

THENCE, N 84° 36' 29" E, leaving said right of way line, a distance of 4368.03 ft. to a set 5/8" iron rod with cap "TEXAS GLO" on an easterly line of said 2507.09 acre tract and a westerly line of said 4928.35 acre tract, 4.12 ft. northeast of fence, for the northeast corner of this tract, from which a set 5/8" iron rod with cap "TEXAS GLO" for an angle corner of said tracts bears N 24° 30' 10" W 681.98 ft.;

THENCE, S 24° 30' 10" E (N 24° 30' 10" W 1028.50') with said line a distance of 346.66 ft. to a found old car axle 0.90' northeast of fence for an angle corner of said tracts and of this tract;

THENCE, S 25° 21' 25" E (N 25° 21' 25" W 2803.75') with another line of said tracts a distance of 2804.12 ft. to another found old car axle 0.90' southwest of fence for an angle corner of said tracts and this tract;

THENCE, S 25° 57' 35" E (N 25° 57' 35" W 975.68') with another line of said tracts a distance of 975.81 ft. to a set 5/8" iron rod with cap "TEXAS GLO" 7.10' northeast of fence for an angle corner of said tracts and of this tract;

THENCE, S 25° 34' 15" E (N 25° 34' 15" W 2481.39') with another line of said tracts, at 2475.7 ft. pass fence, in all a distance of 2481.72 ft. to the Place of Beginning and containing 895.99 acres of land.

This description was prepared from an actual survey performed on the ground on June 3, 2003 and is accompanied by a survey plat with the same date and is made a part hereof. The Coordinates and Bearings shown are Grid based on the Texas State Plane Coordinate System - NAD 1927, South Zone. Distances shown are Horizontal Surface Measurements in feet. Record information is shown in parenthesis. Record information was obtained from the Walker County Clerk's Office, the State of Texas Department of Criminal Justice, and the State of Texas General Land Office.

; and

(2) Central Unit, Sugar Land, Fort Bend County, Texas, generally described as:

M.M. Battle League, Abstract No. 9, Alexander Hodge League, Abstract No. 32, Fort Bend County 325.74 acres Parcel A (229.58 acres) is located on the north side of US Highway 90A west of the Sugar Land Municipal Airport. Parcel B (96.16 acres) is located at the northwest corner of State Highway 6 and US Highway 90A in Sugar Land.

(b) Property held by the Texas Department of Transportation is described as follows:

Bull Creek Camp Hubbard Annex State Headquarters, 28.912 acres, GLO ID #747, located at 4305 Bull Creek Road, Austin, Travis County, Texas, more particularly described as follows:

BEING A 28.912 ACRE TRACT OF LAND SITUATED IN THE GEORGE W. SPEAR SURVEY, LEAGUE NO. 7, ABSTRACT NO. 697 IN TRAVIS COUNTY, TEXAS, BEING PART OF THAT CERTAIN 75.79 ACRE TRACT OF LAND, AS DESCRIBED IN A DEED TO THE STATE OF TEXAS, STATE DEPARTMENT OF HIGHWAYS AND PUBLIC TRANSPORTATION OF RECORD IN VOLUME 1086, PAGE 452, REAL PROPERTY RECORDS TRAVIS COUNTY, TEXAS, DATED OCTOBER 28, 1988, SAID 28.912 ACRE TRACT BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:

BEGINNING at a brass disk in concrete found for the most southerly corner of said 75.79 acre tract, being also the northwest corner of Lot 1, Ridgelea a subdivision of record in Book 4, Page 258 of the Plat Records of Travis County,

Texas and being in the east line of Bull Creek Road, a 60 foot wide right-of-way, said monument having a Texas State Plane Coordinate, Central Zone coordinate of N=10,087,759.67 and E=3,111,175.08;

(1) THENCE N 23°52'30" W, with the west line of said 75.79 acre tract and the east line of said Bull Creek Road, for a distance of 2033.82 feet to a brass disk in concrete found at the beginning of a curve to the right;

(2) THENCE in a northerly direction with the west line of said 75.79 acre tract and the east line of said Bull Creek Road, along said curve to the right, same having a central angle 50°33'42", and a radius of 199.11 feet, an arc distance of 175.71 feet to a brass disk in concrete found at the end of said curve

(3) THENCE N 26°42'45" E, with the west line of said 75.79 acre tract and the east line of said Bull Creek Road, for a distance of 261.64 feet to a 1/2 inch iron rod with cap found for an angle point;

(4) THENCE S 62°31'59" E, departing the east line of said Bull Creek Road and over and across said 75.79 acre tract, with the east line of the herein described tract, for a distance of 89.17 feet to a 1/2 inch iron rod with cap found for an angle point;

(5) THENCE S 81°57'55" E, continuing with over and across said 75.79 acre tract, with the east line of the herein described tract, for a distance of 278.39 feet to a 1/2 inch iron rod with cap found for an angle point;

(6) THENCE N 25°54'29" E, continuing with over and across said 75.79 acre tract, with the east line of the herein described tract, for a distance of 209.60 feet to a 1/2 inch iron rod with aluminum cap stamped "TxDOT" set for an angle point;

(7) THENCE S 63°17'24" E, continuing with over and across said 75.79 acre tract, with the east line of the herein described tract, for a distance of 128.50 feet to a brass disk in concrete found for an angle point;

(8) THENCE S 14°01'54" E, continuing with over and across said 75.79 acre tract, with the east line of the herein described tract, for a distance of 894.06 feet to a brass disk in concrete found for an angle point;

(9) THENCE S 06°28'23" W, continuing with over and across said 75.79 acre tract, with the east line of the herein described tract, for a distance of 308.12 feet to a brass disk in concrete found for an angle point;

(10) THENCE S 23°53'13" E, continuing with over and across said 75.79 acre tract, with the east line of the herein described tract, at a distance of 649.77 feet pass a brass disk in concrete found, for a total distance of 654.91 feet to a 1/2 inch iron rod with aluminum cap stamped "TxDOT" found for the southeast corner of the herein described tract, being also in the southeast line of said 75.79 acre tract and being in the northwest line of Lot 11 of said Ridgelea subdivision;

(11) THENCE S 31°33'51" W, with the southeast line of said 75.79 acre tract and the northwest line of said Ridgelea subdivision, for a distance of 257.58 feet to a 1/2 inch iron pipe found for an angle point;

(12) THENCE S 28°06'08" W, with the southeast line of said 75.79 acre tract and the northwest line of said Ridgelea subdivision, for a distance of 365.51 feet to the POINT OF BEGINNING and containing 28.912 acres of land.

NOTE: Bearings are based on NAD 83, Datum, Texas State Plane Coordinate System, North Central Zone, with all distances and coordinates adjusted to the surface by a combined scale factor of 1.0001.

(c) Property held by the Texas Facilities Commission is described as follows:

(1) Bull Creek New State Cemetery, 46.19 acres, GLO ID #2402, located at 4203 Bull Creek Road, Austin, Travis County, Texas, more particularly described as follows:

BEING 44.07 ACRES OF LAND OUT OF THE GEORGE W. SPEAR LEAGUE IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AND BEING OUT OF AND A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED BY DEED TO THE STATE OF TEXAS AS RECORDED IN VOLUME 776, PAGE 225, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS. SAID 44.07 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a set brass cap in concrete for the northwest corner of said State of Texas tract, same being the west corner of Lot 34 of Shoal Village, Section Two, a subdivision in the City of Austin, Texas, as recorded in Book 5, Page 150, of the Plat Records of Travis County, Texas, and being on the east right-of-way line of Bull Creek Road (an existing 60' R/W) and being the northwest corner of this tract;

(1) THENCE S 62° 05' 02" E, along the north line of said State of Texas tract of land, same being the south line of said subdivision, a distance of 919.08 feet to a set brass cap in concrete for an angle point in the north line of said State of Texas, tract of land same being an angle point in the south line of Lot 45 of Shoal Village, Section Three, a subdivision of record in the City of Austin, Texas, as recorded in Book 6, Page 71, of the Plat Records of Travis County, Texas;

(2) THENCE along the north line of said State of Texas, tract of land, same being the south line of the following subdivisions in the City of Austin, Texas, said Shoal Village, Section Three, Shoal Village, Sec. 5, as recorded in Plat Book 6, Page 72, of the Plat Records of Travis County, Texas, Shoal Village, Sec. 6, as recorded in Plat Book 7, Page 7, of the Plat Records of Travis County, Texas, Shoal Village, Section Seven, as recorded in Plat Book 14, Page 80, of the Plat Records of Travis County, Texas, Oak Haven, Section Three, as recorded in Book 11, Page 40, of the Plat Records of Travis County, Texas, the following two (2) courses and distances:

1. S 63° 02' 45" E, a distance of 306.61 feet, a 1/2" iron rod found, and

2. S 63° 11' 57" E, a distance of 327.57 feet to the point of intersection with the centerline of Shoal Creek for the northeast corner of this tract;

(3) THENCE along the centerline of Shoal Creek with it's meanders, same being the east line of this tract, the following seven (7) courses and distances:

1. S 03° 49' 32" E, a distance of 146.37 feet, a 1/2" I. R. set,

2. S 11° 51' 40" W, a distance of 68.56 feet, a 1/2" I. R. set,
3. S 17° 44' 58" E, a distance of 255.55 feet, a 1/2" I. R. set,
4. S 11° 22' 50" W, a distance of 433.59 feet, a 1/2" I. R. set,
5. S 01° 30' 40" E, a distance of 208.10 feet, a 1/2" I. R. set,
6. S 03° 34' 39" E, a distance of 163.82 feet, a 1/2" I. R. set, and
7. S 12° 53' 44" E, a distance of 44.69 feet, to a P. K. nail set in

concrete for the southeast corner of this tract;

(4) THENCE N 62° 12' 25" W, departing from said Shoal Creek, passing the northeast corner of Lot 24 of Ridgelea, a subdivision in the City of Austin, Texas, as recorded in Book 4, Page 258, of the Plat Records of Travis County, Texas, at 59.90 feet, a total distance of 414.19 feet to a found 1/2" iron rod under concrete for the most northerly corner of Lot 21 of said Ridgelea subdivision, said point also being a re-entrant corner of this tract;

(5) THENCE S 31° 29' 35" W, along the most southerly east line of said State of Texas tract of land, same being the west line of said Ridgelea subdivision, a distance of 715.50 feet to a 1/2" iron rod set for a southwest corner of this tract, from this point the northwest corner of Lot 11, same being the southwest corner of Lot 12, of said Ridgelea subdivision bears N 31° 29' 35" E, a distance of 10.64 feet;

