

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FIFTY-FIFTH DAY — WEDNESDAY, APRIL 13, 2011

The house met at 9 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 342).

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.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Absent — Smith, W.

The invocation was offered by Chris Kirkendall, pastor, Faith Christian Center, Silsbee.

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

REGULAR ORDER OF BUSINESS SUSPENDED

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

(S. Miller in the chair)

MESSAGE FROM THE SENATE

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

HR 858 - PREVIOUSLY ADOPTED**(by Raymond)**

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

HR 858, Honoring Manuelita Guajardo Juarez of Laredo on her 104th birthday.

INTRODUCTION OF GUESTS

The chair recognized Representative Raymond who introduced family members of Manuelita Guajardo Juarez.

HR 1066 - ADOPTED**(by Gutierrez)**

Representative Gutierrez moved to suspend all necessary rules to take up and consider at this time **HR 1066**.

The motion prevailed.

The following resolution was laid before the house:

HR 1066, Recognizing April 13, 2011, as Alice Trevino Ramirez Day and commending Ms. Ramirez on her 35th anniversary at the Discovery School of San Antonio.

(W. Smith now present)

HR 1066 was read and was adopted.

HCR 134 - ADOPTED**(by Craddick)**

Representative Craddick moved to suspend all necessary rules to take up and consider at this time **HCR 134**.

The motion prevailed.

The following resolution was laid before the house:

HCR 134, Declaring Lamesa the Legendary Home of the Chicken-fried Steak.

HCR 134 was adopted.

HR 1076 - ADOPTED**(by Dutton)**

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 1076**.

The motion prevailed.

The following resolution was laid before the house:

HR 1076, Recognizing the 2011 inductees to the Kashmere Alumni Association's Alumni Hall of Fame.

HR 1076 was adopted.

HR 1086 - ADOPTED
(by D. Miller)

Representative D. Miller moved to suspend all necessary rules to take up and consider at this time **HR 1086**.

The motion prevailed.

The following resolution was laid before the house:

HR 1086, Honoring the Order of the Eastern Star in Boerne on the 100th anniversary of its founding.

HR 1086 was read and was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative D. Miller who introduced members of the Boerne Order of the Eastern Star.

HCR 64 - PREVIOUSLY ADOPTED
(by Aycock)

The chair laid out the following previously adopted resolution:

HCR 64, Recognizing April 13, 2011, as Leadership Highland Lakes Day at the State Capitol.

HR 942 - ADOPTED
(by Coleman)

Representative Coleman moved to suspend all necessary rules to take up and consider at this time **HR 942**.

The motion prevailed.

The following resolution was laid before the house:

HR 942, Recognizing April 13, 2011, as County Government Day at the State Capitol.

HR 942 was read and was adopted.

On motion of Representative Chisum, the names of all the members of the house were added to **HR 942** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Coleman who introduced representatives of the Texas Association of Counties.

HR 1126 - ADOPTED
(by L. Gonzales)

Representative L. Gonzales moved to suspend all necessary rules to take up and consider at this time **HR 1126**.

The motion prevailed.

The following resolution was laid before the house:

HR 1126, Recognizing April 13, 2011, as Williamson County Day at the State Capitol.

HR 1126 was adopted.

On motion of Representative Schwertner, the names of all the members of the house were added to **HR 1126** as signers thereof.

HR 1318 - ADOPTED
(by McClendon)

Representative McClendon moved to suspend all necessary rules to take up and consider at this time **HR 1318**.

The motion prevailed.

The following resolution was laid before the house:

HR 1318, Honoring Hendrick Arnold for his contributions to the struggle for Texas independence and to the development of the republic and the Lone Star State.

(Speaker in the chair)

HR 1318 was read and was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative McClendon who introduced descendants of Hendrick Arnold.

(S. Miller in the chair)

HR 843 - ADOPTED
(by Workman)

Representative Workman moved to suspend all necessary rules to take up and consider at this time **HR 843**.

The motion prevailed.

The following resolution was laid before the house:

HR 843, Commending Chris C. Barron for his service as chief of the Manchaca Fire/Rescue Department and executive director of the State Firemen's and Fire Marshals' Association of Texas.

HR 843 was adopted.

GENERAL STATE CALENDAR
SENATE BILLS
THIRD READING

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

SB 312 ON THIRD READING
(Keffer - House Sponsor)

SB 312, A bill to be entitled An Act relating to the exemption of certain electric cooperatives from certain regulations.

SB 312 was passed by (Record 343): 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; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Geren; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.(C); Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker

Absent — Christian; Garza; Giddings; Lyne; Turner.

STATEMENTS OF VOTE

When Record No. 343 was taken, I was in the house but away from my desk. I would have voted yes.

Garza

When Record No. 343 was taken, I was in the house but away from my desk. I would have voted yes.

Giddings

SB 333 ON THIRD READING (T. King - House Sponsor)

SB 333, A bill to be entitled An Act relating to election procedures and qualifications of members of boards of directors for water supply or sewer service corporations.

SB 333 was passed by (Record 344): 146 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; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Gonzales, L.; Gonzales, V.; Gonzalez;

Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; 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.(C); Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker.

Absent — Callegari; Giddings; Turner.

STATEMENTS OF VOTE

When Record No. 344 was taken, I was in the house but away from my desk. I would have voted yes.

Callegari

When Record No. 344 was taken, I was in the house but away from my desk. I would have voted yes.

Giddings

HCR 65 - PREVIOUSLY ADOPTED (by Aycock)

The chair laid out the following previously adopted resolution:

HCR 65, Recognizing April 13, 2011, as Leadership Killeen Day at the State Capitol.

SB 716 ON THIRD READING (Jackson - House Sponsor)

SB 716, A bill to be entitled An Act relating to the periodic review of the child support guidelines.

SB 716 was passed by (Record 345): 139 Yeas, 7 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; 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; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.;

Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Pery; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Veasey; Villarreal; Vo; Walle; White; Woolley; Workman; Zedler; Zerwas.

Nays — Fletcher; Gonzalez; Hartnett; Mallory Caraway; Marquez; Sheffield; Weber.

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

Absent — Callegari; Turner.

STATEMENTS OF VOTE

When Record No. 345 was taken, I was in the house but away from my desk. I would have voted yes.

Callegari

I was shown voting no on Record No. 345. I intended to vote yes.

Fletcher

I was shown voting no on Record No. 345. I intended to vote yes.

Marquez

**EMERGENCY CALENDAR
SENATE BILLS
SECOND READING**

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

**CSSB 18 ON SECOND READING
(Geren, Oliveira, and Kleinschmidt - House Sponsors)**

CSSB 18, A bill to be entitled An Act relating to the use of eminent domain authority.

CSSB 18 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE SIMPSON: I do have a couple of general questions concerning page three of your bill. Thank you so much for your hard work and the work of the committee, I know this has gone on for a long time. On page three, on line two, it refers to "common carrier pipeline." Is that in reference to the pipeline itself? Or, in other words, is this to be construed very narrowly, or is this in reference to a common carrier?

REPRESENTATIVE GEREN: It is not to be construed narrowly. It's "common carrier pipeline." It opens it up, not narrowing it down.

SIMPSON: It's broadening it, and not narrowing.

GEREN: That's correct.

SIMPSON: And can you explain why the sections there in the Resource Code and the Texas Business Corporations Act were deleted and not subject to those parts?

GEREN: I think this is enough definition for it without having to go to those codes for this particular purpose. The common carriers, they're still regulated by those but it's not necessary to have it in this bill.

SIMPSON: Okay, so they are still regulated by those sections of the code.

GEREN: That is correct, sir.

(Speaker in the chair)

Amendment No. 1

Representative Callegari offered the following amendment to **CSSB 18**:
Floor Packet Page No. 3

Amend **CSSB 18** (house committee printing) as follows:

(1) In SECTION 1 of the bill, in amended Section 2206.001(b)(3), Government Code (page 2, line 1), strike "is a secondary purpose resulting" and substitute "results [~~is a secondary purpose resulting~~]".

(2) In SECTION 1 of the bill, in amended Section 2206.001(b)(3), Government Code (page 2, line 4), strike "slum or" and substitute "~~slum or~~".

(3) In SECTION 19 of the bill (page 23), insert the following appropriately designated subsections and redesignate existing subsections appropriately:

() Sections 374.003(19) and 374.016, Local Government Code, are repealed.

() Section 311.008(c), Tax Code, is repealed.

(4) In SECTION 20 of the bill (page 23, line 25), between "Code," and "and", insert "Chapters 373 and 374, Local Government Code,".

(5) Insert the following appropriately numbered SECTIONS and renumber SECTIONS of the bill appropriately:

SECTION _____. Section 373.002(b), Local Government Code, is amended to read as follows:

(b) Activities conducted under this chapter are directed toward the following purposes:

- (1) elimination of [~~slums and~~] areas affected by blight;
- (2) prevention of blighting influences and of the deterioration of property and neighborhood and community facilities important to the welfare of the community;
- (3) elimination of conditions detrimental to the public health, safety, and welfare;
- (4) expansion and improvement of the quantity and quality of community services essential for the development of viable urban communities;
- (5) more rational use of land and other natural resources;
- (6) improved arrangement of residential, commercial, industrial, recreational, and other necessary activity centers;

(7) restoration and preservation of properties of special value for historic, architectural, or aesthetic reasons;

(8) reduction of the isolation of income groups in communities and geographical areas, promotion of increased diversity and vitality of neighborhoods through spatial deconcentration of housing opportunities for persons of low and moderate income, and revitalization of deteriorating or deteriorated neighborhoods to attract persons of higher income; and

(9) alleviation of physical and economic distress through the stimulation of private investment and community revitalization in ~~[slum or]~~ blighted areas.

SECTION _____. Section 373.004, Local Government Code, is amended to read as follows:

Sec. 373.004. GOALS OF PROGRAM. Through a community development program, a municipality may conduct work or activities designed to:

(1) improve the living and economic conditions of persons of low and moderate income;

(2) benefit low or moderate income neighborhoods;

(3) aid in the prevention or elimination of ~~[slums and]~~ blighted areas;

(4) aid a federally assisted new community; or

(5) meet other urgent community development needs, including an activity or function specified for a community development program that incorporates a federally assisted new community.

SECTION _____. Section 373.006, Local Government Code, is amended to read as follows:

Sec. 373.006. REQUIRED PROCEDURES BEFORE ADOPTION OF COMMUNITY DEVELOPMENT PROGRAM. Before exercising powers under Section 373.005, the governing body of the municipality must:

(1) identify areas of the municipality in which predominantly low and moderate income persons reside and each unit of real property in the municipality~~;~~ that has the characteristics of blight ~~[are blighted or slum areas]~~ or that is a ~~[are]~~ federally assisted new community in the municipality ~~[communities]~~;

(2) establish community development program areas in which community development activities, building rehabilitation, or the acquisition of privately owned buildings or land is proposed;

(3) adopt, by resolution or ordinance, a plan under which citizens may publicly comment on the proposed community development program;

(4) conduct public hearings on the proposed program before the 15th day before the date of its final adoption by the governing body; and

(5) adopt the community development program by resolution or ordinance.

SECTION _____. Sections 374.002(a) and (b), Local Government Code, are amended to read as follows:

(a) The legislature finds that ~~[slum and]~~ blighted areas exist in municipalities in this state and that those areas:

(1) are a serious and growing menace that is injurious and inimical to the public health, safety, morals, and welfare of the residents of this state;

(2) contribute substantially and increasingly to the spread of disease and crime, requiring excessive and disproportionate expenditures of public funds for the preservation of the public health and safety, and for crime prevention, correctional facilities, prosecution and punishment, treatment of juvenile delinquency, and the maintenance of adequate police, fire, and accident protection and other public services and facilities; and

(3) constitute an economic and social liability, substantially impair the sound growth of affected municipalities, and retard the provision of housing accommodations.

(b) For these reasons, prevention and elimination of [~~slum and~~] blighted areas are matters of state policy and concern that may be best addressed by the combined action of private enterprise, municipal regulation, and other public action through approved urban renewal plans. The legislature further finds that the repair and rehabilitation of buildings and other improvements in affected areas, public acquisition of real property, demolition of buildings and other improvements as necessary to eliminate [~~slum or~~] blight conditions or to prevent the spread of those conditions, the disposition of property acquired in affected areas and incidental to the purposes stated by this subsection, and other public assistance to eliminate those conditions are public purposes for which public money may be spent and the power of eminent domain exercised.

SECTION _____. Sections 374.003(3), (18), (25), (26), and (28), Local Government Code, are amended to read as follows:

(3) "Blighted area" means a tract or unit of real property [an area] that presents four or more of the following conditions for at least one year after the date on which notice of the conditions is provided to the property owner as required by Section 374.018(a)(1) or (b):

(A) the property contains uninhabitable, unsafe, or abandoned structures;

(B) the property has inadequate provisions for sanitation;

(C) there exists on the property an imminent harm to life or other property caused by fire, flood, hurricane, tornado, earthquake, storm, or other natural catastrophe declared to have brought about a state of disaster under Section 418.014, Government Code, or that brought about a disaster for which a request for federal assistance is made under Section 418.021, Government Code;

(D) the property has been identified by the United States Environmental Protection Agency as a superfund site under the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. Section 9601 et seq.) or as environmentally contaminated to an extent that the property requires remedial investigation or a feasibility study;

(E) the property has been the location of substantiated and repeated illegal activity of which the property owner knew or should have known;

(F) the maintenance of the property is below county or municipal standards;

(G) the property is abandoned and contains a structure that is not fit for its intended use because the utilities, sewerage, plumbing, or heating or a similar service or facility of the structure has been disconnected, destroyed, removed, or rendered ineffective; or

(H) the property presents an economic liability to the immediate area because of deteriorating structures or hazardous conditions [is not a slum area, but that, because of deteriorating buildings, structures, or other improvements; defective or inadequate streets, street layout, or accessibility; unsanitary conditions; or other hazardous conditions, adversely affects the public health, safety, morals, or welfare of the municipality and its residents, substantially retards the provision of a sound and healthful housing environment, or results in an economic or social liability to the municipality. The term includes an area certified as a disaster area as provided by Section 374.903].

(18) "Rehabilitation" means the restoration of buildings or other structures to prevent deterioration of an area that is tending to become a blighted area ~~[or a slum area]~~.

(25) "Urban renewal activities" includes ~~[slum clearance,]~~ redevelopment, rehabilitation, and conservation activities to prevent further deterioration of an area that is tending to become a blighted ~~[or slum]~~ area. The term includes:

(A) the acquisition of all or part of a ~~[slum area or]~~ blighted area or the acquisition of land that is predominantly open and that, because of obsolete platting, diversity of ownership, deterioration of structures or site improvements, or for other reasons, substantially impairs or arrests the sound growth of the community;

(B) the demolition and removal of buildings and improvements;

(C) the installation, construction, or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary to fulfill urban renewal objectives in accordance with an urban renewal plan;

(D) the disposition by the municipality of property acquired in an urban renewal area for use in accordance with an urban renewal plan, including the sale or initial lease of the property at its fair value or the retention of the property;

(E) the implementation of plans for a program of voluntary repair and rehabilitation of buildings or improvements in accordance with an urban renewal plan; and

(F) the acquisition of real property in an urban renewal area as necessary to remove or prevent the spread of blight or deterioration or to provide land for needed public facilities.

(26) "Urban renewal area" means a ~~[slum area,]~~ blighted area~~[, or a combination of those areas]~~ that the governing body of a municipality designates as appropriate for an urban renewal project.

(28) "Urban renewal project" includes any of the following activities undertaken in accordance with an urban renewal plan:

(A) municipal activities in an urban renewal area that are designed to eliminate or to prevent the development or spread of ~~[slums and]~~ blighted areas;

(B) ~~[slum clearance and redevelopment in an urban renewal area;~~
~~[(C)]~~ rehabilitation or conservation in an urban renewal area;

(C) ~~[(D)]~~ development of open land that, because of location or situation, is necessary for sound community growth and that is to be developed, by replatting and planning, for predominantly residential uses; or

(D) ~~[(E)]~~ any combination or part of the activities described by Paragraphs ~~(A)-(C)~~ ~~[(A)-(D)]~~.