(6) THENCE through said State of Texas tract of land the following four (4) courses and distances:

1. N 23° 52' 33" W, passing a brass cap in concrete set at 5.00 feet, a total distance of 654.65 feet to a brass cap in concrete set for a corner,

2. N 06° 26' 42" E, a distance of 308.11 feet, a brass cap in concrete set for a corner,

3. N 14° 01' 31" W, a distance of 894.05 feet, a brass cap in concrete set for a corner, and

4. N 63° 17' 00" W, a distance of 478.50 feet to a brass cap set in concrete at the point of intersection with the east right-of-way line of Bull Creek Road, same being the west line of said State of Texas tract of land, and being the most northerly southwest corner of this tract;

(7) THENCE N 26° 43' 00" E, along said right-of-way line, a distance of 496.30 feet to the Point of Beginning, and containing 44.07 acres of land, more or less; and

BEING A 2.120 ACRE (92,350 SQUARE FEET) TRACT OF LAND OUT OF THE GEORGE W. SPEAR LEAGUE IN TRAVIS COUNTY, TEXAS. SAID 2.120 ACRE TRACT OF LAND ALSO BEING OUT OF A 31.12 ACRE TRACT HAVING BEEN CONVEYED TO THE STATE OF TEXAS BY INSTRUMENT OF RECORD IN VOLUME 776, PAGE 225, DEED RECORDS OF TRAVIS COUNTY, TEXAS. SAID 2.120 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a brass disk in concrete found on the southeasterly right of way line of Bull Creek Road. Said disk also being at the northernmost corner of said 31.12 acre tract and the westernmost corner of a 44.07 acre tract also out of the tract described in volume 776, page 225 for the northernmost corner of the herein described tract;

Thence, S63° 17' 00"E, 350.00 feet with the northeasterly line of said 31.12 acre tract and a southwesterly line of said 44.07 acre tract to a 1/2" iron rod set for the easternmost corner of the herein described tract;

Thence, S26° 42' 58"W, 205.49 feet with the southeast line of this 2.120 acre tract to a 1/2" iron rod set for the herein described tract, nearby a concrete driveway;

Thence, N82° 57' 38"W, 276.95 feet following a concrete driveway to a 1/2" iron rod set for an angle point of the herein described tract;

Thence, N62° 30' 47"W, 89.24 feet continuing along a concrete driveway to a 1/2" iron rod set on the southeasterly right of way line of Bull Creek Road and the westernmost corner of the herein described tract;

THENCE, N26° 43' 00"E, 297.55 feet with the southeasterly line of Bull Creek Road and the northwesterly line of this 2.120 acre tract to the POINT OF BEGINNING and containing 2.120 acre (92,350 square feet) of land.

(2) Parking Lot 19, 0.7887 acres, GLO ID #1905, located at 203 Martin Luther King Boulevard, Austin, Travis County, Texas, more particularly described as follows:

METES AND BOUNDS DESCRIPTION OF A SURVEY OF 34,354 SQUARE FEET OF LAND OR 0.7887 OF ONE ACRE OF LAND, BEING THE NORTHEAST ONE-QUARTER (1/4), THE NORTH ONE-HALF (1/2) OF THE SOUTHEAST ONE-QUARTER (1/4), THE EAST FIVE (5) FEET OF THE NORTHWEST ONE-QUARTER (1/4) AND THE EAST FIVE (5) FEET OF THE NORTH ONE-HALF (1/2) OF THE SOUTHWEST ONE-QUARTER (1/4) OF OUTLOT 42, DIVISION "E" OF THE GOVERNMENT TRACT ADJOINING THE ORIGINAL CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, ACCORDING TO THE PLAT ON FILE IN THE GENERAL LAND OFFICE OF THE STATE OF TEXAS, SAID TRACT OF LAND BEING DESCRIBED IN A DEED FROM TEXAS KAPPA SIGMA EDUCATIONAL FOUNDATION, INC. TO THE STATE OF TEXAS IN VOLUME 4794, PAGE 2010, DEED RECORDS OF TRAVIS COUNTY, TEXAS, AS SURVEYED FOR THE GENERAL LAND OFFICE OF THE STATE OF TEXAS BY METCALFE & SANDERS, INC., LAND SURVEYORS, 4800 SOUTH CONGRESS AVENUE, AUSTIN, TEXAS, SAID 34,354 SQUARE FEET OF LAND OR 0.7887 OF ONE ACRE OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

Commencing for reference at City of Austin 1/4" brass pin in concrete found at the intersection of the monumented base line of West 18th Street with the monumented base line of Colorado Street, and from which 1/4" brass pin in concrete found a City of Austin 1/4" brass pin in concrete found at the intersection of the monumented base line of West 18th Street with the monumented base line of Congress Avenue bears, S 70°44'00" E 440.19 feet;

Thence with the monumented base line of West 18th Street, N 70°43'55" W 40.00 feet to a calculated point;

Thence with a line forty (40) feet west of and parallel with the reconstructed base line of Colorado Street and with the east line of Outlot 42, Division "E" of the Government Tract Adjoining the Original City of Austin, Travis County,

Texas, according to the plat on file in the General Land Office of the State of Texas, being also with the west line of Colorado Street and with the most southerly east line of that 1.242 acre tract of land, described as being a portion of the west one-half (1/2) and the south one-half (1/2) of the southeast one-quarter (1/4) of said Outlot 42, Division "E", in a Correction Deed from James H. Coker to Cambridge Tower Corporation in Volume 6769, Page 11, Deed Records of Travis County, Texas, N 18°58'55" E at 29.99 feet passing a 3/4" iron pipe found 0.02 of one foot west of line, at 30.00 feet passing a calculated point at the southeast corner of said Outlot 42, Division "E" and the intersection of the west line of Colorado Street with the north line of West 18th Street, said calculated point being also the southeast corner of the said Cambridge Tower Corporation 1.242 acre tract, in all 110.03 feet to a 1/2" iron pipe found at the most southerly northeast corner of the said Cambridge Tower Corporation 1.242 acre tract and the southeast corner of that tract of land, described as being the northeast one-quarter (1/4), the north one-half (1/2) of the southeast one-quarter (1/4), the east five (5) feet of the northwest one-quarter (1/4) and the east five (5) feet of the north one-half (1/2) of the southwest one-quarter (1/4) of said Outlot 42, Division "E" in a deed from Kappa Sigma Educational Foundation, Inc. to The State of Texas in Volume 4794, Page 2010, Deed Records of Travis County, Texas, for the POINT OF BEGINNING and southeast corner of the herein described tract;

(1) THENCE with the north line of the south one-half (1/2) of the southeast one-quarter (1/4) of said Outlot 42, Division "E", the south line of the north one-half (1/2) of the southeast one-quarter (1/4) of said Outlot 42, Division "E" and the south line of the east five (5) feet of the north one-half (1/2) of the southwest one-quarter (1/4) of said Outlot 42, Division "E, and being also with the south line of the said The State of Texas tract and the most southerly north line of the said Cambridge Tower Corporation 1.242 acre tract, N 70°43'50" W at 138.10 feet passing a 1/2" steel pin previously set and found this date at the intersection of the west line of the east one-half (1/2) of said Outlot 42, Division "E" and the east line of the west one-half (1/2) of said Outlot 42, Division "E" with the north line of the south one-half (1/2) of the south one-half (1/2) of said Outlot 42, Division "E" and the south line of the north one-half (1/2) of the south one-half (1/2) of said Outlot 42, Division "E", in all 143.10 feet to a calculated point for the southwest corner of the said The State of Texas tract and an interior corner of the said Cambridge Tower Corporation 1.242 acre tract, for the southwest corner of the herein described tract;

(2) THENCE with the west line of the said The State of Texas tract and the most northerly east line of the said Cambridge Tower Corporation 1.242 acre tract, being also with the west line of the east five (5) feet of the north one-half (1/2) of the southwest one-quarter (1/4) of said Outlot 42, Division "E" and with the west line of the east five (5) feet of the northwest one-quarter (1/4) of said Outlot 42, Division "E", N 18°59'15" E 240.10 feet to a 1/2" steel pin found in the north line of said Outlot 42, Division "E" and the south line of West Martin Luther King, Jr. Boulevard (West 19th Street) at the northwest corner of the said The State of Texas tract and the most northerly northeast corner of the said Cambridge Tower Corporation 1.242 acre tract, said 1/2" steel pin found being

also the northwest corner of the east five (5) feet of the northwest one-quarter (1/4) of said Outlot 42, Division "E", for the northwest corner of the herein described tract;

(3) THENCE with the south line of West Martin Luther King, Jr. Boulevard and the north line of said Outlot 42, Division "E", being also with the north line of the said The State of Texas tract, S 70°43'35" E a 5.00 feet passing a 1/2" steel pin previously set and found this date for the northeast corner of the northwest one-quarter (1/4) of said Outlot 42, Division "E" and the northwest corner of the northeast one-quarter (1/4) of said Outlot 42, Division "E", in all 143.07 feet to a PK nail previously set and found this date in the north face of a brick step at the intersection of the south line of West Martin Luther King, Jr. Boulevard with the west line of Colorado Street for the northeast corner of said Outlot 42, Division "E" and the northeast corner of the said The State of Texas tract, for the northeast corner of the herein described tract;

(4) THENCE with the west line of Colorado Street and the east line of said Outlot 42, Division "E", being also with the east line of the said The State of Texas tract, S 18°58'55" W 240.09 feet to the POINT OF BEGINNING of the herein described tract, containing 34,354 square feet of land or 0.7887 of one acre of land.

(3) Service Station, GLO ID #1913, located at 1500 San Jacinto Street, Austin, Travis County, Texas, more particularly described as follows:
LOTS 6 & 7 BLK. 54, DIV E ORIGINAL CITY OF AUSTIN, TRAVIS COUNTY, TX.

(4) Parking Garage B/G/Lot 22, more particularly described as follows:
76,032 square feet of land, being Outlot 55, Division "E", of the Government Outlots adjoining the Original City of Austin, Texas, according to the map or plat of record in the General Land Office.

BEGINNING at an iron pin set at the most Southerly corner of the tract herein described, said iron pin set bears N 71° 08' W, 40.00' and N 19° 01' E, 50.00' from a monument found at the intersection of the centerlines of East 15th Street and Trinity Street;

THENCE; N 71° 08' W, 275.82' along the Northerly R.O.W. line of East 15th Street, 50' North of and parallel to the monumented centerline of East 15th Street to a concrete nail at the intersection of the Northerly R.O.W. line of East 15th Street and the Easterly R.O.W. line of San Jacinto Street;

THENCE; N 19° 01' E, 275.54' along the Easterly R.O.W. line of San Jacinto Street to an "X" in concrete at the intersection of the Easterly R.O.W. line of San Jacinto Street and the Southerly R.O.W. line of East 16th Street;

THENCE; S 71° 11' E, 275.80' along the Southerly R.O.W. line of East 16th Street to an iron pin set at the intersection of the Southerly R.O.W. line of East 16th Street and the Westerly R.O.W. line of Trinity Street;

THENCE; S 19° 01' W, 275.82' along the Westerly R.O.W. line of Trinity Street to the PLACE OF BEGINNING, containing 76,032 square feet of land as surveyed November, 1973, by Otis B. Autry, Registered Public Surveyor.

; and

(5) Austin Bolm Road Warehouse, more particularly described as follows:

Lot 25-A, Capitol Business Park, 1-A, a Subdivision of Travis County according to the plat recorded Volume 81 page 110 Plat records. The property was purchased by the State of Texas on June 19, 1989 from STRAFCO INC recorded Volume 10963 page 1000, Travis County Deed Records

(d) Property held by the Health and Human Services Commission is described as follows:

(1) Abilene State Supported Living Center (part), Parcel A, 33.039 acres, GLO ID #752, located at 2501 Maple Street, Abilene, Taylor County, Texas, more particularly described as follows:

BEING 33.039 ACRES OF LAND SITUATED IN THE EAST HALF OF SECTION 51, CITY OF ABILENE, TAYLOR COUNTY, TEXAS AND THAT CERTAIN 637.337 ACRE TRACT DESCRIBED IN INSTRUMENT TO THE TEXAS DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION AS RECORDED IN VOLUME 14, PAGE 127 OF THE COUNTY RECORDS OF TAYLOR COUNTY, TEXAS AND FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT A STANDARD TYPE II TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) MARKER FOUND ON THE APPARENT NORTHERLY RIGHT-OF-WAY LINE OF SOUTH 27TH STREET (A CALLED 100-FOOT WIDE RIGHT-OF-WAY) AND ON THE WESTERLY RIGHT-OF-WAY LINE OF OLDHAM ROAD [FARM TO MARKET ROAD No. 1750] (A CALLED 100-FOOT WIDE RIGHT-OF-WAY) AND BEING 5,096.4 FEET EAST AND 2,631.0 FEET SOUTH OF A CONCRETE MONUMENT WITH BRASS CAP STAMPED ABILENE STATE HOSPITAL No. 1 FOUND BEING A CALLED 70-FOOT OFFSET FROM THE NORTHWEST CORNER OF THE SOUTH HALF OF SECTION 51;

THENCE SOUTH 89°56'02" WEST ALONG SAID NORTHERLY LINE OF SOUTH 27TH STREET, 326.03 FEET TO A CONCRETE MARKER WITH BRASS DISK FOUND FOR THE BEGINNING OF A CURVE TO THE LEFT; THENCE WESTERLY CONTINUING ALONG SAID NORTHERLY LINE AND THE ARC OF SAID CURVE TO THE LEFT PASSING A 1-1/2-INCH IRON PIPE FOUND AT 379.04 FEET AND CONTINUING FOR A TOTAL DISTANCE OF 390.10 FEET, HAVING A CENTRAL ANGLE OF 16°16'29", A RADIUS OF 1,373.35 AND WHOSE LONG CHORD BEARS SOUTH 81°47'47" WEST, 388.79 FEET TO A 5/8-INCH IRON ROD WITH PLASTIC CAP STAMPED "SURVCON INC" SET;

THENCE NORTH 00°00'00" EAST PARALLEL TO SAID WESTERLY LINE OF OLDHAM ROAD, 2,063.60 FEET TO A 5/8-INCH IRON ROD WITH PLASTIC CAP STAMPED "SURVCON INC" SET;

THENCE NORTH 88°56'07" EAST, 710.96 FEET TO A 5/8-INCH IRON ROD WITH PLASTIC CAP STAMPED "SURVCON INC" SET ON SAID WESTERLY LINE OF OLDHAM ROAD;

THENCE SOUTH 00°00'00" WEST ALONG SAID WESTERLY LINE OF OLDHAM ROAD, PASSING A STANDARD TYPE II TXDOT MARKER AT 867.79 FEET AND CONTINUING FOR A TOTAL DISTANCE OF 2,020.96 FEET TO THE POINT OF BEGINNING AND CONTAINING A COMPUTED AREA OF 33.039 ACRES OF LAND.

(2) Rio Grande State Center (part), Parcel B, 14.18 acres, GLO ID #736, located at 1401 South Rangerville Road, Harlingen, Cameron County, Texas, more particularly described as follows:

Lying and situated in the City of Harlingen, Cameron County, Texas, said land being described by metes and bounds as follows:

Beginning at the Southwest corner of Block 93 of the Harlingen Land and Water Company Subdivision, Cameron County, Texas, as the map of said subdivision is recorded in Vol. 1, Page 12, of the Map Records of Cameron County, Texas;

Thence, North 00 deg. 12 min. West a distance of 10 feet to a point of beginning for the tract herewith described, and being the Southwest corner of the tract herewith described; said point being on the West boundary line of said Block 93, such boundary line being also the East boundary line of the right-of-way of Canal No. 3 of the Cameron County Water Control and Improvement District No. 1, Cameron County, Texas, said point also being on the North right-of-way line of Rio Hondo Road, a public road of Cameron County, Texas;

Thence, North 89 deg. 48 min. East a distance of 859.0 feet to a point, this boundary line being parallel to and 10 feet North of the South boundary line of said Block 93, and also being the North right-of-way line of said Rio Hondo Road;

Thence, North 00 deg. 12 min. West a distance of 719 feet to a point;

Thence, South 89 deg. 48 min. West a distance of 859 feet to a point, said point being on the line being the West boundary line of said Block 93 and the East boundary line of said right-of-way for said Canal No. 3;

Thence, South 00 deg. 12 min. East along said West boundary line of said Block 93 (being also the East boundary line of said right-of-way for Canal No. 3) a distance of 719 feet to the point of beginning of the tract herewith described and herein being conveyed, and containing 14.18 acres of land, more or less.

(3) San Angelo State Supported Living Center (part), Parcel B, 0.3214 acres GLO ID #767, located on US HWY 87 North, Carlsbad, Tom Green County, Texas, generally described as follows:

The 0.3214 acre tract consists of 2 (50' X 140') town lots legally described as Lots 10 and 11, Block 137, unincorporated Town of Carlsbad, Tom Green County, Texas.

(4) Marlin Robert E. Lee Group Home, 0.247 acres, GLO ID #2139, located at 1606 Robert E. Lee Drive, Marlin, Falls County, Texas, more particularly described as follows:

All that certain lot or parcel of land, situated in the Northeast portion of the City of Marlin, Falls County, Texas, out of the T J Chambers and A De La Serda conflicting grants, and being part of that certain Cullen Rogers 9.553 acre tract, more particularly described as Lot 11, Block 2, Plantation Acres Subdivision as shown per final plat of record in Vol. 2, Page 47, Fall County Plat Records;

Beginning at an iron rod for the Northeast corner of Rogers 9.553 acres and Northeast corner of Lot 11, Block 2 mentioned above;
Thence S 29°46'29" E 95.91 ft. with center line 15 ft. utility easement to an iron rod for the Southeast corner of Lot 11;
Thence S 61°52'30" W 115.5 ft. to an iron rod for the Southwest corner of said Lot 11, in the East line of Robert E. Lee Drive;
Thence N 28°07'30" W 92.63 ft. along the East line of Robert E. Lee Drive to an iron rod for the Northwest corner of Lot 11, a point in the North line of Rogers 9.553 acres;
Thence N 60°13'33" E 112.79 ft. to the place of beginning containing 0.247 acres of land.
; and

(5) Wortham Twin Circle Group Home, 0.344 acres, GLO ID #2144, located at 115 Twin Circle Drive, Wortham, Freestone County, Texas, more particularly described as follows:

Being a 15,000 square foot or 0.344 acre tract of land identified as Lot 8, Block 2, Twin Circle Estates Addition, City of Wortham, Freestone County, Texas.

(e) Property held by the Parks and Wildlife Department is described as follows:

McKinney Falls Park/State Headquarters (part), Parcel B, 13 acres GLO ID #72, located at 4200 Smith School Road, Austin, Travis County, Texas, generally described as follows:

A 13 acre tract, more or less, out of the Santiago Del Valle Grant, Austin, Travis County, Texas, being that part of the McKinney Falls State Park/Headquarters lying west of East Stassney Lane.

(f) Property held by the Texas Youth Commission is described as follows:

Not more than three facilities, not including a halfway house facility operated by the Texas Youth Commission or a contract facility.

(g) Property held by the Department of Aging and Disability Services is described as follows:

One State Supported Living Center.

SECTION 4. DISPOSITION OF PROCEEDS. The proceeds from the sales authorized by Section 1 of this Act shall be deposited in the state treasury to the credit of the general revenue fund.