SECTION _____. Section 374.011, Local Government Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) Except as provided by Section 374.012, a municipality may not exercise a power granted under this chapter unless:

(1) the governing body of the municipality adopts a resolution that finds that a ~~[slum area or]~~ blighted area exists in the municipality and that the rehabilitation, the conservation, or the ~~[slum clearance and]~~ redevelopment of the area is necessary for the public health, safety, morals, or welfare of the residents of the municipality; and

(2) a majority of the municipality's voters voting in an election held as provided by Subsection (b) favor adoption of the resolution.

(d) The governing body of the municipality must determine that each unit of real property included in a resolution under Subsection (a) has the characteristics of blight.

SECTION _____. Section 374.012(c), Local Government Code, is amended to read as follows:

(c) The resolution ordering the election and the notice of the election must contain:

(1) a complete legal description of each unit of real property ~~[the area]~~ included in the proposed project;

(2) a statement of the nature of the proposed project; ~~[and]~~

(3) a statement of the total amount of local funds to be spent on the proposed project; and

(4) a statement that each unit of real property has the characteristics of blight.

SECTION _____. Section 374.013(a), Local Government Code, is amended to read as follows:

(a) To further the urban renewal objectives of this chapter, a municipality may formulate a workable program to use appropriate private and public resources, including the resources specified by Subsection (b), to encourage urban rehabilitation, to provide for the redevelopment of ~~[slum and]~~ blighted areas, or to undertake those activities or other feasible municipal activities as may be suitably employed to achieve the objective of the program. The program must specifically include provisions relating to:

(1) prevention, through diligent enforcement of housing and occupancy controls and standards, of the expansion of blight into areas of the municipality that are free from blight; and

(2) rehabilitation or conservation of [~~slum and~~] blighted areas as far as practicable to areas that are free from blight through replanning, removing congestion, providing parks, playgrounds, and other public improvements, encouraging voluntary rehabilitation and requiring the repair and rehabilitation of deteriorated or deteriorating structures[~~, and the clearance and redevelopment of slum areas~~].

SECTION _____. Section 374.014(a), Local Government Code, is amended to read as follows:

(a) A municipality may not prepare an urban renewal plan for an area unless the governing body of the municipality has, by resolution, declared the area to be a [~~slum area, a~~] blighted area[~~, or both,~~] and has designated the area as appropriate for an urban renewal project. The governing body may not approve an urban renewal plan until a general plan has been prepared for the municipality. A municipality may not acquire real property for an urban renewal project until the governing body has approved the urban renewal plan as provided by Subsection (d).

SECTION _____. Sections 374.015(a) and (d), Local Government Code, are amended to read as follows:

(a) A municipality may exercise all powers necessary or convenient to carry out the purposes of this chapter, including the power to:

(1) conduct preliminary surveys to determine if undertaking an urban renewal project is feasible;

(2) conduct urban renewal projects within its area of operation;

(3) execute contracts and other instruments necessary or convenient to the exercise of its powers under this chapter;

(4) provide, arrange, or contract for the furnishing or repair by any person of services, privileges, works, streets, roads, public utilities, or other facilities in connection with an urban renewal project, including installation, construction, and reconstruction of streets, utilities, parks, playgrounds, and other public improvements necessary to carry out an urban renewal project;

(5) acquire any real property, including improvements, and any personal property necessary for administrative purposes, that is necessary or incidental to an urban renewal project, hold, improve, clear, or prepare the property for redevelopment, mortgage or otherwise encumber or dispose of the real property, insure or provide for the insurance of real or personal property or municipal operations against any risk or hazard and to pay premiums on that insurance, and enter any necessary contracts;

(6) invest urban renewal project funds held in reserves or sinking funds, or not required for immediate disbursement, in property or securities in which banks may legally invest funds subject to their control, redeem bonds issued under Section 374.026 at the redemption price established in the bond, or purchase those bonds at less than the redemption price, and cancel the bonds redeemed or purchased;

(7) borrow money and apply for and accept advances, loans, grants, contributions, and other forms of financial assistance from the federal, state, or county government, other public body, or other public or private sources for the purposes of this chapter, give any required security, and make and carry out any contracts in connection with the financial assistance;

(8) make plans necessary to carry out this chapter in its area of operation, contract with any person in making and carrying out the plans, and adopt, approve, modify or amend the plans;

(9) develop, test, and report methods and techniques for the prevention of ~~slums and~~ urban blight, conduct demonstrations and other activities in connection with those methods and techniques, and apply for, accept, and use federal grants made for those purposes;

(10) prepare plans and provide reasonable assistance for the relocation of persons displaced from an urban renewal project area, including families, business concerns, and others, as necessary to acquire possession and to clear the area in order to conduct the urban renewal project;

(11) appropriate funds and make expenditures as necessary to implement this chapter and, subject to Subsection (c), levy taxes and assessments for that purpose;

(12) close, vacate, plan, or replan streets, roads, sidewalks, ways, or other places, plan, replan, zone, or rezone any part of the municipality and make exceptions from building regulations, and enter agreements with an urban renewal agency vested with urban renewal powers under Subchapter C, which may extend over any period, restricting action to be taken by the municipality under any of the powers granted under this chapter;

(13) organize, coordinate, and direct the administration of this chapter within the area of operation as those provisions apply to the municipality to most effectively promote and achieve the purposes of this chapter and establish new municipal offices or reorganize existing offices as necessary to most effectively implement those purposes; and

(14) issue tax increment bonds.

(d) A ~~Except as provided by Section 374.016, a~~ municipality may acquire by condemnation any interest in real property, including a fee simple interest, that the municipality considers necessary for or in connection with an urban renewal project. Property dedicated to a public use may be acquired in that manner, except that property belonging to the state or to a political subdivision of the state may not be acquired without the consent of the state or political subdivision.

SECTION _____. Section 374.017(d), Local Government Code, is amended to read as follows:

(d) Real property or an interest in real property subject to this section may only be sold, leased, or otherwise transferred or retained at not less than the fair value of the property for uses in accordance with the urban renewal plan. In determining the fair value, the municipality shall consider:

(1) the uses provided in the urban renewal plan;

(2) any restrictions on and any covenants, conditions, and obligations assumed by the purchaser, lessee, or municipality in retaining the property;

(3) the objectives of the plan for the prevention of the recurrence of ~~[slums or]~~ blighted areas; and

(4) any other matters that the municipality specifies as appropriate.

SECTION _____. Subchapter B, Chapter 374, Local Government Code, is amended by adding Sections 374.018 and 374.019 to read as follows:

Sec. 374.018. LIMITATIONS ON CHARACTERIZATIONS OF BLIGHT.

(a) Notwithstanding any other law, an area may not be considered a blighted area on the basis of a condition described by Section 374.003 unless:

(1) the municipality has given notice in writing to the property owner by first class mail regarding the condition to the:

(A) last known address of the property owner; and

(B) physical address of the property; and

(2) the property owner fails to take reasonable measures to remedy the condition.

(b) If a mailing address for the property owner cannot be determined, the municipality shall post notice in writing regarding the condition in a conspicuous place on the property.

(c) An area may not be considered a blighted area solely for an aesthetic reason.

(d) A determination by a municipality that a unit of real property has the characteristics of blight is valid for two years.

(e) After the two-year period prescribed by Subsection (d), a municipality may make a new determination that the unit of real property has the characteristics of blight and redesignate the unit of real property as a blighted area for another two-year period.

(f) A municipality shall remove a determination of blight under this chapter if the municipality finds that the property owner has remedied the condition that was the basis for the determination.

Sec. 374.019. COMMON OWNER PROPERTY. For the purposes of this chapter and Chapter 21, Property Code, if a municipality determines that two or more contiguous units of real property that are owned by the same person have the characteristics of blight, the municipality may treat those units of real property as one unit of real property.

SECTION _____. Section 374.021(b), Local Government Code, is amended to read as follows:

(b) In this section, "urban renewal project powers" includes the rights, powers, functions, and duties of a municipality under this chapter. The term does not include the power to:

(1) determine an area as a ~~[slum area,]~~ blighted area~~[- or both]~~ and to designate that area as appropriate for an urban renewal project;

(2) approve and amend urban renewal plans and hold public hearings relating to those plans;

(3) establish a general plan for the locality as a whole;

(4) establish a workable program under Section 374.013;

(5) make determinations and findings under Section 374.011(a), 374.013(b), or 374.014(d);

(6) issue general obligation bonds; and

(7) appropriate funds, levy taxes and assessments, and exercise other functions under Subdivisions (11) and (12) of Section 374.015(a).

SECTION _____. Section 311.002, Tax Code, is amended by amending Subdivision (1) and adding Subdivision (1-a) to read as follows:

(1) "Blighted area" has the meaning assigned by Section 374.003, Local Government Code.

(1-a) "Project costs" means the expenditures made or estimated to be made and monetary obligations incurred or estimated to be incurred by the municipality or county establishing a reinvestment zone that are listed in the project plan as costs of public works or public improvements in the zone, plus other costs incidental to those expenditures and obligations. "Project costs" include:

(A) capital costs, including the actual costs of the acquisition and construction of public works, public improvements, new buildings, structures, and fixtures; the actual costs of the acquisition, demolition, alteration, remodeling, repair, or reconstruction of existing buildings, structures, and fixtures; and the actual costs of the acquisition of land and equipment and the clearing and grading of land;

(B) financing costs, including all interest paid to holders of evidences of indebtedness or other obligations issued to pay for project costs and any premium paid over the principal amount of the obligations because of the redemption of the obligations before maturity;

(C) real property assembly costs;

(D) professional service costs, including those incurred for architectural, planning, engineering, and legal advice and services;

(E) imputed administrative costs, including reasonable charges for the time spent by employees of the municipality or county in connection with the implementation of a project plan;

(F) relocation costs;

(G) organizational costs, including the costs of conducting environmental impact studies or other studies, the cost of publicizing the creation of the zone, and the cost of implementing the project plan for the zone;

(H) interest before and during construction and for one year after completion of construction, whether or not capitalized;

(I) the cost of operating the reinvestment zone and project facilities;

(J) the amount of any contributions made by the municipality or county from general revenue for the implementation of the project plan; and

(K) payments made at the discretion of the governing body of the municipality or county that the governing body finds necessary or convenient to the creation of the zone or to the implementation of the project plans for the zone.

SECTION _____. Sections 311.008(b) and (e), Tax Code, are amended to read as follows:

(b) A municipality or county may exercise any power necessary and convenient to carry out this chapter, including the power to:

(1) cause project plans to be prepared, approve and implement the plans, and otherwise achieve the purposes of the plan;

(2) acquire real property by purchase [~~condemnation, or other means~~] to implement project plans and sell that property on the terms and conditions and in the manner it considers advisable;

(3) enter into agreements, including agreements with bondholders, determined by the governing body of the municipality or county to be necessary or convenient to implement project plans and achieve their purposes, which agreements may include conditions, restrictions, or covenants that run with the land or that by other means regulate or restrict the use of land; and

(4) consistent with the project plan for the zone:

(A) acquire [~~blighted, deteriorated, deteriorating, undeveloped, or inappropriately developed~~] real property or other property in a blighted area, in an undeveloped area, or in a federally assisted new community in the zone for the preservation or restoration of historic sites, beautification or conservation, the provision of public works or public facilities, or other public purposes;

(B) acquire, construct, reconstruct, or install public works, facilities, or sites or other public improvements, including utilities, streets, street lights, water and sewer facilities, pedestrian malls and walkways, parks, flood and drainage facilities, or parking facilities, but not including educational facilities; [~~or~~]

(C) in a reinvestment zone created on or before September 1, 1999, acquire, construct, or reconstruct educational facilities in the municipality; or

(D) acquire by condemnation any interest, including a fee simple interest, in real property that is a blighted area and necessary for the reinvestment zone.

(e) A municipality or county may acquire by condemnation an interest in real property only if the taking is in accordance with Chapter 2206, Government Code. [~~The implementation of a project plan to alleviate a condition described by Section 311.005(a)(1), (2), or (3) and to promote development or redevelopment of a reinvestment zone in accordance with this chapter serves a public purpose.~~]

Amendment No. 1 was withdrawn.

REMARKS ORDERED PRINTED

Representative Simpson moved to print remarks between Representative Geren and Representative Simpson.

The motion prevailed.

Amendment No. 2

Representative Y. Davis offered the following amendment to **CSSB 18**:
Floor Packet Page No. 20

Amend **CSSB 18** (house committee printing) as follows:

(1) In SECTION 1 of the bill, in amended Section 2206.001(b)(3), Government Code (page 2, line 1), strike "is a secondary purpose resulting" and substitute "results [~~is a secondary purpose resulting~~]".

(2) In SECTION 1 of the bill, in amended Section 2206.001(b)(3), Government Code (page 2, line 4), strike "slum or" and substitute "[~~slum or~~"]".

(3) In SECTION 10 of the bill, in amended Section 21.042(d), Property Code (page 15, line 5), between "property owner" and "and", insert ", including the property owner's financial damages described by Section 21.041(2),".

(4) In SECTION 19 of the bill, insert the following appropriately designated subsection and redesignate existing subsections appropriately:

() Sections 374.003(19) and 374.016, Local Government Code, are repealed.

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

SECTION _____. Section 373.002(b), Local Government Code, is amended to read as follows:

(b) Activities conducted under this chapter are directed toward the following purposes:

- (1) elimination of [~~slums and~~] areas affected by blight;
- (2) prevention of blighting influences and of the deterioration of property and neighborhood and community facilities important to the welfare of the community;
- (3) elimination of conditions detrimental to the public health, safety, and welfare;
- (4) expansion and improvement of the quantity and quality of community services essential for the development of viable urban communities;
- (5) more rational use of land and other natural resources;
- (6) improved arrangement of residential, commercial, industrial, recreational, and other necessary activity centers;
- (7) restoration and preservation of properties of special value for historic, architectural, or aesthetic reasons;
- (8) reduction of the isolation of income groups in communities and geographical areas, promotion of increased diversity and vitality of neighborhoods through spatial deconcentration of housing opportunities for persons of low and moderate income, and revitalization of deteriorating or deteriorated neighborhoods to attract persons of higher income; and
- (9) alleviation of physical and economic distress through the stimulation of private investment and community revitalization in [~~slum or~~] blighted areas.

SECTION _____. Section 373.004, Local Government Code, is amended to read as follows:

Sec. 373.004. GOALS OF PROGRAM. Through a community development program, a municipality may conduct work or activities designed to:

- (1) improve the living and economic conditions of persons of low and moderate income;
- (2) benefit low or moderate income neighborhoods;
- (3) aid in the prevention or elimination of [~~slums and~~] blighted areas;
- (4) aid a federally assisted new community; or

(5) meet other urgent community development needs, including an activity or function specified for a community development program that incorporates a federally assisted new community.

SECTION _____. Section 373.006, Local Government Code, is amended to read as follows:

Sec. 373.006. REQUIRED PROCEDURES BEFORE ADOPTION OF COMMUNITY DEVELOPMENT PROGRAM. Before exercising powers under Section 373.005, the governing body of the municipality must:

(1) identify areas of the municipality in which predominantly low and moderate income persons reside and each unit of real property in the municipality~~[-]~~ that has the characteristics of blight ~~[are blighted or slum areas,]~~ or that is a ~~[are]~~ federally assisted new community in the municipality ~~[communities];~~

(2) establish community development program areas in which community development activities, building rehabilitation, or the acquisition of privately owned buildings or land is proposed;

(3) adopt, by resolution or ordinance, a plan under which citizens may publicly comment on the proposed community development program;

(4) conduct public hearings on the proposed program before the 15th day before the date of its final adoption by the governing body; and

(5) adopt the community development program by resolution or ordinance.