SECTION 5. STATE CEMETERY. Section 2165.256(b), Government Code, is amended to read as follows:

(b) ~~[In addition to the property described as] Lot No. 5, Division B, City of Austin, Travis County, Texas, [the following property] is dedicated for cemetery purposes as part of the State Cemetery. [- BEING 44.07 ACRES OF LAND OUT OF THE GEORGE W. SPEAR LEAGUE IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AND BEING OUT OF AND A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED BY DEED TO THE STATE OF TEXAS AS RECORDED IN VOLUME 776, PAGE 225, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS. SAID 44.07 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:~~

[~~BEGINNING at a set brass cap in concrete for the northwest corner of said State of Texas tract, same being the west corner of Lot 34 of Shoal Village, Section Two, a subdivision in the City of Austin, Texas, as recorded in Book 5, Page 150, of the Plat Records of Travis County, Texas, and being on the east right of way line of Bull Creek Road (an existing 60' R/W) and being the northwest corner of this tract;~~

[~~(1) THENCE S 62° 05' 02" E, along the north line of said State of Texas tract of land, same being the south line of said subdivision, a distance of 919.08 feet to a set brass cap in concrete for an angle point in the north line of said State of Texas, tract of land same being an angle point in the south line of Lot 45 of Shoal Village, Section Three, a subdivision of record in the City of Austin, Texas, as recorded in Book 6, Page 71, of the Plat Records of Travis County, Texas;~~

[~~(2) THENCE along the north line of said State of Texas, tract of land, same being the south line of the following subdivisions in the City of Austin, Texas, said Shoal Village, Section Three, Shoal Village, Sec. 5, as recorded in Plat Book 6, Page 72, of the Plat Records of Travis County, Texas, Shoal Village, Sec. 6, as recorded in Plat Book 7, Page 7, of the Plat Records of Travis County, Texas, Shoal Village, Section Seven, as recorded in Plat Book 14, Page 80, of the Plat Records of Travis County, Texas, Oak Haven, Section Three, as recorded in Book 11, Page 40, of the Plat Records of Travis County, Texas, the following two (2) courses and distances:~~

[~~1. S 63° 02' 45" E, a distance of 306.61 feet, a 1/2" iron rod found, and~~

[~~2. S 63° 11' 57" E, a distance of 327.57 feet to the point of intersection with the centerline of Shoal Creek for the northeast corner of this tract;~~

[~~(3) THENCE along the centerline of Shoal Creek with it's meanders, same being the east line of this tract, the following seven (7) courses and distances:~~

[~~1. S 03° 49' 32" E, a distance of 146.37 feet, a 1/2" I. R. set,~~

[~~2. S 11° 51' 40" W, a distance of 68.56 feet, a 1/2" I. R. set,~~

[~~3. S 17° 44' 58" E, a distance of 255.55 feet, a 1/2" I. R. set,~~

[~~4. S 11° 22' 50" W, a distance of 433.59 feet, a 1/2" I. R. set,~~

[~~5. S 01° 30' 40" E, a distance of 208.10 feet, a 1/2" I. R. set,~~

[~~6. S 03° 34' 39" E, a distance of 163.82 feet, a 1/2" I. R. set, and~~

[~~7. S 12° 53' 44" E, a distance of 44.69 feet, to a P. K. nail set in concrete for the southeast corner of this tract;~~

[~~(4) THENCE N 62° 12' 25" W, departing from said Shoal Creek, passing the northeast corner of Lot 24 of Ridgela, a subdivision in the City of Austin, Texas, as recorded in Book 4, Page 258, of the Plat Records of Travis County, Texas, at 59.90 feet, a total distance of 414.19 feet to a found 1/2" iron rod under concrete for the most northerly corner of Lot 21 of said Ridgela subdivision, said point also being a re-entrant corner of this tract;~~

~~[(5) THENCE S 31° 29' 35" W, along the most southerly east line of said State of Texas tract of land, same being the west line of said Ridgela subdivision, a distance of 715.50 feet to a 1/2" iron rod set for a southwest corner of this tract, from this point the northwest corner of Lot 11, same being the southwest corner of Lot 12, of said Ridgela subdivision bears N 31° 29' 35" E, a distance of 10.64 feet;~~

~~[(6) THENCE through said State of Texas tract of land the following four (4) courses and distances:~~

~~[1. N 23° 52' 33" W, passing a brass cap in concrete set at 5.00 feet, a total distance of 654.65 feet to a brass cap in concrete set for a corner,~~

~~[2. N 06° 26' 42" E, a distance of 308.11 feet, a brass cap in concrete set for a corner,~~

~~[3. N 14° 01' 31" W, a distance of 894.05 feet, a brass cap in concrete set for a corner, and~~

~~[4. N 63° 17' 00" W, a distance of 478.50 feet to a brass cap set in concrete at the point of intersection with the east right of way line of Bull Creek Road, same being the west line of said State of Texas tract of land, and being the most northerly southwest corner of this tract;~~

~~[(7) THENCE N 26° 43' 00" E, along said right of way line, a distance of 496.30 feet to the Point of Beginning, and containing 44.07 acres of land, more or less; and~~

~~[BEING A 2.120 ACRE (92,350 SQUARE FEET) TRACT OF LAND OUT OF THE GEORGE W. SPEAR LEAGUE IN TRAVIS COUNTY, TEXAS. SAID 2.120 ACRE TRACT OF LAND ALSO BEING OUT OF A 31.12 ACRE TRACT HAVING BEEN CONVEYED TO THE STATE OF TEXAS BY INSTRUMENT OF RECORD IN VOLUME 776, PAGE 225, DEED RECORDS OF TRAVIS COUNTY, TEXAS. SAID 2.120 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:~~

~~[BEGINNING, at a brass disk in concrete found on the southeasterly right of way line of Bull Creek Road. Said disk also being at the northernmost corner of said 31.12 acre tract and the westernmost corner of a 44.07 acre tract also out of the tract described in volume 776, page 225 for the northernmost corner of the herein described tract;~~

~~[Thence, S63° 17' 00"E, 350.00 feet with the northeasterly line of said 31.12 acre tract and a southwesterly line of said 44.07 acre tract to a 1/2" iron rod set for the easternmost corner of the herein described tract;~~

~~[Thence, S26° 42' 58"W, 205.49 feet with the southeast line of this 2.120 acre tract to a 1/2" iron rod set for the herein described tract, nearby a concrete driveway;~~

~~[Thence, N82° 57' 38"W, 276.95 feet following a concrete driveway to a 1/2" iron rod set for an angle point of the herein described tract;~~

~~[Thence, N62° 30' 47"W, 89.24 feet continuing along a concrete driveway to a 1/2" iron rod set on the southeasterly right of way line of Bull Creek Road and the westernmost corner of the herein described tract;~~

~~[THENCE, N26° 43' 00"E, 297.55 feet with the southeasterly line of Bull Creek Road and the northwesterly line of this 2.120 acre tract to the POINT OF BEGINNING and containing 2.120 acre (92,350 square feet) of land.]~~

SECTION 6. EFFECTIVE DATE. This Act takes effect September 1, 2011.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Anchia offered the following amendment to **CSHB 2969**:

Amend **CSHB 2969** (house committee printing) as follows:

(1) On page 2, lines 15 and 17, strike "named state supported living center" each place it appears and substitute "[[[state supported living center to be named]]]".

(2) On page 2, between lines 19 and 20, insert the following:

(e) If the School Land Board purchases a property described by Section 3(b) or 3(c)(1) of this Act, the School Land Board may subsequently sell the property provided that the sale is conducted as a sealed bid sale and in accordance with Subchapter D, Chapter 32, Natural Resources Code.

(3) On page 2, line 20, between "DESCRIPTIONS." and "(a) Property held", insert "[[[AWAITING COMPLETE LEGAL DESCRIPTIONS FOR ALL PROPERTIES]]]".

Amendment No. 2 was adopted.

CSHB 2969, as amended, was passed to engrossment. (Laubenberg recorded voting no.)

COMMITTEE GRANTED PERMISSION TO MEET

Representative Kolkhorst requested permission for the Committee on Public Health to meet while the house is in session, at 9:45 p.m. today, in 1W.14, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Human Services meeting is cancelled.

FIVE-DAY POSTING RULE SUSPENDED

Representative Raymond moved to suspend the five-day posting rule to allow the Committee on Human Services to consider **SB 77**, **SB 78**, **SB 221**, **SB 260**, **SB 434**, and **SB 993** at 8:30 a.m. tomorrow in E2.036.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Public Health, 9:45 p.m. today, 1W.14, for a formal meeting, to consider pending business.

Human Services, 8:30 a.m. tomorrow, E2.036, for a public hearing, to consider **SB 77, SB 78, SB 221, SB 260, SB 434, and SB 993.**

HB 3096 ON SECOND READING
(by Kolkhorst)

HB 3096, A bill to be entitled An Act relating to the cancellation of a subdivision by a commissioners court.

HB 3096 was passed to engrossment.

HB 3132 ON SECOND READING
(by Geren)

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

Representative Geren moved to postpone consideration of **HB 3132** until 10 a.m. tomorrow.

The motion prevailed.

(Marquez in the chair)

CSHB 3182 ON SECOND READING
(by Ritter)

CSHB 3182, A bill to be entitled An Act relating to the imposition of state taxes, including the sales and use, motor vehicle sales and use, and hotel occupancy tax, on certain oilfield portable units.

Amendment No. 1

Representative Ritter offered the following amendment to **CSHB 3182**:

Amend **CSHB 3182** (house committee printing) by striking page 3, lines 4-11, and substituting the following:

(20) "Oilfield portable unit" means a bunkhouse, manufactured home, trailer, or semitrailer that:

(A) is not a travel trailer, as defined by Section 502.166(e), Transportation Code;

(B) is designed to be used for temporary lodging or as temporary office space;

(C) is used exclusively at any oil, gas, water disposal, or injection well site to provide to well site employees, contractors, or other workers sleeping accommodations or temporary work space, including office space; and

(D) does not require attachment to a foundation or to real property to be functional.

Amendment No. 1 was adopted.

CSHB 3182, as amended, was passed to engrossment.

CSHB 3573 ON SECOND READING**(by S. King, Garza, Giddings, Kolkhorst, and Workman)**

CSHB 3573, A bill to be entitled An Act relating to limiting the disclosure of certain information regarding certain charitable organizations, trusts, private foundations, and grant-making organizations.

CSHB 3573 was passed to engrossment.

CSHB 3311 ON SECOND READING**(by Carter)**

CSHB 3311, A bill to be entitled An Act relating to the duty of an attorney ad litem appointed for a child to meet with the child or individual with whom the child resides before each court hearing.

CSHB 3311 was passed to engrossment.

CSHB 3395 ON SECOND READING**(by Callegari)**

CSHB 3395, A bill to be entitled An Act relating to state purchasing preferences for recycled products.

Amendment No. 1

Representative Farrar offered the following amendment to **CSHB 3395**:

Amend **CSHB 3395** (house committee printing) by striking page 1, lines 6-10 and substituting:

(a) The commission and state agencies shall give preference to recycled, remanufactured, or environmentally sensitive products, as those terms are defined by rule of the commission, in purchases made under this subtitle if:

- (1) the product meets state specifications regarding quantity and quality; and
- (2) the average price of the product is not more than 10 percent greater than the price of comparable non-recycled products.

Amendment No. 1 was adopted.

CSHB 3395, as amended, was passed to engrossment.