SECTION _____. Sections 374.002(a) and (b), Local Government Code, are amended to read as follows:

(a) The legislature finds that ~~[slum and]~~ blighted areas exist in municipalities in this state and that those areas:

(1) are a serious and growing menace that is injurious and inimical to the public health, safety, morals, and welfare of the residents of this state;

(2) contribute substantially and increasingly to the spread of disease and crime, requiring excessive and disproportionate expenditures of public funds for the preservation of the public health and safety, and for crime prevention, correctional facilities, prosecution and punishment, treatment of juvenile delinquency, and the maintenance of adequate police, fire, and accident protection and other public services and facilities; and

(3) constitute an economic and social liability, substantially impair the sound growth of affected municipalities, and retard the provision of housing accommodations.

(b) For these reasons, prevention and elimination of ~~[slum and]~~ blighted areas are matters of state policy and concern that may be best addressed by the combined action of private enterprise, municipal regulation, and other public action through approved urban renewal plans. The legislature further finds that the repair and rehabilitation of buildings and other improvements in affected areas, public acquisition of real property, demolition of buildings and other improvements as necessary to eliminate ~~[slum or]~~ blight conditions or to prevent the spread of those conditions, the disposition of property acquired in affected

areas and incidental to the purposes stated by this subsection, and other public assistance to eliminate those conditions are public purposes for which public money may be spent and the power of eminent domain exercised.

SECTION _____. Sections 374.003(3), (18), (25), (26), and (28), Local Government Code, are amended to read as follows:

(3) "Blighted area" means a tract or unit of property [~~an area~~] that presents four or more of the following conditions for at least one year after the date on which notice of the conditions is provided to the property owner as required by Section 374.018(a)(1) or (b):

(A) the property contains uninhabitable, unsafe, or abandoned structures;

(B) the property has inadequate provisions for sanitation;

(C) there exists on the property an imminent danger to life or other property caused by fire, flood, hurricane, tornado, earthquake, storm, or other natural catastrophe declared to be a disaster under Section 418.014, Government Code, or certified as a disaster for federal assistance under Section 418.021, Government Code;

(D) the property has been identified by the United States Environmental Protection Agency as a superfund site under the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. Section 9601 et seq.) or as environmentally contaminated to an extent that the property requires remedial investigation or a feasibility study;

(E) the property has been the location of substantiated and repeated illegal activity of which the property owner knew or should have known;

(F) the maintenance of the property is below county or municipal standards;

(G) the property is abandoned and contains a structure that is not fit for its intended use because the utilities, sewerage, plumbing, or heating or a similar service or facility of the structure has been disconnected, destroyed, removed, or rendered ineffective; or

(H) the property presents an economic liability to the immediate area because of deteriorating structures or hazardous conditions [~~is not a slum area, but that, because of deteriorating buildings, structures, or other improvements; defective or inadequate streets, street layout, or accessibility; unsanitary conditions; or other hazardous conditions, adversely affects the public health, safety, morals, or welfare of the municipality and its residents, substantially retards the provision of a sound and healthful housing environment, or results in an economic or social liability to the municipality. The term includes an area certified as a disaster area as provided by Section 374.903.~~]

(18) "Rehabilitation" means the restoration of buildings or other structures to prevent deterioration of an area that is tending to become a blighted area [~~or a slum area~~].

(25) "Urban renewal activities" includes [~~slum clearance,~~] redevelopment, rehabilitation, and conservation activities to prevent further deterioration of an area that is tending to become a blighted [~~or slum~~] area. The term includes:

(A) the acquisition of all or part of a ~~[slum area or]~~ blighted area or the acquisition of land that is predominantly open and that, because of obsolete platting, diversity of ownership, deterioration of structures or site improvements, or for other reasons, substantially impairs or arrests the sound growth of the community;

(B) the demolition and removal of buildings and improvements;

(C) the installation, construction, or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary to fulfill urban renewal objectives in accordance with an urban renewal plan;

(D) the disposition by the municipality of property acquired in an urban renewal area for use in accordance with an urban renewal plan, including the sale or initial lease of the property at its fair value or the retention of the property;

(E) the implementation of plans for a program of voluntary repair and rehabilitation of buildings or improvements in accordance with an urban renewal plan; and

(F) the acquisition of real property in an urban renewal area as necessary to remove or prevent the spread of blight or deterioration or to provide land for needed public facilities.

(26) "Urban renewal area" means a ~~[slum area,]~~ blighted area~~[-, or a combination of those areas]~~ that the governing body of a municipality designates as appropriate for an urban renewal project.

(28) "Urban renewal project" includes any of the following activities undertaken in accordance with an urban renewal plan:

(A) municipal activities in an urban renewal area that are designed to eliminate or to prevent the development or spread of ~~[slums and]~~ blighted areas;

(B) ~~[slum clearance and redevelopment in an urban renewal area;~~

~~[(C)]~~ rehabilitation or conservation in an urban renewal area;

(C) ~~[(D)]~~ development of open land that, because of location or situation, is necessary for sound community growth and that is to be developed, by replatting and planning, for predominantly residential uses; or

(D) ~~[(E)]~~ any combination or part of the activities described by Paragraphs ~~(A)-(C)~~ ~~[(A)-(D)]~~.

SECTION _____. Section 374.011, Local Government Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) Except as provided by Section 374.012, a municipality may not exercise a power granted under this chapter unless:

(1) the governing body of the municipality adopts a resolution that finds that a ~~[slum area or]~~ blighted area exists in the municipality and that the rehabilitation, the conservation, or the ~~[slum clearance and]~~ redevelopment of the area is necessary for the public health, safety, morals, or welfare of the residents of the municipality; and

(2) a majority of the municipality's voters voting in an election held as provided by Subsection (b) favor adoption of the resolution.

(d) The governing body of the municipality must determine that each unit of real property included in a resolution under Subsection (a) has the characteristics of blight.

SECTION _____. Section 374.012(c), Local Government Code, is amended to read as follows:

(c) The resolution ordering the election and the notice of the election must contain:

- (1) a complete legal description of each unit of property ~~[the area]~~ included in the proposed project;
- (2) a statement of the nature of the proposed project; ~~[and]~~
- (3) a statement of the total amount of local funds to be spent on the proposed project; and
- (4) a statement that each unit of property has the characteristics of blight.

SECTION _____. Section 374.013(a), Local Government Code, is amended to read as follows:

(a) To further the urban renewal objectives of this chapter, a municipality may formulate a workable program to use appropriate private and public resources, including the resources specified by Subsection (b), to encourage urban rehabilitation, to provide for the redevelopment of ~~[slum and]~~ blighted areas, or to undertake those activities or other feasible municipal activities as may be suitably employed to achieve the objective of the program. The program must specifically include provisions relating to:

- (1) prevention, through diligent enforcement of housing and occupancy controls and standards, of the expansion of blight into areas of the municipality that are free from blight; and
- (2) rehabilitation or conservation of ~~[slum and]~~ blighted areas as far as practicable to areas that are free from blight through replanning, removing congestion, providing parks, playgrounds, and other public improvements, and encouraging voluntary rehabilitation and requiring the repair and rehabilitation of deteriorated or deteriorating structures, ~~[and the clearance and redevelopment of slum areas]~~.

SECTION _____. Section 374.014(a), Local Government Code, is amended to read as follows:

(a) A municipality may not prepare an urban renewal plan for an area unless the governing body of the municipality has, by resolution, declared the area to be a ~~[slum area, a]~~ blighted area~~[, or both,]~~ and has designated the area as appropriate for an urban renewal project. The governing body may not approve an urban renewal plan until a general plan has been prepared for the municipality. A municipality may not acquire real property for an urban renewal project until the governing body has approved the urban renewal plan as provided by Subsection (d).

SECTION _____. Sections 374.015(a) and (d), Local Government Code, are amended to read as follows:

(a) A municipality may exercise all powers necessary or convenient to carry out the purposes of this chapter, including the power to:

(1) conduct preliminary surveys to determine if undertaking an urban renewal project is feasible;

(2) conduct urban renewal projects within its area of operation;

(3) execute contracts and other instruments necessary or convenient to the exercise of its powers under this chapter;

(4) provide, arrange, or contract for the furnishing or repair by any person of services, privileges, works, streets, roads, public utilities, or other facilities in connection with an urban renewal project, including installation, construction, and reconstruction of streets, utilities, parks, playgrounds, and other public improvements necessary to carry out an urban renewal project;

(5) acquire any real property, including improvements, and any personal property necessary for administrative purposes, that is necessary or incidental to an urban renewal project, hold, improve, clear, or prepare the property for redevelopment, mortgage or otherwise encumber or dispose of the real property, insure or provide for the insurance of real or personal property or municipal operations against any risk or hazard and to pay premiums on that insurance, and enter any necessary contracts;

(6) invest urban renewal project funds held in reserves or sinking funds, or not required for immediate disbursement, in property or securities in which banks may legally invest funds subject to their control, redeem bonds issued under Section 374.026 at the redemption price established in the bond, or purchase those bonds at less than the redemption price, and cancel the bonds redeemed or purchased;

(7) borrow money and apply for and accept advances, loans, grants, contributions, and other forms of financial assistance from the federal, state, or county government, other public body, or other public or private sources for the purposes of this chapter, give any required security, and make and carry out any contracts in connection with the financial assistance;

(8) make plans necessary to carry out this chapter in its area of operation, contract with any person in making and carrying out the plans, and adopt, approve, modify or amend the plans;

(9) develop, test, and report methods and techniques for the prevention of ~~[slums and]~~ urban blight, conduct demonstrations and other activities in connection with those methods and techniques, and apply for, accept, and use federal grants made for those purposes;

(10) prepare plans and provide reasonable assistance for the relocation of persons displaced from an urban renewal project area, including families, business concerns, and others, as necessary to acquire possession and to clear the area in order to conduct the urban renewal project;

(11) appropriate funds and make expenditures as necessary to implement this chapter and, subject to Subsection (c), levy taxes and assessments for that purpose;

(12) close, vacate, plan, or replan streets, roads, sidewalks, ways, or other places, plan, replan, zone, or rezone any part of the municipality and make exceptions from building regulations, and enter agreements with an urban

renewal agency vested with urban renewal powers under Subchapter C, which may extend over any period, restricting action to be taken by the municipality under any of the powers granted under this chapter;

(13) organize, coordinate, and direct the administration of this chapter within the area of operation as those provisions apply to the municipality to most effectively promote and achieve the purposes of this chapter and establish new municipal offices or reorganize existing offices as necessary to most effectively implement those purposes; and

(14) issue tax increment bonds.

(d) ~~A~~ ~~[Except as provided by Section 374.016, a]~~ municipality may acquire by condemnation any interest in real property, including a fee simple interest, that the municipality considers necessary for or in connection with an urban renewal project. Property dedicated to a public use may be acquired in that manner, except that property belonging to the state or to a political subdivision of the state may not be acquired without the consent of the state or political subdivision.

SECTION _____. Section 374.017(d), Local Government Code, is amended to read as follows:

(d) Real property or an interest in real property subject to this section may only be sold, leased, or otherwise transferred or retained at not less than the fair value of the property for uses in accordance with the urban renewal plan. In determining the fair value, the municipality shall consider:

(1) the uses provided in the urban renewal plan;

(2) any restrictions on and any covenants, conditions, and obligations assumed by the purchaser, lessee, or municipality in retaining the property;

(3) the objectives of the plan for the prevention of the recurrence of ~~slums or~~ blighted areas; and

(4) any other matters that the municipality specifies as appropriate.

SECTION _____. Subchapter B, Chapter 374, Local Government Code, is amended by adding Sections 374.018 and 374.019 to read as follows:

Sec. 374.018. LIMITATIONS ON CHARACTERIZATIONS OF BLIGHT.

(a) Notwithstanding any other law, an area may not be considered a blighted area based on a condition described by Section 374.003 unless:

(1) the municipality has given notice in writing to the property owner by first class mail regarding the condition to the:

(A) last known address of the property owner; and

(B) physical address of the property; and

(2) the property owner fails to take reasonable measures to remedy the condition.

(b) If a mailing address for the property owner cannot be determined, the municipality shall post notice in writing regarding the condition in a conspicuous place on the property.

(c) An area may not be considered a blighted area solely for an aesthetic reason.

(d) A determination by a municipality that a unit of real property has the characteristics of blight is valid for two years.

(e) After the two-year period prescribed by Subsection (d), a municipality may make a new determination that the unit of real property has the characteristics of blight and redesignate the unit of real property as a blighted area for another two-year period.

(f) A municipality may remove a determination of blight under this chapter if the municipality finds that the property owner has remedied the condition that was the basis for the determination.

Sec. 374.019. COMMON OWNER PROPERTY. For the purposes of this chapter and Chapter 21, Property Code, if a municipality determines that two or more contiguous units of real property that are owned by the same person have the characteristics of blight, the municipality may treat those units of property as one unit of property.

SECTION _____. Section 374.021(b), Local Government Code, is amended to read as follows:

(b) In this section, "urban renewal project powers" includes the rights, powers, functions, and duties of a municipality under this chapter. The term does not include the power to:

(1) determine an area as a [~~slum area,~~] blighted area[~~, or both~~] and to designate that area as appropriate for an urban renewal project;

(2) approve and amend urban renewal plans and hold public hearings relating to those plans;

(3) establish a general plan for the locality as a whole;

(4) establish a workable program under Section 374.013;

(5) make determinations and findings under Section 374.011(a), 374.013(b), or 374.014(d);

(6) issue general obligation bonds; and

(7) appropriate funds, levy taxes and assessments, and exercise other functions under Subdivisions (11) and (12) of Section 374.015(a).

SECTION _____. Section 21.041, Property Code, is amended to read as follows:

Sec. 21.041. EVIDENCE. As the basis for assessing actual damages to a property owner from a condemnation, the special commissioners shall admit evidence on:

(1) the value of the property being condemned;

(2) the injury to the property owner, including, if the condemnation makes relocation of a homestead or farm necessary:

(A) the damages associated with the replacement value of the property in a comparable neighborhood; and

(B) any other damages necessary for the property owner to avoid incurring an amount of debt, debt service, or total projected interest obligation that is higher than the property owner was subject to immediately before the condemnation;

(3) the benefit to the property owner's remaining property; and

(4) the use of the property for the purpose of the condemnation.

Amendment No. 2 was withdrawn.

Amendment No. 3

Representatives Sheffield, V. Taylor, Darby, L. Taylor, Flynn, Creighton, Crownover, Madden, S. Miller, C. Anderson, Beck, Otto, Hughes, Weber, Fletcher, Jackson, Shelton, Driver, Cain, Parker, W. Smith, Lewis, Callegari, Scott, Burkett, Paxton, Berman, Zedler, Orr, Morrison, P. King, Aycock, Hardcastle, Hamilton, R. Anderson, Aliseda, Hancock, Isaac, Murphy, Legler, Workman, Kuempel, Schwertner, Harper-Brown, and Lozano offered the following amendment to **CSSB 18**:

Floor Packet Page No. 35

Amend **CSSB 18** (house committee printing) in SECTION 1 of the bill, in added Section 2206.001(b)(4), Government Code (page 2, line 9), between "not" and "for", by inserting "necessary".

Amendment No. 3 failed of adoption by (Record 346): 44 Yeas, 99 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, R.; Bohac; Bonnen; Burkett; Cain; Creighton; Darby; Davis, Y.; Deshotel; Fletcher; Garza; Harper-Brown; Hartnett; Hughes; Hunter; Isaac; King, P.; Kolkhorst; Landtroop; Laubenberg; Legler; Lozano; Madden; Murphy; Orr; Parker; Paxton; Perry; Riddle; Ritter; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Taylor, V.; Torres; Weber; White; Woolley; Workman; Zedler.