CSHB 3468 ON SECOND READING**(by Patrick and Branch)**

CSHB 3468, A bill to be entitled An Act relating to the assessment of public school students for college readiness and developmental education courses to prepare students for college-level coursework.

CSHB 3468 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE HOCHBERG: Representative Patrick, you remember in Appropriations subcommittee that you served on, we also looked at this topic and I believe we adopted rider language that pretty specifically gave the coordinating board a requirement that they start funding non-semester length developmental courses and modules—if I remember correctly—no later than the second year of

the upcoming biennium. Assuming that we pass a budget and that rider is in it, this bill that you're offering, if it passes in this form, would not conflict with that rider in any way and would not slow the implementation of what the Appropriations Committee passed, is that your understanding?

REPRESENTATIVE PATRICK: Thank you for pointing that out. No, it is not intended to slow down any of the appropriations measures that you've described, but it would, in fact, I think, work very nicely with it because it would allow them to know which are the best practices, and also to encourage the community colleges to offer these differentiating courses, and also to encourage the Higher Ed. Coordinating Board to review the funding formulas for that purpose.

REMARKS ORDERED PRINTED

Representative Hochberg moved to print remarks between Representative Patrick and Representative Hochberg.

The motion prevailed.

CSHB 3468 was passed to engrossment.

HB 3506 ON SECOND READING (by Villarreal)

HB 3506, A bill to be entitled An Act relating to the use of transportation allotment funds by school districts to provide bus passes or cards to certain students.

HB 3506 was passed to engrossment. (C. Anderson, Legler, Sheffield, and White recorded voting no.)

CSHB 3665 ON SECOND READING (by Otto)

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

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

The motion prevailed.

CSHB 3639 ON SECOND READING (by Pitts and Aycock)

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

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

The motion prevailed.

HB 3648 ON SECOND READING (by Otto)

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

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

The motion prevailed.

CSHB 3418 ON SECOND READING
(by Darby)

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

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

The motion prevailed.

HB 442 ON SECOND READING
(by Guillen, V. Gonzales, Fletcher, and Margo)

HB 442, A bill to be entitled An Act relating to the establishment of an emergency radio infrastructure account.

Amendment No. 1

Representative Guillen offered the following amendment to **HB 442**:

Amend **HB 442** (house committee report) as follows:

- (1) On page 3, line 12, strike "5.3218" and substitute "9.8218 [~~5.3218~~]".
- (2) On page 3, line 23, strike "12.0904" and substitute "5.5904 [~~12.0904~~]".
- (3) On page 4, line 3, strike "6.0143" and substitute "8.0143 [~~6.0143~~]".

Amendment No. 1 was adopted.

HB 442, as amended, was passed to engrossment.

CSHB 742 ON SECOND READING
(by Hunter)

CSHB 742, A bill to be entitled An Act relating to student information required to be provided at the time of enrollment in public schools.

CSHB 742 was passed to engrossment.

CSHB 1395 ON SECOND READING
(by Parker)

CSHB 1395, A bill to be entitled An Act relating to the requirements to operate personal watercraft and certain boats.

Amendment No. 1

Representative Parker offered the following amendment to **CSHB 1395**:

Amend **CSHB 1395** as follows:

(1) Strike page 1, line 20, through page 2, line 5 and substitute the following:

(5) if the operator is under 13 [~~16~~] years of age unless the operator is supervised by another person who:

(A) is at least 18 years of age;

(B) can lawfully operate the watercraft; and
~~(C) is on board the watercraft when under way~~, ~~unless the~~
operator:

~~[(A) is accompanied by a person at least 18 years of age; or~~
~~[(B) is at least 13 years of age and has successfully completed a~~
~~boating safety course prescribed and approved by the department];~~

(2) Strike page 2, line 26, through page 3, line 2 and substitute the following:

(1) is at least 18 years of age;
(2) can lawfully operate the motorboat; and
(3) is on board the motorboat when under way ~~[and has successfully~~
~~passed a boating safety course prescribed and approved by the department].~~

Amendment No. 1 was adopted.

CSHB 1395, as amended, was passed to engrossment. (Garza and Phillips recorded voting no.)

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

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

Representative Anchia moved to postpone consideration of **CSHB 1629** until 8 a.m. Friday, May 6.

The motion prevailed.

HB 2949 ON SECOND READING **(by Cook)**

HB 2949, A bill to be entitled An Act relating to the administration of the collection improvement program.

Amendment No. 1

Representative Cook offered the following amendment to **HB 2949**:

Amend **HB 2949** (house committee printing) as follows:

(1) Strike SECTION 2 and insert the following:

SECTION 2. Subsection (e), Section 133.058, Local Government Code, is amended to read as follows:

(e) A municipality or county may not retain a service fee if, during an audit under ~~[Section 133.059 of this code or]~~ Article 103.0033(j), Code of Criminal Procedure, the Office of Court Administration of the Texas Judicial System ~~[comptroller]~~ determines that the municipality or county is not in compliance with Article 103.0033, Code of Criminal Procedure. The municipality or county may continue to retain a service fee under this section on receipt of a written confirmation from the Office of Court Administration of the Texas Judicial System ~~[comptroller]~~ that the municipality or county is in compliance with Article 103.0033, Code of Criminal Procedure.

(2) Strike SECTION 3 and insert the following:

SECTION 3. Subsection (c-1), Section 133.103, Local Government Code, is amended to read as follows:

(c-1) The treasurer shall send 100 percent of the fees collected under this section to the comptroller if, during an audit under ~~[Section 133.059 of this code or]~~ Article 103.0033(j), Code of Criminal Procedure, the Office of Court Administration of the Texas Judicial System ~~[comptroller]~~ determines that the municipality or county is not in compliance with Article 103.0033, Code of Criminal Procedure. The municipality or county shall continue to dispose of fees as otherwise provided by this section on receipt of a written confirmation from the Office of Court Administration of the Texas Judicial System ~~[comptroller]~~ that the municipality or county is in compliance with Article 103.0033, Code of Criminal Procedure.

Amendment No. 1 was adopted.

HB 2949, as amended, was passed to engrossment.

HB 2077 ON SECOND READING
(by **Rodriguez**)

HB 2077, A bill to be entitled An Act relating to a pilot program under the loanstar revolving loan program to promote the use of energy efficiency measures and renewable energy technology by certain nonprofit organizations.

HB 2077 was passed to engrossment.

HB 2663 ON SECOND READING
(by **Chisum**)

HB 2663, A bill to be entitled An Act relating to the effect of rules and standards adopted by the Railroad Commission of Texas relating to the liquefied petroleum gas industry on ordinances, orders, or rules adopted by political subdivisions relating to that industry.

Amendment No. 1

Representative Farrar offered the following amendment to **HB 2663**:

Amend **HB 2663** (house committee printing) on page 1, line 13 by striking "industry" and substituting "industry, to the extent that the rules and standards are more protective of the health, welfare, and safety of the general public than the ordinance, order, or rule.".

Amendment No. 1 was adopted.

HB 2663, as amended, was passed to engrossment.

HB 3346 ON SECOND READING
(by **Burnam, Hartnett, Christian, and Zedler**)

HB 3346, A bill to be entitled An Act relating to certain information available to the public on a central database containing information about sex offenders.

(Speaker in the chair)

HB 3346 was passed to engrossment.

CSHB 2599 ON SECOND READING**(by Ritter)**

CSHB 2599, A bill to be entitled An Act relating to the definition of chewing tobacco for purposes of the taxes imposed on cigars and other tobacco products and to the rate of the tax imposed on chewing tobacco.

CSHB 2599 was passed to engrossment. (C. Anderson, Berman, Flynn, Garza, P. King, Legler, Parker, Sheffield, and Weber recorded voting no.)

HB 12 - COMMITTEE ON CALENDARS RULE ADOPTED

Pursuant to Rule 3, Section 5(2) and Rule 6, Section 16(f) of the House Rules, Representative Hunter moved to adopt the following rule governing floor consideration of **HB 12**:

Each original amendment to **HB 12** that will be offered during second reading consideration must be filed with the chief clerk not later than 10 a.m. on Thursday, May 5.

The Committee on Calendars rule was adopted by (Record 659): 131 Yeas, 1 Nays, 2 Present, not voting.

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

Nays — Anchia.

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

Absent, Excused — Anderson, R.; Bonnen; Gonzales, L.; Harper-Brown; Pitts; Rodriguez; Truitt.

Absent, Excused, Committee Meeting — Hopson; McClendon.

Absent — Alvarado; Dukes; Kolkhorst; Lozano; Martinez Fischer; Naishtat; Oliveira.

STATEMENT OF VOTE

When Record No. 659 was taken, I was in the house but away from my desk. I would have voted yes.

Alvarado

FIVE-DAY POSTING RULE SUSPENDED

Representative Pickett moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Defense and Veterans' Affairs to consider **SB 356, SB 431, SB 461, SB 966, SB 1477, SB 1660, SB 1739, SB 1755, SB 1766, and SB 1796** at 8 a.m. Thursday, May 5 in E2.012.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Defense and Veterans' Affairs, 8 a.m. Thursday, May 5, E2.012, for a public hearing, to consider **SB 356, SB 431, SB 461, SB 966, SB 1477, SB 1660, SB 1739, SB 1755, SB 1766, SB 1796**, and pending business.

POSTPONED BUSINESS

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

CSHB 1604 ON SECOND READING

(by Guillen and Raymond)

CSHB 1604, A bill to be entitled An Act relating to the regulation of subdivisions in counties, including certain border and economically distressed counties.

CSHB 1604 was read second time earlier today and was postponed until this time.

Representative Guillen moved to postpone consideration of **CSHB 1604** until 10 a.m. tomorrow.

The motion prevailed.

FIVE-DAY POSTING RULE SUSPENDED

Representative Gallego moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Criminal Jurisprudence to consider **HB 3423** upon final adjournment/recess tomorrow in JHR 120.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Criminal Jurisprudence meeting for today is cancelled.

FIVE-DAY POSTING RULE SUSPENDED

Representative Branch moved to suspend the five-day posting rule to allow the Committee on Higher Education to consider **HB 2517**, the previously posted agenda, and pending business at 8:30 a.m. tomorrow in E1.014.

The motion prevailed.

Representative Guillen moved to suspend the five-day posting rule to allow the Committee on Culture, Recreation, and Tourism to consider **SB 1518** at 2 p.m. or upon final adjournment/recess tomorrow in E1.026.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Higher Education, 8:30 a.m. tomorrow, E1.014, for a public hearing, to consider **HB 2517**, the previously posted agenda, and pending business.

Culture, Recreation, and Tourism, 2 p.m. or upon final adjournment/recess tomorrow, E1.026, for a public hearing, to consider **SB 1518** and the previously posted agenda.

FIVE-DAY POSTING RULE SUSPENDED

Representative Geren moved to suspend the five-day posting rule to allow the Committee on Public Health to consider **HB 415** at 8 a.m. tomorrow in E2.012.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Public Health, 8 a.m. tomorrow, E2.012, for a public hearing, to consider **HB 415** and the previously posted agenda.

SB 660 - RECOMMITTED

Representative Ritter moved to recommit **SB 660** to the Committee on Natural Resources.

The motion prevailed.

PROVIDING FOR ADJOURNMENT

Representative Ritter moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 10 a.m. tomorrow.

The motion prevailed.

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

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 2.)

(V. Taylor in the chair)

ADJOURNMENT

In accordance with a previous motion, the house, at 10:37 p.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

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

List No. 2

HB 3864 (By Gooden), Relating to the creation of the Lazy W District No. 1; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Natural Resources.

HR 1425 (By Hughes), In memory of Richard Wayne Napier of Mineola.

To Rules and Resolutions.

HR 1440 (By Workman), Congratulating John P. Reinhart of Cub Scout Pack No. 34 in Austin on receiving the Arrow of Light Award.

To Rules and Resolutions.

HR 1441 (By Anchia), Congratulating Amy Lillian Ward-Meier and Edward Franklin Meier on the birth of their son, Nolan Edward Meier.

To Rules and Resolutions.

HR 1442 (By Hartnett), Commending the Service Learning Adventures in North Texas 45 initiative for promoting community service among young people.

To Rules and Resolutions.

HR 1444 (By Harper-Brown), In memory of Giorgio Joseph Primo of Irving.

To Rules and Resolutions.

HR 1445 (By Harper-Brown), Congratulating Edgar and Elizabeth Brown of Dallas on their 70th wedding anniversary.

To Rules and Resolutions.

HR 1447 (By Schwertner), Congratulating the Artie Henry Middle School band on earning the 2010 Sudler Cup.

To Rules and Resolutions.

HR 1448 (By Craddick), Congratulating nominees for the 2011 Excellence in Teaching and Unsung Hero Awards, sponsored by the Midland Chamber of Commerce Education Committee.

To Rules and Resolutions.

HR 1449 (By Craddick), Congratulating Roy and Marylyn Byrd of Lamesa on their 50th wedding anniversary.

To Rules and Resolutions.

HR 1450 (By Hilderbran), In memory of Ross Snodgrass of Kerrville.

To Rules and Resolutions.

HR 1451 (By Hilderbran), In memory of George Milton Keller of Mason.

To Rules and Resolutions.

HR 1452 (By Menendez), Honoring Stewart Title in San Antonio on the 100th anniversary of its founding.

To Rules and Resolutions.

HR 1453 (By Bonnen), Commending Army Specialist Brad Thomas of Jones Creek on his military service and congratulating him on becoming the first baseball player from Brazosport High School to have his jersey retired.

To Rules and Resolutions.

HR 1454 (By Perry), Congratulating Delbert and Carolyn McDougal of Lubbock on their 50th wedding anniversary.

To Rules and Resolutions.

HR 1455 (By Raymond), In memory of Reynaldo Chapa, Jr., of Benavides.

To Rules and Resolutions.

HR 1456 (By Hardcastle), Commemorating the 128th Doans May Day Picnic on May 7, 2011.

To Rules and Resolutions.

HR 1457 (By D. Howard), Congratulating Austin Wayne Self on his victory in the opening event of the 2011 NASCAR Texas Super Racing Series.

To Rules and Resolutions.

HR 1459 (By Branch), In memory of Robert Leland Shaw, Jr., of Dallas.

To Rules and Resolutions.

HR 1460 (By Branch), Commemorating the 100th anniversary of the Sons of Hermann Hall in Dallas.

To Rules and Resolutions.

HR 1461 (By Branch), In memory of Roy Richard Rubottom, Jr.
To Rules and Resolutions.

HR 1463 (By Pitts), Congratulating the Waxahachie High School girls' golf team on winning the district championship.
To Rules and Resolutions.

HR 1464 (By Pitts), In memory of James Rutledge Mason of Waxahachie.
To Rules and Resolutions.

HR 1465 (By Hamilton), Recognizing National Plumbers Day on April 25, 2011.
To Rules and Resolutions.

HR 1485 (By Solomons), Recognizing November 5-9, 2012, as Municipal Courts Week in Texas.
To Rules and Resolutions.

HR 1585 (By Harper-Brown), Honoring Suzie Oelschlegel, head coach of the girls' basketball team at MacArthur High School in Irving.
To Rules and Resolutions.

HR 1586 (By Truitt), Congratulating Bernice Hatcher of Grapevine on her 100th birthday.
To Rules and Resolutions.

HR 1587 (By Schwertner), In memory of Marilyn Stiles Shoemaker.
To Rules and Resolutions.

HR 1588 (By Schwertner), Congratulating the girls' cross country team from C. H. Yoe High School in Cameron on its second-place finish in Class 2A at the 2010 UIL state meet.
To Rules and Resolutions.

HR 1589 (By Johnson), Commending Carl Johnson for serving as a Democratic Party precinct chair in Dallas County.
To Rules and Resolutions.

HR 1590 (By Johnson), Commending Sandra Ray for serving as a Democratic Party precinct chair in Dallas County.
To Rules and Resolutions.

HR 1591 (By Johnson), Commending Morris Luster for serving as a Democratic Party precinct chair in Dallas County.
To Rules and Resolutions.

HR 1592 (By Johnson), Commending Neil Emmons for serving as a Democratic Party precinct chair in Dallas County.
To Rules and Resolutions.

HR 1593 (By Johnson), Commending Marilyn S. Mayse for serving as a Democratic Party precinct chair in Dallas County.
To Rules and Resolutions.

HR 1594 (By Johnson), Commending Deborah C. Culberson for serving as a Democratic Party precinct chair in Dallas County.

To Rules and Resolutions.

HR 1595 (By Johnson), Commending Patrick McCrainey for serving as a Democratic Party precinct chair in Dallas County.

To Rules and Resolutions.

HR 1596 (By Johnson), Commending Casie Pierce for serving as a Democratic Party precinct chair in Dallas County.

To Rules and Resolutions.

HR 1597 (By Johnson), Commending Tommy Briggs for serving as a Democratic Party precinct chair in Dallas County.

To Rules and Resolutions.

HR 1598 (By Johnson), Commending Damion White for serving as a Democratic Party precinct chair in Dallas County.

To Rules and Resolutions.

HR 1599 (By D. Howard), Honoring Dr. James E. Boggs of Austin on his 90th birthday.

To Rules and Resolutions.

HR 1600 (By D. Howard), Recognizing the third full week of May 2011 as Neuropathy Awareness Week.

To Rules and Resolutions.

HR 1601 (By Flynn), Congratulating Hubert and Phyllis Lytle of Greenville on their 50th wedding anniversary.

To Rules and Resolutions.

HR 1602 (By Hilderbran), Recognizing J. Michael Duncan for his service as Knight Commander of Kappa Alpha Order.

To Rules and Resolutions.

HR 1603 (By Hilderbran), Commemorating the opening of Trent's Retreat.

To Rules and Resolutions.

HR 1604 (By Lavender), In memory of June Hodges of Omaha, Texas.

To Rules and Resolutions.

HR 1605 (By Huberty), Welcoming members of the Northeast Christian Academy community to the State Capitol on May 16, 2011.

To Rules and Resolutions.

HR 1606 (By Morrison), Honoring Bette-jo Simpson Buhler of Victoria on her 90th birthday.

To Rules and Resolutions.

HR 1607 (By Anchia), Commemorating the 75th anniversary of the construction of the Texas Centennial Exposition's "Home for the Future" in Dallas.

To Rules and Resolutions.

HR 1608 (By Anchia), In memory of Evelyn Rhodes Witte Sterling of Dallas.

To Rules and Resolutions.

HR 1609 (By Anchia), In memory of William Sanders Barnhill, Jr., of Dallas.

To Rules and Resolutions.

HR 1610 (By Anchia), In memory of Isaac Field Roebuck, Jr., of Dallas.

To Rules and Resolutions.

HR 1611 (By Anchia), In memory of Irwin Ira Steinberg of Irving.

To Rules and Resolutions.

HR 1612 (By Anchia), In memory of Ruth Christine Howes of Dallas.

To Rules and Resolutions.

HR 1613 (By Menendez), Congratulating the San Antonio Water System on winning a Texas Environmental Excellence Award.

To Rules and Resolutions.

HR 1614 (By Peña), In memory of Benigno "Benny" Layton of Elsa.

To Rules and Resolutions.

HR 1615 (By Peña), In memory of Donny Cardenas of Edinburg.

To Rules and Resolutions.

HR 1616 (By Gooden), Honoring Chase Beavers of Terrell High School for his achievements as the 2010-2011 governor of the Texas-Oklahoma District of Key Club International.

To Rules and Resolutions.

HR 1618 (By Murphy), Honoring Steve Dorman of Houston for serving as Republican Party precinct chair of Precinct 130 in Harris County.

To Rules and Resolutions.

HR 1619 (By Murphy), Honoring Bob Blackmer of Houston for serving as Republican Party precinct chair of Precinct 338 in Harris County.

To Rules and Resolutions.

HR 1620 (By Murphy), Honoring Larry Pound of Houston for serving as Republican Party precinct chair of Precinct 356 in Harris County.

To Rules and Resolutions.

HR 1621 (By Murphy), Honoring Warren Stevens of Houston for serving as Republican Party precinct chair of Precinct 429 in Harris County.

To Rules and Resolutions.

HR 1622 (By Murphy), Honoring Roman Klein of Houston for serving as Republican Party precinct chair of Precinct 437 in Harris County.

To Rules and Resolutions.

HR 1623 (By Murphy), Honoring Craig Hagedorn of Houston for serving as Republican Party precinct chair of Precinct 438 in Harris County.

To Rules and Resolutions.

HR 1624 (By Murphy), Honoring Mary Maxwell of Houston for serving as Republican Party precinct chair of Precinct 483 in Harris County.

To Rules and Resolutions.

HR 1625 (By Murphy), Honoring Stephen Sherman of Houston for serving as Republican Party precinct chair of Precinct 487 in Harris County.