Nays — Allen; Alonzo; Alvarado; Anchia; Aycock; Beck; Berman; Branch; Brown; Burnam; Button; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Crownover; Davis, J.; Davis, S.; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farrar; Flynn; Frullo; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Jackson; Johnson; Keffer; King, S.; King, T.; Kleinschmidt; Kuempel; Larson; Lavender; Lewis; Lucio; Lyne; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Morrison; Muñoz; Naishtat; Nash; Oliveira; Otto; Patrick; Peña; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Rodriguez; Schwertner; Smith, W.; Smithee; Solomons; Strama; Thompson; Truitt; Turner; Veasey; Villarreal; Vo; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent — Anderson, C.; Callegari; Farias; Miller, S.; Taylor, L.; Walle.

STATEMENTS OF VOTE

When Record No. 346 was taken, I was in the house but away from my desk. I would have voted yes.

C. Anderson

I was shown voting no on Record No. 346. I intended to vote yes.

Beck

I was shown voting no on Record No. 346. I intended to vote yes.

Berman

I was shown voting no on Record No. 346. I intended to vote yes.

Branch

I was shown voting no on Record No. 346. I intended to vote yes.

Button

When Record No. 346 was taken, I was in the house but away from my desk. I would have voted yes.

Callegari

I was shown voting no on Record No. 346. I intended to vote yes.

Christian

I was shown voting no on Record No. 346. I intended to vote yes.

S. Davis

I was shown voting no on Record No. 346. I intended to vote yes.

Harless

I was shown voting no on Record No. 346. I intended to vote yes.

Hilderbran

I was shown voting no on Record No. 346. I intended to vote yes.

C. Howard

I was shown voting no on Record No. 346. I intended to vote yes.

S. King

I was shown voting no on Record No. 346. I intended to vote yes.

Lewis

I was shown voting no on Record No. 346. I intended to vote yes.

D. Miller

When Record No. 346 was taken, I was in the house but away from my desk. I would have voted yes.

S. Miller

I was shown voting no on Record No. 346. I intended to vote yes.

Nash

I was shown voting no on Record No. 346. I intended to vote yes.

Otto

I was shown voting no on Record No. 346. I intended to vote yes.

Patrick

I was shown voting no on Record No. 346. I intended to vote yes.

Peña

I was shown voting no on Record No. 346. I intended to vote yes.

Phillips

I was shown voting yes on Record No. 346. I intended to vote no.

Ritter

I was shown voting no on Record No. 346. I intended to vote yes.

W. Smith

When Record No. 346 was taken, I was in the house but away from my desk. I would have voted yes.

L. Taylor

Amendment No. 4

Representative Oliveira offered the following amendment to **CSSB 18**:
Floor Packet Page No. 40

Amend **CSSB 18** on page 4, between lines 18 and 19 by adding a new subsection to read as follows:

(e) Notwithstanding the provisions of this section, a property owner and the owner of the easement may agree to terms other than those stated in subsection (c).

Amendment No. 4 was adopted.

Amendment No. 5

Representative Simpson offered the following amendment to **CSSB 18**:
Floor Packet Page No. 37

Amend **CSSB 18** (house committee printing) in SECTION 1 of the bill by striking added Section 2206.002, Government Code (page 3, line 22, through page 4, line 18).

Amendment No. 5 was withdrawn.

Amendment No. 6

Representative Burnam offered the following amendment to **CSSB 18**:
Floor Packet Page No. 41

Amend **CSSB 18** (house committee printing) by inserting the following new section in Section 1 of the bill on page 8 between lines 2 and 3:

Sec. 2206.103. SUSPENSION OF AUTHORITY FOR CERTAIN GAS CORPORATIONS. (a) Notwithstanding Subsection (a) or other law, the authority of a gas corporation to exercise the power of eminent domain for a project related to constructing a gathering or transmission pipeline for transporting gas for a single producer is suspended beginning September 1, 2011, pending the recommendation of the Comptroller under subsection (b).

(b) The Comptroller shall conduct a study regarding the authority to condemn property under Section 181.004, Utilities Code. The study shall include:

(1) an analysis of the costs and benefits for private landowners, commercial enterprises, and the state of Texas;

(2) an assessment of the impact of the authority on private property rights in the state; and

(3) a recommendation for retaining, eliminating, or amending the authority.

(c) Not later than December 31, 2012, the comptroller shall submit to the governor, the lieutenant governor, the speaker of the house of representatives, the presiding officers of the appropriate standing committees of the senate and the house of representatives, and the Texas Legislative Council the results of the report conducted under subsection (b), including the recommendation issued under subsection (b)(3).

(Deshotel in the chair)

Amendment No. 7

Representative Burnam offered the following amendment to Amendment No. 6:

Amend Amendment No. 6 by Burnam to **CSSB 18** by striking the text of the amendment and substituting the following:

Amend **CSSB 18** (house committee printing) in SECTION 1 of the bill, at the end of added Subchapter C, Chapter 2206, Government Code (page 8, between lines 2 and 3), by inserting the following:

Sec. 2206.102. SUSPENSION OF CERTAIN AUTHORITY OF GAS CORPORATIONS; COMPTROLLER STUDY. (a) Notwithstanding Section 181.004, Utilities Code, or other law, beginning on September 1, 2011, and continuing until September 1, 2013, the authority of a gas corporation to exercise the power of eminent domain for a project related to constructing a gathering or transmission pipeline for transporting gas for a single producer is suspended.

(b) The comptroller shall conduct a study and prepare a report regarding the authority of gas corporations to condemn property under Section 181.004, Utilities Code, for projects described by Subsection (a). The study and report shall include:

(1) an analysis of the costs and benefits of that authority for private landowners, commercial enterprises, and the state;

(2) an assessment of the impact of that authority on private property rights in the state; and

(3) a recommendation for retaining, eliminating, or amending that authority.

(c) Not later than December 31, 2012, the comptroller shall submit to the governor, the lieutenant governor, the speaker of the house of representatives, and the presiding officers of the appropriate standing committees of the senate and the house of representatives the report required by Subsection (b), including the recommendation required by that subsection.

(d) This section expires September 1, 2013.

Amendment No. 7 was adopted.

Representative Geren moved to table Amendment No. 6, as amended.

The motion to table prevailed by (Record 347): 114 Yeas, 32 Nays, 2 Present, not voting.

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

Nays — Allen; Alvarado; Burnam; Castro; Coleman; Crownover; Davis, Y.; Dukes; Dutton; Farias; Farrar; Gallego; Giddings; Gonzalez; Gutierrez; Hernandez Luna; Hochberg; Johnson; Mallory Caraway; Martinez; Martinez Fischer; McClendon; Miles; Naishtat; Quintanilla; Reynolds; Simpson; Taylor, V.; Thompson; Turner; Veasey; Walle.

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

Absent — Murphy; Raymond.

STATEMENTS OF VOTE

When Record No. 347 was taken, I was in the house but away from my desk. I would have voted yes.

Raymond

I was shown voting yes on Record No. 347. I intended to vote no.

Truitt

I was shown voting no on Record No. 347. I intended to vote yes.

Veasey

Amendment No. 8

Representative Phillips offered the following amendment to **CSSB 18**:
Floor Packet Page No. 43

Amend **CSSB 18** (house committee printing) in SECTION 3 of the bill as follows:

(1) In the recital (page 9, line 14), strike "Sections 21.0113 and 21.0114" and substitute "Sections 21.0113, 21.0114, and 21.0115".

(2) After added Section 21.0114, Property Code (page 10, between lines 23 and 24), insert the following:

Sec. 21.0115. RIGHT TO RESCIND AGREEMENT. On or before the third day after the date on which a property owner enters into an agreement with an entity with eminent domain authority for the entity to acquire the owner's property for a public use from the property owner voluntarily, the property owner may rescind the agreement.

Representative Geren moved to table Amendment No. 8.

The motion to table prevailed by (Record 348): 79 Yeas, 64 Nays, 2 Present, not voting. (The vote was reconsidered later today, and Amendment No. 8 was amended by Amendment No. 26 and was adopted, as amended.)

Yeas — Allen; Alvarado; Anderson, R.; Aycock; Beck; Berman; Branch; Brown; Burkett; Button; Cain; Carter; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Eissler; Elkins; Farias; Flynn; Frullo; Gallego; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; King, P.; King, S.; King, T.; Kleinschmidt; Kuempel; Larson; Lewis; Lozano; Lucio; Lyne; Margo; Martinez; Miller, D.; Morrison; Muñoz; Naishtat; Nash; Oliveira; Otto; Parker; Patrick; Pitts; Price; Rodriguez; Schwertner; Scott; Shelton; Smith, W.; Smithee; Taylor, L.; Torres; Veasey; Vo; Walle; Workman; Zerwas.

Nays — Aliseda; Alonzo; Anchia; Anderson, C.; Bohac; Bonnen; Callegari; Castro; Davis, Y.; Driver; Dutton; Eiland; Farrar; Fletcher; Giddings; Gonzales, V.; Gonzalez; Guillen; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Jackson; Johnson; Keffer; Kolkhorst; Landtroop; Laubenberg; Lavender; Legler; Mallory Caraway; Marquez; Martinez Fischer; McClendon; Menendez; Miles; Miller, S.; Murphy; Orr; Paxton; Peña; Perry; Phillips; Pickett; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Sheets; Sheffield; Simpson; Smith, T.; Strama; Taylor, V.; Thompson; Truitt; Turner; Villarreal; Weber; White; Woolley; Zedler.

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

Absent — Burnam; Dukes; Gutierrez; Madden; Solomons.

STATEMENT OF VOTE

When Record No. 348 was taken, my vote failed to register. I would have voted no.

Dukes

Amendment No. 9

Representative Simpson offered the following amendment to **CSSB 18**:
Floor Packet Page No. 37

Amend **CSSB 18** (house committee printing) in SECTION 1 of the bill by striking added Section 2206.002, Government Code (page 3, line 22, through page 4, line 18).

(Speaker in the chair)

Representative Geren moved to table Amendment No. 9.

The motion to table prevailed by (Record 349): 130 Yeas, 18 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; 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; Patrick; Peña; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Woolley; Workman; Zerwas.

Nays — Bonnen; Cain; Creighton; Garza; Gonzalez; Hartnett; Hughes; Landtroop; Laubenberg; Parker; Paxton; Perry; Phillips; Sheffield; Simpson; Weber; White; Zedler.

Present, not voting — Mr. Speaker(C).

Absent — Madden.

Amendment No. 10

Representative Simpson offered the following amendment to **CSSB 18**:
Floor Packet Page No. 38

Amend **CSSB 18** as follows:

On page 3, line 24 delete "be used for" and insert "transport".

On page 3, line 24 delete "exploration or production activities".

Representative Geren moved to table Amendment No. 10.

The motion to table prevailed by (Record 350): 127 Yeas, 18 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Callegari; Carter; Castro; Christian; Coleman; Cook; Craddick; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel;

Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Patrick; Peña; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Woolley; Workman; Zerwas.

Nays — Bonnen; Cain; Creighton; Garza; Gonzalez; Harper-Brown; Hartnett; Hughes; Landtroop; Parker; Paxton; Perry; Phillips; Simpson; Taylor, V.; Weber; White; Zedler.

Present, not voting — Mr. Speaker(C).

Absent — Chisum; Madden; Sheets; Taylor, L.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 350. I intended to vote no.

Hilderbran

When Record No. 350 was taken, I was in the house but away from my desk. I would have voted yes.

L. Taylor

Amendment No. 11

Representative Simpson offered the following amendment to **CSSB 18**:
Floor Packet Page No. 39

Amend **CSSB 18** (house committee printing) in SECTION 1 of the bill as follows:

(1) In added Section 2206.002(c)(2), Government Code (page 4, line 9), strike "(A) exceed 40 feet in width;".

(2) In added Section 2206.002(c)(2), Government Code (page 4, line 10), strike "(B)" and substitute "(A)".

(3) In added Section 2206.002(c)(2), Government Code (page 4, line 12), strike "(C)" and substitute "(B)".

Amendment No. 12

Representative Simpson offered the following amendment to Amendment No. 11:

Amend Amendment No. 11 by Simpson to **CSSB 18** by inserting the following appropriately numbered item and renumbering items of the amendment appropriately:

() In added Section 2206.002(c)(1), Government Code (page 4, line 7), strike "at or near 90" and substitute "more than 30".

Amendment No. 12 was adopted.

Representative Geren moved to table Amendment No. 11, as amended.

The motion to table prevailed by (Record 351): 131 Yeas, 18 Nays, 1 Present, not voting.

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

Nays — Bonnen; Cain; Creighton; Garza; Harper-Brown; Hartnett; Hilderbran; Hughes; Landtroop; Laubenberg; Paxton; Perry; Sheffield; Simpson; Taylor, V.; Weber; White; Zedler.

Present, not voting — Mr. Speaker(C).

Amendment No. 13

Representative Isaac offered the following amendment to **CSSB 18**:
Floor Packet Page No. 44

Amend **CSSB 18** (house committee printing) in SECTION 3 of the bill, in added Section 21.0113(b), Property Code (page 10, lines 1-4), by striking Subdivision (4) and substituting the following:

(4) before making a final offer, the entity obtains a written appraisal from an independent and certified appraiser of the value of the property being acquired and the damages, if any, to any of the property owner's remaining property;

Amendment No. 14

Representative Isaac offered the following amendment to Amendment No. 13:

Amend the Isaac amendment (page 44, pre-filed amendment packet), on line 6 between "appraiser" and "of", by inserting "not employed by the entity".

Amendment No. 14 was adopted.

Amendment No. 13, as amended, was adopted.

Amendment No. 15

Representative Kolkhorst offered the following amendment to **CSSB 18**:

Floor Packet Page No. 46

Amend **CSSB 18** (house committee printing) as follows:

(1) In SECTION 8 of the bill, in amended Section 21.023(2), Property Code (page 13, lines 14-15), strike "~~fair market value of the property at the time the public use was canceled~~" and substitute "or the fair market value of the property at the time the property owner becomes entitled to repurchase the property, whichever is less ~~public use was canceled~~".

(2) In SECTION 15 of the bill, in amended Section 21.101(a)(2), Property Code (page 17, line 16), strike "or".

(3) In SECTION 15 of the bill, in amended Section 21.101(a)(3), Property Code (page 17, line 19), between "acquisition" and the period, insert the following:

; or

(4) the initial use of the property is not the public use for which the property was acquired

(4) In SECTION 15 of the bill, in amended Section 21.102, Property Code (page 19, lines 6-7), strike "an entity that acquired a real property interest through eminent domain determines".

(5) In SECTION 15 of the bill, strike amended Section 21.102(2), Property Code (page 19, lines 16-24), and substitute the following:

(2) an identification of the public use for which the property had been acquired, ~~and~~ a statement that the person has a right to repurchase the property under this subchapter, and an explanation of the reason under this subchapter the person has acquired the right to repurchase the property ~~the public use has been canceled~~; and

(6) In SECTION 15 of the bill, in added Section 21.1021(a), Property Code (page 20, lines 1-3), strike "On or after the 10th anniversary of the date on which real property was acquired by an entity through eminent domain, a" and substitute "A".

(7) In SECTION 15 of the bill, in added Section 21.1021(a)(2), Property Code (page 20, line 12), strike "; and" and substitute ";".

(8) In SECTION 15 of the bill, in added Section 21.1021(a)(3), Property Code (page 20, line 15), between "acquisition" and the period, insert the following:

; and

(4) whether the initial use of the property was the public use for which the property was acquired

(9) In SECTION 15 of the bill, in amended Section 21.103(b), Property Code (page 21, lines 22-24), strike "~~fair market value of the property at the time the public use was canceled~~" and substitute "or the fair market value of the property at the time the property owner becomes entitled to repurchase the property, whichever is less ~~public use was canceled~~".

Representative Geren moved to table Amendment No. 15.

The motion to table was lost by (Record 352): 60 Yeas, 81 Nays, 1 Present, not voting.