To Rules and Resolutions.

HR 1626 (By Murphy), Honoring Stuart Mayper of Houston for serving as Republican Party precinct chair of Precinct 492 in Harris County.

To Rules and Resolutions.

HR 1627 (By Murphy), Honoring Martha Brownfield of Houston for serving as Republican Party precinct chair of Precinct 493 in Harris County.

To Rules and Resolutions.

HR 1628 (By Murphy), Honoring Ralph Fite of Houston for serving as Republican Party precinct chair of Precinct 499 in Harris County.

To Rules and Resolutions.

HR 1629 (By Murphy), Honoring Shelley Hillman of Houston for serving as Republican Party precinct chair of Precinct 504 in Harris County.

To Rules and Resolutions.

HR 1630 (By Murphy), Honoring Samuel Abraham Mai of Houston for serving as Republican Party precinct chair of Precinct 508 in Harris County.

To Rules and Resolutions.

HR 1631 (By Murphy), Honoring Helen Bledsoe of Houston for serving as Republican Party precinct chair of Precinct 626 in Harris County.

To Rules and Resolutions.

HR 1632 (By Murphy), Honoring Jim McSpadden of Houston for serving as Republican Party precinct chair of Precinct 727 in Harris County.

To Rules and Resolutions.

HR 1633 (By Murphy), Honoring Jill Fury of Houston for serving as Republican Party precinct chair of Precinct 765 in Harris County.

To Rules and Resolutions.

HR 1634 (By Torres), Honoring Angel Escobar on his retirement as city manager of Corpus Christi.

To Rules and Resolutions.

HR 1636 (By Burkett), Congratulating Mary Marlow Woodard on her receipt of the Distinguished Library Service Award from the Texas Association of School Librarians and on being named chair-elect of the association.

To Rules and Resolutions.

HR 1637 (By Kolkhorst), Congratulating the Brenham Christian Academy football team on winning the 2010 TAPPS Six-man Division II state championship.

To Rules and Resolutions.

HR 1638 (By Margo), Congratulating Ida M. Steadman on her retirement as principal cellist of the El Paso Symphony Orchestra.

To Rules and Resolutions.

HR 1639 (By Margo), Congratulating the El Paso Symphony Orchestra on its 80th anniversary season.

To Rules and Resolutions.

HR 1640 (By D. Miller), Welcoming Larry D. Williams, vice president and director of State Auto Insurance Companies, to Texas.

To Rules and Resolutions.

HR 1641 (By L. Taylor), Honoring Bay Area Charter Schools and welcoming a delegation from Ed White Memorial High School in League City to the State Capitol on May 4, 2011.

To Rules and Resolutions.

HR 1642 (By Veasey), Congratulating James N. Austin, Jr., of Fort Worth on the occasion of his 60th birthday.

To Rules and Resolutions.

HR 1643 (By Deshotel), Honoring the Texas Small Farmers and Ranchers Community Based Organization.

To Rules and Resolutions.

HR 1644 (By Callegari), Congratulating Emory Camille Callegari on her graduation from St. Michael's Catholic Academy.

To Rules and Resolutions.

HR 1645 (By Callegari), Honoring the Galveston Company of the Houston Medical Response Group of the Texas State Guard on its activation as the Galveston Medical Response Group.

To Rules and Resolutions.

HR 1646 (By Harper-Brown), In memory of Mildred B. Brandon of Irving.

To Rules and Resolutions.

HR 1648 (By Cain), Congratulating Nigel Christopher of Mount Pleasant on his selection as the 2011 Titus County Republican of the Year.

To Rules and Resolutions.

HR 1649 (By Cain), Welcoming members of the Sulphur Springs Chamber of Commerce Adult Leadership Class to the State Capitol.

To Rules and Resolutions.

HR 1650 (By Cain), Congratulating Tony Mize of Mount Pleasant on receiving the Chairman's Award for Special Service from the Titus County Republican Party.

To Rules and Resolutions.

HR 1651 (By C. Anderson), Honoring senior pastor Barry Camp and his wife, Martha, for 20 years of outstanding service to Highland Baptist Church in Waco.

To Rules and Resolutions.

HR 1652 (By Flynn), Congratulating Charles and Rachel Recer of Emory on their 50th wedding anniversary.

To Rules and Resolutions.

HR 1653 (By Flynn), Congratulating James Louis and Mary Jean Pickney of Wills Point on their 67th wedding anniversary.

To Rules and Resolutions.

HR 1655 (By Woolley), In memory of William Arnold McMinn, Jr., of Houston.

To Rules and Resolutions.

HR 1657 (By Hopson), In memory of Lafonda Ann Davis of Austin.

To Rules and Resolutions.

HR 1658 (By S. Davis), Honoring Dr. Larry R. Kaiser for his service as president of The University of Texas Health Science Center at Houston.

To Rules and Resolutions.

HR 1660 (By Straus), Expressing the importance of pedestrian safety and driver awareness and welcoming the American Council of the Blind to the Capitol.

To Rules and Resolutions.

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

To Rules and Resolutions.

HR 1664 (By Harper-Brown), Congratulating the City of Irving for its notable 2011 record of achievements.

To Rules and Resolutions.

HR 1665 (By Harper-Brown), In memory of James Edward Rose of Irving.

To Rules and Resolutions.

HR 1666 (By Harper-Brown), Congratulating Amanda Lambert of Irving on receiving a 2011 Yes I Can! Award from the Council for Exceptional Children.

To Rules and Resolutions.

HR 1667 (By Harper-Brown), Congratulating Irving Cares on receiving a four-star rating from Charity Navigator.

To Rules and Resolutions.

HR 1668 (By Branch), Recognizing Jonathan Neerman for his service as chair of the Dallas County Republican Party.

To Rules and Resolutions.

HR 1671 (By Gallego), Commending Roberto "Bobby" Barrera of Del Rio, chair of the Disabled American Veterans.

To Rules and Resolutions.

HR 1672 (By Gallego), In memory of Johnny Emil Malik of Alpine.

To Rules and Resolutions.

HR 1673 (By Gallego), In memory of John Frank "Trey" Woodward III.
To Rules and Resolutions.

HR 1674 (By Gallego), In memory of Thelma R. Hoyle of Alpine.
To Rules and Resolutions.

HR 1675 (By Gallego), Recognizing May 6, 2011, as Lucy Rede Franco Day.
To Rules and Resolutions.

HR 1676 (By V. Gonzales), Congratulating the students from Memorial High School in McAllen who were named to the 2010-2011 Texas High School Coaches Association 5A Academic All-State Football Team.
To Rules and Resolutions.

HR 1677 (By V. Gonzales), Commemorating the 2011 Hispanic Heritage Fiesta in Mercedes.
To Rules and Resolutions.

HR 1678 (By V. Gonzales), Congratulating South Texas College president Dr. Shirley A. Reed on her receipt of the 2011 Alfredo G. de los Santos, Jr., Distinguished Leadership in Higher Education Award from the American Association of Hispanics in Higher Education.
To Rules and Resolutions.

HR 1679 (By Muñoz), Recognizing May 2011 as Older Americans Month and honoring the Silver Ribbon Community Partners.
To Rules and Resolutions.

HR 1680 (By Muñoz), Congratulating Lazaro "Larry" Gallardo, Jr., of Hidalgo County on being named the 2010 Constable of the Year by the National Constables Association.
To Rules and Resolutions.

HR 1681 (By Gonzalez), Honoring Maria Luisa "Tita" Yanar of El Paso for her contributions as an educator and civic leader.
To Rules and Resolutions.

HR 1683 (By Hunter), In memory of Ricardo G. "Richard" Alvarado of Alice.
To Rules and Resolutions.

HR 1685 (By Woolley), Commemorating the dedication of the Herbert Gee Municipal Courts Building in Houston and paying tribute to the life of Judge Gee.
To Rules and Resolutions.

HR 1686 (By Frullo), Congratulating George and Lucille Kveton of Lubbock on their 60th wedding anniversary.
To Rules and Resolutions.

HR 1687 (By Frullo), Congratulating the Reverend Emmitt Clampitt and Barbara Clampitt of Lubbock on their 60th wedding anniversary.
To Rules and Resolutions.

HR 1688 (By Frullo), Congratulating Douglas and Angela Boren of Lubbock on their 60th wedding anniversary.

To Rules and Resolutions.

HR 1689 (By Frullo), In memory of Bobby Gene Brown of Lubbock.

To Rules and Resolutions.

HR 1690 (By Frullo), Congratulating radio station KFYO of Lubbock on its 85th anniversary.

To Rules and Resolutions.

HR 1691 (By Frullo), Congratulating Alvin and Glenda Burton of Lubbock on their 50th wedding anniversary.

To Rules and Resolutions.

HR 1692 (By Menendez), Honoring Dolores Mendez for her contributions to the San Antonio community.

To Rules and Resolutions.

HR 1693 (By Schwertner), Honoring Mary Lopez Dale on running the 115th Boston Marathon on April 18, 2011.

To Rules and Resolutions.

HR 1695 (By Reynolds), Honoring Cynthia Bennett, president and founder of the Sienna and East Fort Bend Democrats Club.

To Rules and Resolutions.

HR 1696 (By Reynolds), Congratulating Velma Brown on her election to the board of the Sienna and East Fort Bend Democrats Club.

To Rules and Resolutions.

HR 1697 (By Reynolds), Congratulating Stephanie Green on her election as secretary of the board of the Sienna and East Fort Bend Democrats Club.

To Rules and Resolutions.

HR 1698 (By Reynolds), Congratulating Shania Wright on her election as treasurer of the board of the Sienna and East Fort Bend Democrats Club.

To Rules and Resolutions.

HR 1699 (By Reynolds), Commemorating the 2011 Missouri City Juneteenth Celebration.

To Rules and Resolutions.

HR 1700 (By Dutton), Congratulating the 2011 eighth-grade graduates of Northwest Preparatory Academy Charter School in Houston.

To Rules and Resolutions.

HR 1702 (By Alonzo), Recognizing the 2011 Oak Cliff Coalition for the Arts Cinco de Mayo parade and street festival.

To Rules and Resolutions.

HR 1703 (By C. Anderson), Congratulating Ryan Fite on his receipt of an Educators Credit Union scholarship.

To Rules and Resolutions.

HR 1704 (By C. Anderson), Congratulating Robert Jackson on his receipt of an Educators Credit Union scholarship.