Yeas — Allen; Alvarado; Anchia; Aycock; Beck; Chisum; Cook; Davis, J.; Davis, S.; Dukes; Eiland; Farrar; Geren; Gonzales, L.; Gonzales, V.; Gonzalez; Guillen; Hancock; Hardcastle; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Hunter; Isaac; King, S.; King, T.; Kleinschmidt; Kuempel; Laubenberg; Lavender; Lewis; Lozano; Lucio; Lyne; Mallory Caraway; Margo; Martinez; Menendez; Miles; Muñoz; Naishtat; Nash; Oliveira; Otto; Patrick; Peña; Pitts; Price; Quintanilla; Raymond; Ritter; Rodriguez; Scott; Smith, W.; Smithee; Strama; Thompson.

Nays — Aliseda; Alonzo; Anderson, C.; Anderson, R.; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Carter; Castro; Coleman; Craddick; Creighton; Crownover; Darby; Davis, Y.; Deshotel; Driver; Dutton; Elkins; Farias; Fletcher; Flynn; Frullo; Gallego; Garza; Giddings; Gutierrez; Hamilton; Harless; Harper-Brown; Hartnett; Hughes; Jackson; Johnson; King, P.; Kolkhorst; Landtroop; Larson; Legler; Madden; Marquez; Martinez Fischer; McClendon; Miller, D.; Morrison; Murphy; Orr; Parker; Paxton; Perry; Phillips; Pickett; Reynolds; Schwertner; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent — Callegari; Christian; Eissler; Gooden; Huberty; Keffer; Miller, S.; Riddle.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 352. I intended to vote no.

Aycock

I was shown voting yes on Record No. 352. I intended to vote no.

Beck

When Record No. 352 was taken, I was in the house but away from my desk. I would have voted no.

Callegari

I was shown voting yes on Record No. 352. I intended to vote no.

Chisum

When Record No. 352 was taken, I was temporarily out of the house chamber. I would have voted no.

Christian

I was shown voting yes on Record No. 352. I intended to vote no.

Cook

I was shown voting yes on Record No. 352. I intended to vote no.

J. Davis

I was shown voting yes on Record No. 352. I intended to vote no.

S. Davis

When Record No. 352 was taken, I was in the house but away from my desk. I would have voted no.

Eissler

When Record No. 352 was taken, my vote failed to register. I would have voted no.

Gooden

I was shown voting yes on Record No. 352. I intended to vote no.

Guillen

I was shown voting yes on Record No. 352. I intended to vote no.

Hancock

I was shown voting yes on Record No. 352. I intended to vote no.

Hilderbran

I was shown voting yes on Record No. 352. I intended to vote no.

Hopson

I was shown voting yes on Record No. 352. I intended to vote no.

C. Howard

When Record No. 352 was taken, I was in the house but away from my desk. I would have voted no.

Huberty

I was shown voting yes on Record No. 352. I intended to vote no.

Hunter

I was shown voting yes on Record No. 352. I intended to vote no.

Isaac

When Record No. 352 was taken, I was in the house but away from my desk. I would have voted no.

Keffer

I was shown voting yes on Record No. 352. I intended to vote no.

S. King

I was shown voting yes on Record No. 352. I intended to vote no.

Kleinschmidt

I was shown voting yes on Record No. 352. I intended to vote no.

Kuempel

I was shown voting yes on Record No. 352. I intended to vote no.

Laubenberg

I was shown voting yes on Record No. 352. I intended to vote no.

Lavender

I was shown voting yes on Record No. 352. I intended to vote no.

Margo

When Record No. 352 was taken, I was temporarily out of the house chamber negotiating **HB 1** with the senate. I would have voted no.

S. Miller

I was shown voting yes on Record No. 352. I intended to vote no.

Nash

I was shown voting yes on Record No. 352. I intended to vote no.

Otto

I was shown voting yes on Record No. 352. I intended to vote no.

Patrick

I was shown voting yes on Record No. 352. I intended to vote no.

Peña

I was shown voting yes on Record No. 352. I intended to vote no.

Pitts

I was shown voting yes on Record No. 352. I intended to vote no.

Price

I was shown voting yes on Record No. 352. I intended to vote no.

Quintanilla

When Record No. 352 was taken, I was in the house but away from my desk. I would have voted no.

Riddle

I was shown voting yes on Record No. 352. I intended to vote no.

Scott

I was shown voting yes on Record No. 352. I intended to vote no.

W. Smith

I was shown voting yes on Record No. 352. I intended to vote no.

Smithee

Amendment No. 15 was adopted.

Amendment No. 16

Representative Y. Davis offered the following amendment to **CSSB 18**:

Floor Packet Page No. 51

Amend **CSSB 18** (house committee printing) as follows:

(1) In SECTION 10 of the bill, in amended Section 21.042(d), Property Code (page 15, line 5), between "property owner" and "and", insert ", including the property owner's financial damages described by Section 21.041(2).".

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

SECTION _____. Section 21.041, Property Code, is amended to read as follows:

Sec. 21.041. EVIDENCE. As the basis for assessing actual damages to a property owner from a condemnation, the special commissioners shall admit evidence on:

(1) the value of the property being condemned;

(2) the injury to the property owner, including, if the condemnation makes relocation of a homestead or farm necessary:

(A) the damages associated with the replacement value of the property in a comparable neighborhood; and

(B) any other damages necessary for the property owner to avoid incurring an amount of debt, debt service, or total projected interest obligation that is higher than the property owner was subject to immediately before the condemnation;

(3) the benefit to the property owner's remaining property; and

(4) the use of the property for the purpose of the condemnation.

(S. Miller in the chair)

Representative Geren moved to table Amendment No. 16.

The motion to table prevailed by (Record 353): 95 Yeas, 45 Nays, 2 Present, not voting.

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

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

Hughes; Johnson; Laubenberg; Legler; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Miles; Naishtat; Quintanilla; Reynolds; Simpson; Strama; Taylor, V.; Turner; Veasey; Vo; Walle; White; Woolley.

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

Absent — Eiland; Kolkhorst; Landtroop; Lavender; Muñoz; Phillips; Villarreal; Zedler.

STATEMENTS OF VOTE

When Record No. 353 was taken, I was in the house but away from my desk. I would have voted no.

Kolkhorst

When Record No. 353 was taken, I was in the house but away from my desk. I would have voted yes.

Landtroop

I was shown voting yes on Record No. 353. I intended to vote no.

Menendez

When Record No. 353 was taken, I was in the house but away from my desk. I would have voted no.

Muñoz

When Record No. 353 was taken, my vote failed to register. I would have voted yes.

Phillips

When Record No. 353 was taken, I was in the house but away from my desk. I would have voted no.

Zedler

Amendment No. 17

Representative Woolley offered the following amendment to **CSSB 18**:
Floor Packet Page No. 52

Amend **CSSB 18** (house committee printing) in SECTION 14 of the bill, in added Section 21.0471, Property Code (page 16, lines 24-25), by striking "offered to pay before the proceedings began" and substituting "offered in a final offer made under Section 21.0113".

Amendment No. 17 was adopted.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Business and Industry, during lunch recess today, Desk 47, for a formal meeting, to consider **SB 322** and pending business.

Agriculture and Livestock, during lunch recess today, Desk 25, for a formal meeting, to consider pending business.

Homeland Security and Public Safety, during lunch recess today, Desk 119, for a formal meeting, to consider pending business.

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

Economic and Small Business Development, during lunch recess today, Desk 14, for a formal meeting, to consider pending business.

FIVE-DAY POSTING RULE SUSPENDED

Representative Guillen moved to suspend the five-day posting rule to allow the Committee on Culture, Recreation, and Tourism to consider **SCR 5** and the previously posted agenda upon final recess today in E1.026.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Culture, Recreation, and Tourism, upon final recess today, E1.026, for a public hearing, to consider **SCR 5** and the previously posted agenda.

RECESS

At 11:53 a.m., the chair announced that the house would stand recessed until 1:15 p.m. today.

AFTERNOON SESSION

The house met at 1:15 p.m. and was called to order by the speaker.

CSSB 18 - (pending business)

Amendment No. 18

Representatives P. King and Aliseda offered the following amendment to **CSSB 18**:

Floor Packet Page No. 58

Amend **CSSB 18** (house committee printing) as follows:

(1) In SECTION 20 of the bill (page 23, line 24), strike "Chapter 2206, Government Code," and substitute "Section 11.155, Education Code, Chapter 2206, Government Code, Sections 251.001, 261.001, 263.201, and 273.002, Local Government Code,".

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

SECTION _____. Section 11.155(a), Education Code, is amended to read as follows:

(a) An independent school district may, by the exercise of the right of eminent domain, acquire the fee simple title to real property [~~for the purpose of securing sites~~] on which to construct school buildings or for any other public use [~~purpose~~] necessary for the district.

SECTION _____. Section 251.001(a), Local Government Code, is amended to read as follows:

(a) When the governing body of a municipality considers it necessary, the municipality may exercise the right of eminent domain for a public use ~~[purpose]~~ to acquire public or private property, whether located inside or outside the municipality, for any of the following uses ~~[purposes]~~:

(1) the providing, enlarging, or improving of a municipally owned city hall; police station; jail or other law enforcement detention facility; fire station; library; school or other educational facility; academy; auditorium; hospital; sanatorium; market house; slaughterhouse; warehouse; elevator; railroad terminal; airport; ferry; ferry landing; pier; wharf; dock or other shipping facility; loading or unloading facility; alley, street, or other roadway; park, playground, or other recreational facility; square; water works system, including reservoirs, other water supply sources, watersheds, and water storage, drainage, treatment, distribution, transmission, and emptying facilities; sewage system including sewage collection, drainage, treatment, disposal, and emptying facilities; electric or gas power system; cemetery; and crematory;

(2) the determining of riparian rights relative to the municipal water works;

(3) the straightening or improving of the channel of any stream, branch, or drain;

(4) the straightening, widening, or extending of any alley, street, or other roadway; and

(5) ~~for~~ any other municipal public use ~~[purpose]~~ the governing body considers advisable.

SECTION _____. Section 261.001(a), Local Government Code, is amended to read as follows:

(a) A county may exercise the right of eminent domain to condemn and acquire land, an easement in land, or a right-of-way if the acquisition is necessary for the construction of a jail, courthouse, hospital, or library, or for another public use ~~[purpose]~~ authorized by law.

SECTION _____. Section 263.201(c), Local Government Code, is amended to read as follows:

(c) The declaration of taking must contain:

(1) a declaration that the land or interest in land described in the original petition is taken for a public use ~~[purpose]~~ and for ultimate conveyance to the United States;

(2) a description of the land sufficient for the identification of the land;

(3) a statement of the estate or interest in the land being taken;

(4) a statement of the public use to be made of the land;

(5) a plan showing the land being taken; and

(6) a statement of the amount of damages awarded by the special commissioners, or by the jury on appeal, for the taking of the land.

SECTION _____. Section 273.002, Local Government Code, is amended to read as follows:

Sec. 273.002. CONDEMNATION. Condemnation of property under this chapter shall be in accordance with state law relating to eminent domain, which may be Chapter 21, Property Code, or any other state law governing and relating to the condemnation of land for public use ~~[purposes]~~ by a municipality.

Amendment No. 18 was adopted by (Record 354): 147 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; 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; Villarreal.

Amendment No. 19

Representative Simpson offered the following amendment to **CSSB 18**:

Floor Packet Page No. 61

Amend **CSSB 18** (house committee printing) as follows:

(1) In SECTION 20 of the bill (page 23, line 24), between "Government Code," and "Chapter 21," insert "Sections 111.019 and 111.0192, Natural Resources Code,".

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

SECTION _____. Section 111.019(b), Natural Resources Code, is amended to read as follows:

(b) In the exercise of the power of eminent domain granted under the provisions of Subsection (a) ~~[of this section]~~, a common carrier:

(1) may enter on and condemn the land, rights-of-way, easements, and property of any person or corporation necessary for the construction, maintenance, or operation of the common carrier pipeline and only to transport commodities authorized under this chapter; and

(2) may not enter on or condemn the land, rights-of-way, easements, and property of any person or corporation:

(A) only for business administration or management purposes;

(B) to explore for, produce, or process commodities authorized to be transported under this chapter by the common carrier; or

(C) to transport or dispose of oil and gas waste as defined by Section 91.1011.

SECTION _____. Section 111.0192(b), Natural Resources Code, is amended to read as follows:

(b) The right of eminent domain granted under this chapter to any pipeline transporting coal in whatever form shall not include the power to take land or any interest in land, by exercise of the power of eminent domain, for the purpose of drilling for, mining, or producing any oil, gas, geothermal, geothermal/geopressed, lignite, coal, sulphur, uranium, plutonium, or other mineral. Subject to Section 111.019(b), ~~but~~ this provision does not impair the right of any such entity to acquire title to real property for pipelines, including cooling ponds and related surface installations and equipment.

Amendment No. 20

Representative Simpson offered the following amendment to Amendment No. 19:

Amend Amendment No. 19 as follows:

On page 1, line 16, after the word "commodities" insert a "." and delete the remainder of the amendment.

Amendment No. 20 was adopted.

Representative Geren moved to table Amendment No. 19, as amended.

The motion to table prevailed by (Record 355): 123 Yeas, 22 Nays, 2 Present, not voting.

Yeas — Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycok; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Driver; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; 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; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kuempel; Larson; Legler; Lewis; Lozano; Lucio; Lyne; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Peña; Pickett; Pitts; Price; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Thompson; Torres; Turner; Veasey; Villarreal; Vo; Walle; Woolley; Zedler; Zerwas.

Nays — Allen; Cain; Carter; Deshotel; Garza; Isaac; Kolkhorst; Landtroop; Laubenberg; Lavender; Madden; Miles; Paxton; Perry; Phillips; Quintanilla; Schwertner; Simpson; Taylor, V.; Truitt; Weber; White.

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

Absent — Callegari; Dukes; Workman.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 355. I intended to vote no.

Burnam

When Record No. 355 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

CSSB 18 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE PAXTON: Mr. Geren, I have a few questions for legislative intent. In Section (d) of **SB 18**, the bill provides that a property owner is entitled to compensation if he can prove that there's been a material impairment of direct acts to access on or off his property caused by a condemning authority that adversely affects the market value of the property. Does this provision intend to change the current law so that a person no longer has to prove that the access to his property has been materially and substantially impaired or changed to be entitled to compensation?

REPRESENTATIVE GEREN: That's correct.

PAXTON: As it is used in the bill, does "material" mean a change in or impairment of access that is more than slight or negligible or imperceptible, which the marketplace would perceive adversely affects the property market value?

GEREN: That's right, also.

PAXTON: And finally, is "material impairment of access," as the term is used in the bill, a fact or a determination to be made by the special commissioners or, if their decision is appealed, by the jury?

GEREN: That's correct, also.

REMARKS ORDERED PRINTED

Representative Paxton moved to print remarks between Representative Geren and Representative Paxton.

The motion prevailed.

Amendment No. 21

Representative Burnam offered the following amendment to **CSSB 18**:
Floor Packet Page No. 65

Amend **CSSB 18** (house committee printing) by inserting the following appropriately numbered SECTIONS and renumbering existing SECTIONS of the bill accordingly:

SECTION _____. Section 181.004, Utilities Code, is amended to read as follows:

Sec. 181.004. CONDEMNATION OF PROPERTY. (a) A gas or electric corporation has the right and power to enter on, condemn, and appropriate the land, right-of-way, easement, or other property of any person or corporation.

(b) Notwithstanding Subsection (a) or other law, a gas corporation may not condemn or appropriate property for a project related to constructing a gathering or transmission pipeline for transporting gas for a single producer.

SECTION _____. Section 181.004, Utilities Code, as amended by this Act, applies only to a condemnation proceeding filed on or after the effective date of this Act. A condemnation proceeding filed before the effective date of this Act is subject to the law in effect on the date of filing, and that law is continued in effect for that purpose.

Amendment No. 21 was withdrawn.

Amendment No. 22

Representative Hilderbran offered the following amendment to **CSSB 18**:

Floor Packet Page No. 66

Amend **CSSB 18** (house committee printing) by inserting the following appropriately numbered SECTION and renumbering existing SECTIONS of the bill accordingly:

SECTION _____. Subchapter B, Chapter 21, Property Code, is amended by adding Section 21.0122 to read as follows:

Sec. 21.0122. CONDEMNATION FOR ELECTRIC TRANSMISSION LINES. (a) In addition to the contents prescribed by Section 21.012(b), a condemnation petition filed by an electric transmission and distribution utility that seeks to condemn a property interest other than a fee simple interest for the purpose of constructing transmission lines must state that the facts to be proven are that the utility has considered the potential depreciation of the tract of land resulting from the transmission lines and any other potential impact of the transmission lines on the land in evaluating potential locations for the transmission lines.

(b) A court shall deny the utility's right to condemn the property interest unless the utility makes the proof described by Subsection (a).

(Harper-Brown in the chair)

CSSB 18 - POINT OF ORDER

Representative Y. Davis raised a point of order against further consideration of **CSSB 18** under Rule 4, Section 32 of the House Rules on the grounds that the bill analysis is incorrect.

The point of order was withdrawn.

LEAVE OF ABSENCE GRANTED

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

Pickett on motion of Solomons.

CSSB 18 - (consideration continued)

Representative Hardcastle moved to table Amendment No. 22.

The motion to table prevailed by (Record 356): 87 Yeas, 59 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, R.; Aycocock; Beck; Berman; Branch; Brown; Burkett; Button; Chisum; Coleman; Cook; Crownover; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eissler; Elkins; Farias; Farrar; Flynn; Frullo; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Gutierrez; Hamilton; Hancock; Hardcastle; Hernandez Luna; Hochberg; Howard, C.; Howard, D.; Huberty; Hunter; Jackson; Johnson; Keffer; King, S.; King, T.; Kleinschmidt; Lavender; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Miles; Naishtat; Nash; Oliveira; Otto; Patrick; Peña; Pitts; Price; Reynolds; Rodriguez; Scott; Shelton; Smith, T.; Smith, W.; Smithee; Strama; Taylor, L.; Thompson; Torres; Turner; Walle; Woolley; Workman; Zerwas.

Nays — Aliseda; Anderson, C.; Bohac; Bonnen; Burnam; Cain; Callegari; Carter; Castro; Christian; Craddick; Creighton; Darby; Davis, J.; Eiland; Fletcher; Garza; Guillen; Harless; Hartnett; Hilderbran; Hopson; Hughes; Isaac; King, P.; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Legler; Lewis; Menendez; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Orr; Parker; Paxton; Perry; Phillips; Quintanilla; Raymond; Riddle; Ritter; Schwertner; Sheets; Sheffield; Simpson; Solomons; Taylor, V.; Truitt; Veasey; Vo; Weber; White; Zedler.

Present, not voting — Mr. Speaker; Harper-Brown(C).

Absent, Excused — Pickett.

Absent — Villarreal.

STATEMENT OF VOTE

I was shown voting yes on Record No. 356. I intended to vote no.

Berman

(Speaker in the chair)

Amendment No. 23

Representative Dutton offered the following amendment to **CSSB 18**:

Floor Packet Page No. 67

Amend **CSSB 18** (house committee printing) by inserting the following appropriately numbered SECTION and renumbering SECTIONS of the bill accordingly:

SECTION _____. Section 21.041, Property Code, is amended to read as follows:

Sec. 21.041. EVIDENCE. As the basis for assessing actual damages to a property owner from a condemnation, the special commissioners shall admit evidence on:

- (1) the value of the property being condemned;

- (2) the injury to the property owner, including costs to the property owner to replace residential property being condemned;
- (3) the benefit to the property owner's remaining property; and
- (4) the use of the property for the purpose of the condemnation.

CSSB 18 - POINT OF ORDER

Representative Y. Davis raised a point of order against further consideration of **CSSB 18** under Rule 4, Section 32(c) of the House Rules on the grounds that the committee report is incorrect.

The speaker overruled the point of order and had read the following statement:

Representative Y. Davis raised a point of order under Rule 4, Section 32(b)(10) in that the committee report fails to include a correct list of the names of persons who submitted sworn statements and their position on the bill.

Ms. Davis has alleged that the sworn statement of Witness A which indicates that Witness A was against the bill and which is accurately reflected in the committee report, is in fact, incorrect. Ms. Davis contends that, during the course of the meeting, that Witness A made statements that should have caused the chair of the committee to alter the witness's affirmation form.

The point of order is respectfully overruled. Pursuant to Rule 4, Section 20 of the House Rules, Witness A made a sworn written statement of his position. The position on the witness affirmation is correctly noted in the committee report. The chair continues to follow prior precedents of the house in consistently declining to use electronic recordings as a basis of a point of order, deferring instead to the printed records of the house.

Accordingly, the point of order is respectfully overruled.

PARLIAMENTARY INQUIRY

REPRESENTATIVE Y. DAVIS: Parliamentary inquiry.

SPEAKER STRAUS: State your inquiry.

Y. DAVIS: Why do we tape the minutes? Why do we tape committee hearings? What's the purpose of us taping and recording the testimony at a committee?

SPEAKER: We tape the recordings mainly for archival purposes.

Y. DAVIS: And so, parliamentary inquiry, Mr. Speaker.

SPEAKER: Not all meetings are taped.

Y. DAVIS: I'm sorry?

SPEAKER: Not all meetings are taped.

Y. DAVIS: For those that are taped, is it your intent or your thought the taping would have no value in terms of recordings of what took place at a committee hearing?

SPEAKER: Ms. Davis, it's the chair's intent to follow the precedent of previous presiding officers, to decline electronic recordings as a basis of a point of order.

Y. DAVIS: Parliamentary inquiry.

SPEAKER: State your inquiry.

Y. DAVIS: When we were doing voter ID, the issue came up relative to the minutes being taped reflected something different that was on the witness affirmation form, and at that time I was instructed that we would roll back, including that point of order, to allow you to correct that. Is this different, or inconsistent in terms of the issue that has been raised?

SPEAKER: Ms. Davis, I'll have to check that record to see how that point of order was resolved with respect to your issue here.

Y. DAVIS: I can tell you, Mr. Speaker—it was resolved by us pulling it all back and starting all over, because we didn't want to set a precedent.

SPEAKER: Ms. Davis, we did not review the tape with the point of order that was raised previously.

Y. DAVIS: I understand that, but, it's not so much—

SPEAKER: Nor did we rule on the point of order.

Y. DAVIS: Okay, parliamentary inquiry.

SPEAKER: State your inquiry.

Y. DAVIS: Today and forward, to what extent are members able to rely on the tape being an essential part of the rules and keeping of the minutes of a committee? To what extent and what value would they provide to the members?

SPEAKER: Ms. Davis, chairs have consistently deferred to printed records and not video recordings.

Y. DAVIS: Okay, and so today—parliamentary inquiry, Mr. Speaker.

SPEAKER: State your inquiry.

Y. DAVIS: What is the cost for us to record every committee meeting that's being recorded, in terms of expense to this state?

SPEAKER: The chair is not advised. We'll have to look into that for you.

Y. DAVIS: But would you say that it's a substantial part, a substantial expense?

SPEAKER: The chair does not know the cost of recording meetings.

Y. DAVIS: Is this an appropriate time to ask for us to get the cost of what it is we are spending in state funds for a function we now no longer respect?

SPEAKER: We'll certainly look into that for you.

Y. DAVIS: Parliamentary inquiry, Mr. Speaker.

SPEAKER: State your inquiry.

Y. DAVIS: Could I get that in a timely manner? I've been waiting on something since the beginning of session and I haven't been able to get that, the response. So, could I get that in a more timely manner, so that members can determine whether or not they want us to spend money on something that is no longer going to be utilized as a means to protect the integrity of what happens in a meeting?

SPEAKER: Yes, ma'am, we'll try to get that to you by the end of the day.

REMARKS ORDERED PRINTED

Representative Y. Davis moved to print remarks between the speaker and Representative Y. Davis.

The motion prevailed.

Representative Geren moved to table Amendment No. 23.

The motion to table prevailed by (Record 357): 88 Yeas, 56 Nays, 1 Present, not voting.

Yeas — Aliseda; Alonzo; Anderson, C.; Anderson, R.; Aycock; Beck; Bonnen; Branch; Brown; Burkett; Button; Cain; Carter; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Hilderbran; Howard, C.; Howard, D.; Huberty; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Larson; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Margo; Miller, D.; Morrison; Murphy; Nash; Oliveira; Orr; Otto; Parker; Patrick; Peña; Perry; Phillips; Pitts; Price; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Thompson; Torres; Truitt; Zerwas.

Nays — Allen; Alvarado; Anchia; Berman; Bohac; Burnam; Castro; Davis, J.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hartnett; Hernandez Luna; Hochberg; Hopson; Johnson; Landtroop; Laubenberg; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Paxton; Quintanilla; Raymond; Reynolds; Riddle; Rodriguez; Simpson; Strama; Taylor, V.; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Pickett.

Absent — Callegari; Harper-Brown; Hughes; Miller, S.

STATEMENT OF VOTE

When Record No. 357 was taken, I was temporarily out of the house chamber. I would have voted no.

Hughes

Amendment No. 24

Representative Johnson offered the following amendment to **CSSB 18**:
Floor Packet Page No. 68

Amend **CSSB 18** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 402.031(b), Government Code, is amended to read as follows:

(b) The landowner's bill of rights must notify each property owner that the property owner has the right to:

- (1) notice of the proposed acquisition of the owner's property;
- (2) a bona fide good faith effort to negotiate by the entity proposing to acquire the property;
- (3) an assessment of damages to the owner that will result from the taking of the property;
- (4) a hearing under Chapter 21, Property Code, including a hearing on the assessment of damages; ~~and~~

(5) an appeal of a judgment in a condemnation proceeding, including an appeal of an assessment of damages; and

(6) request that a governmental entity that condemns the property owner's property provide to the property owner all documentation required under Chapter 21, Property Code, in a language used for providing voting materials for a county election in the county in which the property is located as required by the Voting Rights Language Assistance Act of 1992 (42 U.S.C. Section 1973aa-1a), in addition to providing the documentation in English.

SECTION _____. Section 21.0112, Property Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) The statement must ~~be~~:

- (1) be printed in an easily readable font and type size; and
- (2) if the entity is a governmental entity:
 - (A) be ~~is~~ made available on the Internet website of the entity if technologically feasible; and

(B) include a provision informing the property owner that the entity is required to provide all documents and written information required under this chapter to be provided to the property owner in English, and if requested by the property owner, in a language used for providing voting materials for a county election in the county in which the property is located as required by the Voting Rights Language Assistance Act of 1992 (42 U.S.C. Section 1973aa-1a).

(c) A governmental entity shall provide to a property owner all documents and written information required under this chapter to be provided to the property owner in English, and if requested by the property owner, in a language used for providing voting materials for a county election in the county in which the property is located as required by the Voting Rights Language Assistance Act of 1992 (42 U.S.C. Section 1973aa-1a).

Amendment No. 25

Representative Johnson offered the following amendment to Amendment No. 24:

Amend Amendment No. 24 by Johnson to **CSSB 18** (page 68 of the amendment packet) as follows:

(1) On page 1, lines 19 and 20, strike "all documentation required under Chapter 21" and substitute "the documents listed in Section 21.0112(c)".

(2) On page 2 of the amendment, line 9, between "owner," and "in", insert "provide the documents listed in Subsection (c)".

(3) On page 2, strike lines 13 through 19, and substitute the following:

(c) A governmental entity shall provide to a property owner all documents and written information required under this chapter to be provided to a property owner in English, and if requested by the property owner, provide the following documents in a language used for providing voting materials for a county election in the county in which the property is located as required by the Voting Rights Language Assistance Act of 1992 (42 U.S.C. Section 1973aa-1a), in addition to providing the documentation in English:

(1) the landowner's bill of rights;

(2) the notice of hearing required by Section 21.016, Property Code;

(3) the disclosures required at the time of acquisition by Section 21.023, Property Code; and

(4) the condemnation petition filed under Section 21.012, Property Code.

Amendment No. 25 was adopted.

Amendment No. 24, as amended, was adopted.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 14).

CSSB 18 - (consideration continued)**Amendment No. 8 - Vote Reconsidered**

Representative Martinez moved to reconsider the vote by which Amendment No. 8 was tabled.

The motion to reconsider prevailed.

Amendment No. 26

Representative Phillips offered the following amendment to Amendment No. 8:

Amend Amendment No. 8 by Phillips to **CSSB 18** (page 43 of the amendment packet) on page 1, line 13, between "agreement" and the period, by inserting "if the property owner was not represented by an attorney with respect to entering into the agreement".

Amendment No. 26 was adopted.

Amendment No. 8, as amended, was adopted.

CSSB 18, as amended, was passed to third reading by (Record 358): 148 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Pickett.

**GENERAL STATE CALENDAR
HOUSE BILLS
THIRD READING**

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

**HB 364 ON THIRD READING
(by Turner)**

HB 364, A bill to be entitled An Act relating to condominiums in certain municipalities, including the exercise of eminent domain authority by those municipalities with respect to certain condominiums.

HB 364 was passed by (Record 359): 74 Yeas, 72 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Burnam; Cain; Castro; Coleman; Cook; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Farias; Farrar; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hancock; Hardcastle; Hernandez Luna; Hochberg; Hopson; Howard, D.; Huberty; Hunter; Jackson; Johnson; Keffer; King, T.; Kolkhorst; Lozano; Lucio; Lyne; Mallory Caraway; Margo; Marquez;

Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Nash; Oliveira; Price; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Scott; Strama; Thompson; Torres; Turner; Veasey; Villarreal; Vo; Walle; Woolley; Zerwas.

Nays — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Button; Callegari; Carter; Chisum; Christian; Craddick; Creighton; Crownover; Darby; Davis, S.; Elkins; Fletcher; Flynn; Frullo; Hamilton; Harless; Harper-Brown; Hartnett; Hilderbran; Howard, C.; Hughes; Isaac; King, P.; King, S.; Kleinschmidt; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Madden; Miller, D.; Miller, S.; Morrison; Murphy; Orr; Otto; Parker; Patrick; Paxton; Perry; Phillips; Pitts; Riddle; Schwertner; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Truitt; Weber; White; Workman; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Pickett.

Absent — Bohac; Peña.

STATEMENTS OF VOTE

When Record No. 359 was taken, my vote failed to register. I would have voted no.

Bohac

I was shown voting no on Record No. 359. I intended to vote yes.

Lewis

I was shown voting yes on Record No. 359. I intended to vote no.

Price

HB 365 ON THIRD READING (by Turner and Bohac)

HB 365, A bill to be entitled An Act relating to the use of eminent domain authority by certain municipalities to take abandoned multi-family rental buildings.

HB 365 was passed by (Record 360): 78 Yeas, 67 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Bohac; Branch; Burnam; Button; Cain; Castro; Chisum; Coleman; Cook; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Farias; Farrar; Gallego; Garza; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hancock; Hardcastle; Hernandez Luna; Hochberg; Hopson; Howard, D.; Huberty; Hunter; Jackson; Johnson; Keffer; King, T.; Kolkhorst; Larson; Lozano; Lucio; Lyne; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Murphy; Naishtat; Oliveira; Otto; Price; Quintanilla; Raymond; Reynolds; Ritter; Rodriguez; Scott; Strama; Thompson; Torres; Turner; Veasey; Villarreal; Vo; Walle; Woolley; Zerwas.

Nays — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Brown; Burkett; Carter; Christian; Craddick; Creighton; Crownover; Darby; Davis, S.; Elkins; Fletcher; Flynn; Frullo; Geren; Gooden; Hamilton; Harless; Harper-Brown; Hartnett; Hilderbran; Howard, C.; Hughes; Isaac; King, P.; King, S.; Kleinschmidt; Kuempel; Landtroop; Laubenberg; Lavender; Legler; Lewis; Madden; Miller, S.; Morrison; Nash; Orr; Parker; Patrick; Paxton; Perry; Phillips; Pitts; Riddle; Schwertner; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Truitt; Weber; White; Workman; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Pickett.

Absent — Callegari; Miller, D.; Peña.