To Rules and Resolutions.

HR 1705 (By C. Anderson), Congratulating Alan Tuberville on his receipt of an Educators Credit Union scholarship.

To Rules and Resolutions.

HR 1706 (By C. Anderson), Congratulating Nash Tuberville on his receipt of an Educators Credit Union scholarship.

To Rules and Resolutions.

HR 1707 (By C. Anderson), Congratulating Hannah Powers on her receipt of an Educators Credit Union scholarship.

To Rules and Resolutions.

HR 1708 (By C. Anderson), Congratulating Kate Harrison on her receipt of an Educators Credit Union scholarship.

To Rules and Resolutions.

HR 1709 (By C. Anderson), Congratulating Delmond and Diane Rosenkranz of Robinson on their 50th wedding anniversary.

To Rules and Resolutions.

HR 1710 (By C. Anderson), In memory of Julia Hikel of Elm Mott.

To Rules and Resolutions.

HR 1711 (By C. Anderson), Congratulating Kollin Kahler of Waco on making the president's list at Lamar University.

To Rules and Resolutions.

HR 1712 (By C. Anderson), In memory of Cyril W. Cernosek of West.

To Rules and Resolutions.

HR 1713 (By C. Anderson), In memory of Joy Allen Oliver of Lorena.

To Rules and Resolutions.

HR 1714 (By C. Anderson), Congratulating the students of Lorena Middle School for raising more than \$2,000 in the Pennies for Patients campaign benefiting the Leukemia & Lymphoma Society.

To Rules and Resolutions.

HR 1715 (By C. Anderson), Congratulating the all-district athletic and academic honorees from the West High School boys' basketball team.

To Rules and Resolutions.

HR 1716 (By C. Anderson), In memory of Vernon W. Sloane.

To Rules and Resolutions.

HR 1717 (By C. Anderson), In memory of Betty Jean Slater of Riesel.

To Rules and Resolutions.

HR 1718 (By C. Anderson), Congratulating the Waco ISD purchasing department on its receipt of a Texas Association of School Business Officials Award of Merit for Purchasing and Operations.

To Rules and Resolutions.

HR 1719 (By C. Anderson), Congratulating Gene Manske on being named a 2010 Outstanding Farmer.

To Rules and Resolutions.

HR 1720 (By C. Anderson), In memory of Victor D. "Bud" Wiley, Jr., of Waco.

To Rules and Resolutions.

HR 1721 (By C. Anderson), In memory of Milton Roy Overgoner of Belton.

To Rules and Resolutions.

HR 1722 (By C. Anderson), In memory of Mary Ruth Galloway of Waco.

To Rules and Resolutions.

HR 1723 (By C. Anderson), In memory of Mary Helen Torres of Waco.

To Rules and Resolutions.

HR 1724 (By C. Anderson), Congratulating Clarence and Charlotte Carpenter of Waco on their 60th wedding anniversary.

To Rules and Resolutions.

HR 1725 (By C. Anderson), In memory of Donna L. Carey of Robinson.

To Rules and Resolutions.

HR 1726 (By C. Anderson), In memory of Clara Samuelson of Waco.

To Rules and Resolutions.

HR 1727 (By C. Anderson), In memory of Olivia Tucker Cloud of Waco.

To Rules and Resolutions.

SB 63 to Human Services.

SB 462 to Criminal Jurisprudence.

SB 687 to Homeland Security and Public Safety.

SB 730 to Transportation.

SB 1070 to Ways and Means.

SB 1206 to Public Health.

SB 1237 to Homeland Security and Public Safety.

SB 1399 to Licensing and Administrative Procedures.

SB 1557 to Public Education.

SB 1864 to Transportation.

SB 1899 to Natural Resources.

SCR 50 to Rules and Resolutions.

SIGNED BY THE SPEAKER

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

Senate List No. 21

SB 539, SB 646, SB 785

MESSAGES FROM THE SENATE

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

Message No. 1**MESSAGE FROM THE SENATE****SENATE CHAMBER**

Austin, Texas

Tuesday, May 3, 2011

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 15 Miller, Sid **SPONSOR: Patrick**
Relating to informed consent to an abortion.
(Committee Substitute/Amended)

HB 905 Thompson **SPONSOR: Harris**
Relating to the admissibility of certain hearsay statements of a child in hearings on an application for a protective order.

HB 984 Truitt **SPONSOR: Harris**
Relating to agreements between neighboring municipalities regarding jurisdiction of cases in municipal courts.
(Committee Substitute)

HB 1808 Cook **SPONSOR: Nichols**
Relating to the continuation and functions of the State Soil and Water Conservation Board.

HCR 9 Branch **SPONSOR: Watson**
Congratulating the Honorable Jack Pope on the occasion of his 98th birthday.

SB 63 Zaffirini
Relating to the creation of the individual development account program to provide savings incentives and opportunities for certain foster children to pursue home ownership, postsecondary education, and business development.

SB 150 West

Relating to granting limited state law enforcement authority to special agents of the Office of Inspector General of the United States Department of Veterans Affairs and to updating certain references related to the grant of that authority to other federal law enforcement personnel.

SB 687 Huffman

Relating to interception of wire, oral, or electronic communications for law enforcement purposes.

SB 730 Nichols

Relating to the conversion of a nontolled state highway or segment of the state highway system to a toll project.

SB 947 Patrick

Relating to granting limited state law enforcement authority to certain criminal investigators of the United States and to other federal law enforcement personnel.

SB 1059 Nichols

Relating to the program for improvement of collection of court costs, fees, and fines imposed in criminal cases.

SB 1070 Jackson

Relating to the composition of the permanent advisory committee to advise the Texas Commission on Environmental Quality regarding the implementation of the ad valorem tax exemption for pollution control property.

SB 1117 Whitmire

Relating to the prosecution of a parent contributing to the nonattendance of a public school student.

SB 1231 Estes

Relating to the regulation of health spas by the secretary of state.

SB 1237 Williams

Relating to persons authorized to access or use electronically readable information derived from a driver's license, commercial driver's license, or personal identification certificate.

SB 1328 Watson

Relating to optional dispute resolution methods regarding educational services for students with a disability, including individualized education program facilitation.

SB 1399 Patrick

Relating to the regulation of foundation repair contractors; providing penalties.

SB 1445 Zaffirini

Relating to the contents of reports of political contributions and expenditures.

SB 1488 West

Relating to the purchasing and contracting practices of junior college districts; providing criminal penalties.

SB 1557 Carona

Relating to the Texas High Performance Schools Consortium.

SB 1899 Nichols

Relating to compensation for services and reimbursement for expenses of a member of the board of directors of the Lake View Management and Development District.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER

Austin, Texas

Tuesday, May 3, 2011 - 2

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HCR 104 Frullo SPONSOR: Duncan
Congratulating Dr. Kitty Harris Wilkes on her selection as a 2011 YWCA of Lubbock Woman of Excellence.

HCR 105 Frullo SPONSOR: Duncan
Congratulating Beth Lawson on her selection as a 2011 YWCA of Lubbock Woman of Excellence.

HCR 106 Frullo SPONSOR: Duncan
Congratulating Aimee Doane on being named a 2011 Lubbock YWCA Woman of Excellence.

HCR 107 Frullo SPONSOR: Duncan
Congratulating Dr. Kamlesh Varma on her selection as a 2011 YWCA of Lubbock Woman of Excellence.

HCR 108 Frullo SPONSOR: Duncan
Congratulating Dr. Kelly Overley on her selection as a 2011 Woman of Excellence by the YWCA of Lubbock.

HCR 111 Frullo SPONSOR: Duncan
Congratulating Yvonne Racz Key on her selection as a 2011 YWCA of Lubbock Woman of Excellence.

HCR 112 Frullo SPONSOR: Duncan
Congratulating Sarah Jo Lambert on her selection as a 2011 YWCA of Lubbock Woman of Excellence.

HCR 113 Frullo SPONSOR: Duncan
Congratulating Kay Cross on her receipt of the Jane O.Burns Award from the YWCA of Lubbock.

- SB 1138** Watson
Relating to design-build contracts and comprehensive development agreements of regional mobility authorities.
- SB 1196** Rodriguez
Relating to guardianships and alternatives to guardianship for persons who have physical disabilities or who are incapacitated.
- SB 1197** Rodriguez
Relating to trusts.
- SB 1841** Van de Putte
Relating to the preservation and maintenance of the Alamo by the General Land Office.
- Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

May 2

Agriculture and Livestock - **SB 378, SB 893, SB 1356, SB 1357**

Appropriations - **HJR 109**

Business and Industry - **HB 1639, SB 328, SB 1496, SB 1568**

Corrections - **SB 1106, SB 1886**

County Affairs - **HB 2116, HB 3462**

Criminal Jurisprudence - **HB 597, HB 1122, HB 1205, HB 1856**

Culture, Recreation, and Tourism - **HB 3696**

Economic and Small Business Development - **SB 1176**

Elections - **HB 1975, HB 2050, HB 2359, HB 2589, HB 2875, SB 1269**

Environmental Regulation - **HB 3251, SB 1258**

Higher Education - **HB 1339, HB 1839, HCR 129, SB 324, SB 633, SB 1020, SB 1121, SB 1272, SB 1327**

Homeland Security and Public Safety - **HB 19, HB 1530, HB 3320, HB 3383**

Human Services - **HB 2903, HB 3145**

Insurance - **HB 207, HB 2172, HB 2292, HB 2382, HB 2699, HB 2723, HB 2835, HB 3086, HB 3154, HB 3410**

Judiciary and Civil Jurisprudence - **HB 2372, HB 2882, HB 3022, HB 3475, HB 3833, SB 587, SB 820**

Natural Resources - **SB 656**

Pensions, Investments, and Financial Services - **HB 1434, HB 1677, SB 1124, SB 1166, SB 1281**

Public Education - **HB 400, HB 2485, SB 764**

Public Health - **HB 13, HB 577, HB 2084, HB 3337, HB 3744**

State Affairs - **HB 3754, HJR 135**

Transportation - **HB 629, HB 641, HB 2596, HB 2651, HB 2730, HB 3030, HB 3064, HB 3091, HB 3298, HB 3308, HB 3730, HB 3841**

Urban Affairs - **HB 1818, HB 2660**

Ways and Means - **HB 872, HB 889, HB 2078, HB 2220, HB 2746, HB 2972, HB 3036, HB 3133, HB 3341, HB 3457, HB 3727, SB 934**