STATEMENTS OF VOTE

I was shown voting no on Record No. 360. I intended to vote yes.

Lewis

When Record No. 360 was taken, I was in the house but away from my desk. I would have voted yes.

D. Miller

I was shown voting yes on Record No. 360. I intended to vote no.

Price

HB 558 ON THIRD READING (by Deshotel)

HB 558, A bill to be entitled An Act relating to payoff statements provided in connection with certain home loans.

HB 558 was passed by (Record 361): 148 Yeas, 0 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Pickett.

HB 1072 ON THIRD READING
(by Solomons)

HB 1072, A bill to be entitled An Act relating to the State Bar of Texas membership dues for an attorney employed by this state's government.

HB 1072 was passed by (Record 362): 128 Yeas, 18 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Crownover; Darby; Davis, J.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; 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; Larson; Lavender; Lozano; Lucio; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Nash; Oliveira; Orr; Otto; Parker; Patrick; Peña; Phillips; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; White; Woolley; Workman; Zerwas.

Nays — Bonnen; Cain; Creighton; Davis, S.; Davis, Y.; Garza; Hartnett; Landtroop; Laubenberg; Legler; Lewis; Lyne; Naishtat; Paxton; Perry; Sheffield; Taylor, V.; Weber.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Pickett.

Absent — Pitts; Zedler.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 362. I intended to vote no.

Anchia

I was shown voting yes on Record No. 362. I intended to vote no.

Deshotel

I was shown voting no on Record No. 362. I intended to vote yes.

Hartnett

I was shown voting yes on Record No. 362. I intended to vote no.

Oliveira

When Record No. 362 was taken, my vote failed to register. I would have voted yes.

Pitts

I was shown voting yes on Record No. 362. I intended to vote no.

Rodriguez

When Record No. 362 was taken, I was in the house but away from my desk. I would have voted no.

Zedler

HB 1215 ON THIRD READING
(by McClendon and Carter)

HB 1215, A bill to be entitled An Act relating to the creation of the offense of unauthorized acquisition or transfer of certain financial information.

HB 1215 was passed by (Record 363): 147 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Pickett.

Absent — Pitts.

STATEMENT OF VOTE

When Record No. 363 was taken, my vote failed to register. I would have voted yes.

Pitts

HB 1908 ON THIRD READING (by Madden)

HB 1908, A bill to be entitled An Act relating to student loan repayment assistance for certain providers of correctional health care.

HB 1908 was passed by (Record 364): 146 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; 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; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Pickett.

Absent — Bohac; Deshotel.

STATEMENTS OF VOTE

When Record No. 364 was taken, my vote failed to register. I would have voted yes.

Bohac

When Record No. 364 was taken, I was in the house but away from my desk. I would have voted yes.

Deshotel

HB 1625 ON THIRD READING
(by Brown)

HB 1625, A bill to be entitled An Act relating to the renewal of electrical sign apprentice licenses.

HB 1625 was passed by (Record 365): 140 Yeas, 5 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Burnam; Button; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; 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; Peña; Perry; Phillips; 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; Woolley; Workman; Zedler; Zerwas.

Nays — Cain; Lavender; Paxton; Simpson; White.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Pickett.

Absent — Bohac; Driver; Madden.

STATEMENT OF VOTE

When Record No. 365 was taken, my vote failed to register. I would have voted yes.

Bohac

POSTPONED BUSINESS

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

HCR 18

(by Creighton, Raymond, Pitts, Truitt, Peña, et al.)

HCR 18, Urging Congress to propose and submit to the states an amendment to the United States Constitution providing for a federal balanced budget.

HCR 18 was laid before the house on April 8 and was postponed until 10 a.m. today.

Amendment No. 1

Representative Creighton offered the following amendment to **HCR 18**:

Amend **HCR 18** as follows:

(1) On page 1, strike lines 1-3 and substitute:

"WHEREAS, the gravity of federal debt and federal obligations was established early in American history, with deficit occurring only in relation to extraordinary circumstances, such as war; yet for much of the 20th century and into the 21st, the United States has operated on a budget deficit, including the 2010 budget year, which surpassed an astounding \$1.3 trillion, an annual deficit that exceeded the entire gross state product of Texas; and"

(2) On page 2, line 4, between "WHEREAS" and "The" insert:

"The federal debt is greater than \$14 trillion, a sum that if shared equally by each person in America would be a burden of over \$45,000 per person, and yet the federal government continues to accrue debt; and WHEREAS,"

(3) On page 1, line 12, between "WHEREAS" and "This" insert:

"Many states have previously requested that Congress propose a constitutional amendment requiring a balanced budget, but Congress has proven to be unresponsive; and WHEREAS,"

(4) Strike p. 1, lines 20 through 24, and substitute:

"RESOLVED, That the 82nd Legislature of the State of Texas hereby respectfully urge the Congress of the United States to propose and submit to the states for ratification an amendment to the United States Constitution providing that except in time of war or other national emergency, the total of all federal appropriations for a fiscal year may not exceed the total of all estimated federal revenue for that fiscal year and providing for a spending limitation; and be it further"

Amendment No. 2

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

Amend Amendment No. 1 to **HCR 18** by Creighton, on page 2, item (4) of the amendment, by striking "in a time of war" and substituting "during a war declared by the Congress of the United States pursuant to Article I, Section 8, Clause 11, United States Constitution".

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

Amendment No. 1, as amended, was adopted.

Amendment No. 3

Representative Farrar offered the following amendment to **HCR 18**:

Amend **HCR 18** by inserting the following on page 1, line 24, between "budget" and the semicolon:

"which preserves the commitments of the federal government to Social Security, Medicare, Medicaid, a strong military, and secure borders, and which contains measures to maintain the flexibility required for the federal government to respond to natural disasters or to periods of national economic distress.

Representative Creighton moved to table Amendment No. 3.

The motion to table prevailed by (Record 366): 101 Yeas, 47 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Madden; Margo; Miles; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; 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; McClendon; Menendez; Muñoz; Naishtat; Oliveira; Quintanilla; Raymond; Reynolds; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Pickett.

STATEMENT OF VOTE

I was shown voting yes on Record No. 366. I intended to vote no.

Miles

Amendment No. 4

Representative Coleman offered the following amendment to **HCR 18**:

Amend **HCR 18** as follows:

On page 2, amend lines 1-2 as follows:

RESOLVED, That the Texas Secretary of State forward official copies of this resolution once the Office of the Comptroller has certified that Texas no longer operates with a recurring \$10 billion structural deficit to the president of the United States.

Representative Creighton moved to table Amendment No. 4.

The motion to table prevailed by (Record 367): 99 Yeas, 46 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Pickett.

Absent — Elkins; Gonzalez; King, T.

Amendment No. 5

Representative Burnam offered the following amendment to **HCR 18**:

Please amend **HCR 18** by inserting the following clauses on line 1 of the bill:

WHEREAS, the state of Texas has actively chosen to underfund its schools by \$7.8 billion dollars; and

WHEREAS, the Texas House of Representatives just passed **HB 1**, which should it be enacted will force the loss of hundreds of thousands of public and private sector jobs; and

WHEREAS, our currently proposed budget is short by \$6 billion dollars that will be needed to pay for Medicaid, a program that the state is legally obligated to provide; and

WHEREAS, **HB 1** may also reduce the number of students receiving Texas Grant scholarships from 86,830 in 2011 to 27,135 in 2013; and

WHEREAS, **HB 1** may eliminate \$233 million dollars in pre-kindergarten funding and other early childhood readiness programs; and

WHEREAS, in a race to the bottom, our proposed budget reduces Medicaid rates to nursing homes by 10 percent, even though Texas already ranks 49th nationally in Medicaid rates for nursing homes; and

WHEREAS, Texas is not a state of hypocrites and, thus, must acknowledge our own fiscal crisis resulting from the self-inflicted wound of our structural deficit; and

WHEREAS, both Texas and the United States Federal Government must heed the warning of the prophet Daniel who said that God hath numbered thy Kingdom and that thou art weighed in the balances, and art found wanting; and

WHEREAS, both Texas and the Federal Government guilty of fiscal sins, one that spends more than it takes in and the other that does not govern nearly enough to educate our children, protect our air & water, and keep our promise to our elders; and

WHEREAS, we ought both seek balance in all measures and ensure the promise of our great country and our great state; and

AMENDMENT NO. 5 - REMARKS

REPRESENTATIVE GUTIERREZ: Mr. Burnam, I hold here a copy of the Old Testament.

BURNAM: I'm impressed.

GUTIERREZ: And the scripture that you quote from, Daniel, is really quite telling to me—first off, that you're quoting the scripture.

BURNAM: Well, I like Daniel.

GUTIERREZ: So, I ask you today, what's your understanding of what Daniel said in Chapter 5, Verse 24?

BURNAM: Daniel was basically saying you should get your own ship in order before you start telling someone else how to do their business.

GUTIERREZ: Representative, I think you're right on. I think that the holy scripture tells us that we should not cast stones until we fix our own problems. We should not hurt those until we fix and resolve our own problems. So thank you, and I appreciate you for abiding God.

BURNAM: And I thank you for a biblical opportunity to get right with God; a lot of us need to be working on that.

GUTIERREZ: I want to thank you for finding the light of the Lord.

Representative Creighton moved to table Amendment No. 5.

AMENDMENT NO. 5 - REMARKS

Y. DAVIS: I was going to ask you a question relative to your amendment and this HCR. Do you recall any other HCRs being done with regard to directing the federal government to do a balanced budget?

BURNAM: I'm sorry, I couldn't hear you, Ms. Davis. Could you repeat your question, and could I ask for a little quiet?

Y. DAVIS: As it relates to this HCR and the direction we are trying to provide to the federal government—

BURNAM: Well, yes. From a historical standpoint, in the legislature, most of the HCRs that were directed to Congress in the '60s were in support of Jim Crow, and this is, kind of, you know, reminiscent of that.

Y. DAVIS: And, let me ask you something. As it relates to the budgetary process and the direction we're providing, did you see the same proponents providing that direction to the proponents of our budget riders here?

BURNAM: Do you mean that the national Congress might have suggested Texas put its house in order?

Y. DAVIS: No, did you see the author of this HCR working towards the same kind of concerns with regards to the budget directives that we're sending to Congress? Were they involved in those directives here with regards to our budget?

BURNAM: I am not advised.

Y. DAVIS: And, the question is whether or not we're in a position to direct, or suggest direction that we're not giving ourselves? That's my point.

BURNAM: Well, yes. If you're suggesting that it's a little hypocritical to direct one legislative body to do one thing and our not being willing to do the same, yeah, it's a little hypocritical.

Y. DAVIS: And so, that was my question—whether or not we as a legislator and the members of this body have provided that same kind of direction for our colleagues here—

BURNAM: Maybe we should have, but I don't know if we have time to do that this session.

Y. DAVIS: And so, to the extent that right now we are trying to determine whether or not our budget is accurately—is balanced—or has been balanced.

BURNAM: I'm not sure that we can balance our budget with the structural deficit that we created some years back with the margin tax.

Y. DAVIS: And that structural deficit right now exists in our—

BURNAM: Yes, and I want to encourage everybody to go to the Appropriations Committee meeting tomorrow at 7 o'clock, where we will be discussing whether or not we're ever going to get serious about addressing those problems.

Y. DAVIS: And so, right now we're cutting all kinds of programs and not dealing with our own structural deficit to make sure we have adequate funding to provide to our citizens, yet we're going to take time to direct Congress, is that right?

BURNAM: Yes.

Y. DAVIS: And so, tell me, how do we encourage the members on the floor to take serious the effort that they're trying to send to Congress to take it serious on the house floor?

BURNAM: I wish we would all be more serious about recognizing how fundamentally flawed our tax structure is, and how inadequate it is to meet basic needs. But, we don't seem to have the leadership that's willing to step up to the plate to talk about it.

Y. DAVIS: And, Mr. Burnam, do you think that people are taking this issue serious? Are they taking—

BURNAM: This HCR? No, I don't think they're taking it seriously at all.

Y. DAVIS: Do you think they take the debate serious relative to the budget?

BURNAM: Oh, do you think that they're taking seriously our jobs, our obligation as Texas legislators? No.

Y. DAVIS: Do you think right now the discussion about the federal budget, in absence of having the same serious discussion about our budget, makes sense?

BURNAM: Well, it is kind of interesting that we have had more conversation this afternoon about how the federal budget should be operated than we've done serious conversation on this floor about how to address our structural budget, and what to do about the crisis that was created by this legislature and signed into law by the governor five years ago.

Y. DAVIS: And so, I guess, I'm just trying to understand, why do you think—what is the driving motivator to have someone talk about another legislative body's issues versus their own?

BURNAM: Well, in the context of our biblical discussion earlier this afternoon, I've always been admonished not to question one's motivations, so I'm not going to presume to question the motivations behind these various HCRs that seem to be trying to tell the federal government how to do their jobs.

(Harper-Brown in the chair)

REMARKS ORDERED PRINTED

Representative Walle moved to print remarks between Representative Burnam and Representative Y. Davis and between Representative Gutierrez and Representative Burnam.

The motion prevailed.

The motion to table Amendment No. 5 prevailed by (Record 368): 104 Yeas, 40 Nays, 2 Present, not voting.

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

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

Present, not voting — Mr. Speaker; Harper-Brown(C).

Absent, Excused — Pickett.

Absent — Castro; Deshotel; Peña.

RESOLUTIONS ADOPTED

Representative Rodriguez moved to suspend all necessary rules to take up and consider at this time **HR 1342** and **HR 1343**.

The motion prevailed.

The following resolutions were laid before the house:

HR 1342 (by Dutton), Honoring the 2011 recipients of the Reginald Keith Guillory Scholarship.

HR 1343 (by Dutton), Congratulating the 2011 student honorees of the Reginald Keith Guillory Scholarship Academic Achievement Awards Luncheon.

The resolutions were adopted.

HCR 18 - (consideration continued)

Amendment No. 6

Representative Martinez Fischer offered the following amendment to **HCR 18**:

Amend **HCR 18** (house committee printing) as follows:

(1) On page 1, between lines 11 and 12, insert the following:

WHEREAS, Today, April 13, 2011, President Barack Obama unveiled a framework for cutting the federal deficit by \$4 trillion over the next 12 years by cutting certain spending and raising certain taxes; and

(2) On page 2, line 7, between "America" and the period, insert the following:

; and, be it further

RESOLVED, That the 82nd Legislature congratulates the president, Barack Obama, for his proactive and visionary framework, his bold initiative, and his bipartisan spirit and urges Congress to follow in the same bipartisan spirit.

Representative Creighton moved to table Amendment No. 6.

The motion to table prevailed by (Record 369): 101 Yeas, 46 Nays, 2 Present, not voting.

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

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

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

Present, not voting — Mr. Speaker; Harper-Brown(C).

Absent, Excused — Pickett.

STATEMENT OF VOTE

I was shown voting yes on Record No. 369. I intended to vote no.

Guillen

Amendment No. 7

Representatives Alonzo and Y. Davis offered the following amendment to **HCR 18**:

Amend **HCR 18** (house committee printing) as follows:

(1) On page 1, between lines 11 and 12, insert the following:

WHEREAS, The 82nd Legislature is failing to adequately confront a structural deficit in the state budget; and

(2) On page 2, strike lines 1-7 and substitute the following:

RESOLVED, That the 82nd Legislature shall address its current budgetary crisis before the 82nd Legislature urges the United States Congress to balance the budget of this country.

Representative Creighton moved to table Amendment No. 7.

The motion to table prevailed by (Record 370): 99 Yeas, 48 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; 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; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Present, not voting — Mr. Speaker; Harper-Brown(C).

Absent, Excused — Pickett.

(Speaker in the chair)

HCR 18, as amended, was adopted by (Record 371): 115 Yeas, 17 Nays, 16 Present, not voting.

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

Nays — Allen; Alonzo; Alvarado; Coleman; Davis, Y.; Dutton; Farrar; Howard, D.; Lyne; Marquez; Miles; Naishtat; Quintanilla; Reynolds; Rodriguez; Strama; Walle.

Present, not voting — Mr. Speaker(C); Burnam; Castro; Dukes; Giddings; Gonzales, V.; Gonzalez; Gutierrez; Hernandez Luna; Mallory Caraway; Martinez Fischer; McClendon; Muñoz; Thompson; Turner; Veasey.

Absent, Excused — Pickett.

Absent — Oliveira.

STATEMENT OF VOTE

When Record No. 371 was taken, I was temporarily out of the house chamber. I would have voted yes.

Oliveira

REASON FOR VOTE

I support a balanced federal budget and would have supported this measure had Amendment No. 3 been included, which stated that the federal government would preserve their commitment to Social Security, Medicare, Medicaid, a strong military, and secure borders and would retain the flexibility needed to respond to natural disasters or periods of national economic distress.

Castro

**GENERAL STATE CALENDAR
HOUSE BILLS
SECOND READING**

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

**HB 992 ON SECOND READING
(by Castro)**

HB 992, A bill to be entitled An Act relating to excess undergraduate credit hours at public institutions of higher education.

Representative Castro moved to postpone consideration of **HB 992** until 9 a.m. Friday, April 15.

The motion prevailed.

MESSAGE FROM THE SENATE

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

**HB 1020 ON SECOND READING
(by S. Miller, et al.)**

HB 1020, A bill to be entitled An Act relating to minimum liability insurance coverage amounts for persons convicted of offenses related to the operation of a motor vehicle while intoxicated.

Amendment No. 1

Representative D. Miller offered the following amendment to **HB 1020**:

Amend **HB 1020** (house committee printing) on page 1, lines 13-14 by striking "\$25,000 for each conviction" and substituting "\$30,000 for each conviction. The increased coverage requirement under this subsection expires on the 10th anniversary of the date of the most recent conviction for which the additional coverage is required"

Amendment No. 1 was adopted.

HB 1020, as amended, was passed to engrossment.

SB 737 ON SECOND READING
(Price - House Sponsor)

SB 737, A bill to be entitled An Act relating to the management of groundwater production by groundwater conservation districts.

SB 737 was considered in lieu of **HB 1824**.

SB 737 was passed to third reading.

HB 1824 - LAID ON THE TABLE SUBJECT TO CALL

Representative Price moved to lay **HB 1824** on the table subject to call.

The motion prevailed.

CSHB 1825 ON SECOND READING
(by Price)

CSHB 1825, A bill to be entitled An Act relating to permit application and amendment hearings conducted by groundwater conservation districts and the State Office of Administrative Hearings.

Representative Price moved to postpone consideration of **CSHB 1825** until 9 a.m. Wednesday, April 20.

The motion prevailed.

HB 1953 ON SECOND READING
(by Kuempel)

HB 1953, A bill to be entitled An Act relating to notice by sign of an alcoholic beverage permit or license application.

HB 1953 was passed to engrossment.

HB 2294 ON SECOND READING
(by Hunter)

HB 2294, A bill to be entitled An Act relating to declaratory judgments.

Representative Hunter moved to postpone consideration of **HB 2294** until 9 a.m. Thursday, April 21.

The motion prevailed.

HB 2433 ON SECOND READING
(by Callegari, Bohac, Murphy, and Isaac)

HB 2433, A bill to be entitled An Act relating to the ballot language for junior college district annexation elections.

Representative Callegari moved to postpone consideration of **HB 2433** until 10 a.m. Wednesday, April 20.

The motion prevailed.

FIVE-DAY POSTING RULE SUSPENDED

Representative Pitts moved to suspend the five-day posting rule to allow the Committee on Appropriations to hear invited testimony on the high cost natural gas tax rate reduction at 7 a.m. tomorrow in E1.030.

The motion prevailed.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Kolkhorst requested permission for the Committee on Public Health to meet while the house is in session, during bill referral today, in E2.012, to consider the previously posted agenda.

Permission to meet was granted.

FIVE-DAY POSTING RULE SUSPENDED

Representative Phillips moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Transportation to consider **HB 629**, **HB 2872**, **HB 3298**, and **HB 3771** upon final recess today in E2.028.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Appropriations, 7 a.m. tomorrow, E1.030, for a public hearing, to hear invited testimony on the high cost natural gas tax rate reduction and to consider pending business.

Judiciary and Civil Jurisprudence, 8 a.m. tomorrow, E2.036, for a formal meeting, to consider pending business.

Transportation will reconvene upon final recess today, E2.028, for a public hearing, to consider **HB 629**, **HB 2872**, **HB 3298**, **HB 3771**, and the previously posted agenda.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Villarreal requested permission for the Committee on Redistricting to meet while the house is in session, at 12 p.m. Friday, April 15, in E1.030, to consider **HB 150**.

Permission to meet was granted.

FIVE-DAY POSTING RULE SUSPENDED

Representative Villarreal moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Redistricting to consider **HB 150** at 12 p.m. Friday, April 15 in E1.030.

The motion prevailed.

Representative Villarreal moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Redistricting to consider **HB 150** at 2 p.m. Sunday, April 17 in E1.030.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Redistricting, 2 p.m. Sunday, April 17, E1.030, for a public hearing, to consider **HB 150**.

Redistricting, 12 p.m. Friday, April 15, E1.030, for a public hearing, to consider **HB 150**.

Urban Affairs, 5:30 p.m. today, E2.016.

PROVIDING FOR RECESS

Representative Coleman moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house recess until 10 a.m. tomorrow.

The motion prevailed.

**BILLS AND JOINT RESOLUTIONS ON FIRST READING
AND REFERRAL TO COMMITTEES
RESOLUTIONS REFERRED TO COMMITTEES
CORRECTIONS IN REFERRAL**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. Pursuant to Rule 1, Section 4 of the House Rules, the chair at this time corrected the referral of measures to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

(Harless in the chair)

RECESS

In accordance with a previous motion, the house, at 5:20 p.m., recessed until 10 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

HB 3847 (By Lavender), Relating to the Riverbend Water Resources District.

To Natural Resources.

HB 3848 (By Gooden), 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.

To Natural Resources.

HB 3849 (By L. Taylor), Relating to the powers and duties of the Galveston County Municipal Utility District No. 6.

To Natural Resources.

HB 3850 (By Smithee), Relating to the application of the professional prosecutors law to the county attorney of Oldham County and the district attorney for the 287th Judicial District.

To Judiciary and Civil Jurisprudence.

HB 3851 (By Chisum), Relating to the application of the professional prosecutors law to the district attorney for the 287th Judicial District.

To Judiciary and Civil Jurisprudence.

HCR 103 (By Aliseda), In memory of U.S. Marine Corps Sergeant Jose Luis Saenz III of Pleasanton.

To Rules and Resolutions.

HCR 104 (By Frullo), Congratulating Dr. Kitty Harris Wilkes on her selection as a 2011 YWCA of Lubbock Woman of Excellence.

To Rules and Resolutions.

HCR 105 (By Frullo), Congratulating Beth Lawson on her selection as a 2011 YWCA of Lubbock Woman of Excellence.

To Rules and Resolutions.

HCR 106 (By Frullo), Congratulating Aimee Doane on being named a 2011 Lubbock YWCA Woman of Excellence.

To Rules and Resolutions.

HCR 107 (By Frullo), Congratulating Dr. Kamlesh Varma on her selection as a 2011 YWCA of Lubbock Woman of Excellence.

To Rules and Resolutions.

HCR 108 (By Frullo), Congratulating Dr. Kelly Overley on her selection as a 2011 Woman of Excellence by the YWCA of Lubbock.

To Rules and Resolutions.

HCR 109 (By Workman), Recognizing the Junior Marine Corps of Bedichek Middle School in Austin.

To Rules and Resolutions.

HCR 111 (By Frullo), Congratulating Yvonne Racz Key on her selection as a 2011 YWCA of Lubbock Woman of Excellence.

To Rules and Resolutions.

HCR 112 (By Frullo), Congratulating Sarah Jo Lambert on her selection as a 2011 YWCA of Lubbock Woman of Excellence.

To Rules and Resolutions.

HCR 113 (By Frullo), Congratulating Kay Cross on her receipt of the Jane O.Burns Award from the YWCA of Lubbock.

To Rules and Resolutions.

HCR 115 (By W. Smith), Honoring the Battleship Texas Foundation for its work to preserve the historic battleship.

To Rules and Resolutions.

HCR 116 (By J. Davis), In memory of the Reverend Clinton Roderick Dobson of Arlington.

To Rules and Resolutions.

HCR 119 (By J. Davis), Congratulating James Alford Davis on being named the 2011 Citizen of the Year by the Menard County Chamber of Commerce.

To Rules and Resolutions.

HCR 120 (By Kuempel), In memory of Thomas Peter Whalen of Schertz.

To Rules and Resolutions.

HCR 121 (By Crownover), Designating Denton as the Independent Music Capital of Texas.

To Culture, Recreation, and Tourism.

HCR 122 (By Chisum), Designating Lipscomb County as the official Turkey Buzzard Capital of Texas.

To Culture, Recreation, and Tourism.

HCR 124 (By Torres), Designating September 15 to October 15 as Latino Texan Month for a 10-year period beginning in 2011.

To Culture, Recreation, and Tourism.

HCR 126 (By Thompson), In memory of the Honorable Edmund Kuempel of Seguin.

To Rules and Resolutions.

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

To Culture, Recreation, and Tourism.

HCR 129 (By Patrick), Notifying the U.S. Department of Education that certain career schools or colleges are legally authorized by the state of Texas to operate educational programs beyond secondary education.

To Higher Education.

HCR 130 (By Button), Designating the city of Richardson as the official International Business Capital of North Texas.

To Culture, Recreation, and Tourism.

HCR 131 (By J. Davis), In memory of Howard Victor Reed of Austin.

To Rules and Resolutions.

HCR 132 (By J. Davis), Honoring the Texas State Association of Parliamentarians on the occasion of their annual convention.

To Rules and Resolutions.

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

To Culture, Recreation, and Tourism.

HR 1035 (By Bonnen), In memory of Dr. Leo Windecker of Cedar Park.

To Rules and Resolutions.

HR 1243 (By Raymond), Commending Harry Cabluck on his 50-year career as a photojournalist.

To Rules and Resolutions.

HR 1244 (By Branch), Congratulating Charles W. Matthews on his receipt of the 2011 Fellows Award from the Dallas Bar Foundation.

To Rules and Resolutions.

HR 1245 (By Johnson), Commending Louis Henry for serving as a Democratic Party precinct chair in Dallas County.

To Rules and Resolutions.

HR 1246 (By Flynn), Congratulating Thomas and Ruth Taylor of Quinlan on their 60th wedding anniversary.

To Rules and Resolutions.

HR 1247 (By Flynn), Congratulating Felix and Dorothy Frazier of Greenville on their 70th wedding anniversary.

To Rules and Resolutions.

HR 1248 (By Flynn), Congratulating Bill and Kay Cleveland of Campbell on their 50th wedding anniversary.

To Rules and Resolutions.

HR 1249 (By Jackson), Commemorating the 25th anniversary of the Farmers Branch Historical Park.

To Rules and Resolutions.

HR 1250 (By Harper-Brown), Recognizing the Heritage Senior Center Permanent Art Collection in Irving.

To Rules and Resolutions.

HR 1252 (By Hunter), In memory of U.S. Marine Corps Lance Corporal Jose Luis Maldonado of Mathis.

To Rules and Resolutions.

HR 1253 (By Pitts), Congratulating Susan Mann of Hillsboro on earning the Distinguished Service Award from the Texas Library Association.

To Rules and Resolutions.

HR 1254 (By Rodriguez), Recognizing March 31, 2011, as Dove Springs Community Family Health Day at Consuelo Mendez Middle School in Austin.

To Rules and Resolutions.

HR 1255 (By Bonnen), In memory of George Sam Saphos of Baytown.

To Rules and Resolutions.

HR 1259 (By Sheets), Commemorating the 100th anniversary of the creation of White Rock Lake in Dallas.

To Rules and Resolutions.

HR 1261 (By T. King), Congratulating the Texas A&M University women's basketball team on winning the 2011 NCAA Division I national championship.

To Rules and Resolutions.

HR 1262 (By Gallego), Commemorating the 100th anniversary of the founding of The Bank and Trust.

To Rules and Resolutions.

HR 1263 (By Gallego), Congratulating Rogelio Hernandez Musquiz of Del Rio on his retirement from the Val Verde County Commissioners Court in 2010.

To Rules and Resolutions.

HR 1264 (By Gallego), In memory of Benjamin N. Matta of Pecos.

To Rules and Resolutions.

HR 1265 (By Gallego), Honoring Second Lieutenant Jacob A. Fernandez for his service with the United States Marine Corps.

To Rules and Resolutions.

HR 1267 (By Alonzo), Paying tribute to the life of Selena Quintanilla Perez on April 16, 2011, the 40th anniversary of her birth.

To Rules and Resolutions.

HR 1268 (By Hunter), Commemorating the exhibition of The Wall That Heals in honor of Vietnam War veterans in Corpus Christi from April 12-14, 2011.

To Rules and Resolutions.

HR 1269 (By Hunter), Welcoming the 2011 Feria de las Flores contestants to the State Capitol.

To Rules and Resolutions.

HR 1270 (By Parker), Honoring all those who took part in the second annual Swing Time fund-raiser at Argyle United Methodist Church benefiting the fight against Duchenne muscular dystrophy.

To Rules and Resolutions.

HR 1271 (By Darby), Commending Golda Marie Foster of Tom Green County for her achievements in the area of historical preservation.

To Rules and Resolutions.

HR 1272 (By Laubenberg), Congratulating Jim Threadgill on his retirement from the Parker City Council in May 2011.

To Rules and Resolutions.

HR 1273 (By McClendon), Commemorating the 69th anniversary of Harper's Chapel Baptist Church in San Antonio.

To Rules and Resolutions.

HR 1274 (By Perry), In memory of Jake Shea Jenkins of Lubbock.

To Rules and Resolutions.

HR 1275 (By C. Anderson), In memory of Brian Keith Brown of Waco.
To Rules and Resolutions.

HR 1276 (By C. Anderson), Congratulating members of the Greenbuilders Club at University Middle School in Waco on placing second in the School of the Future Design Competition regional jury event in Houston.
To Rules and Resolutions.

HR 1277 (By C. Anderson), Congratulating Ashley Durham of Whitney on being named to the honor roll at Oklahoma State University.
To Rules and Resolutions.

HR 1278 (By C. Anderson), In memory of Daryl Lee Farmer of Waco.
To Rules and Resolutions.

HR 1279 (By C. Anderson), Honoring the students of Castleman Creek Elementary in Hewitt for raising more than \$10,500 for the American Heart Association with their Jump Rope for Heart event.
To Rules and Resolutions.

HR 1280 (By C. Anderson), In memory of Anna D. Velin of Axtell.
To Rules and Resolutions.

HR 1281 (By C. Anderson), In memory of Andrew "Chito" Garcia of Waco.
To Rules and Resolutions.

HR 1282 (By C. Anderson), Congratulating Bill and Mary Felkner of Robinson on their 50th wedding anniversary.
To Rules and Resolutions.

HR 1283 (By C. Anderson), In memory of Randall Turnmire of China Spring.
To Rules and Resolutions.

HR 1284 (By C. Anderson), In memory of James Douglas Ivy of Waco.
To Rules and Resolutions.

HR 1285 (By C. Anderson), In memory of Barrett Neill Minor of Lorena.
To Rules and Resolutions.

HR 1286 (By C. Anderson), In memory of Betty Marie Norsworthy of Waco.
To Rules and Resolutions.

HR 1287 (By C. Anderson), In memory of William J. Bartosh of West.
To Rules and Resolutions.

HR 1288 (By C. Anderson), Congratulating Kaleb Nehring and Keeli Nehring on winning Division Reserve Champion Junior Bull at the 2011 Fort Worth Stock Show and Rodeo.
To Rules and Resolutions.

HR 1289 (By C. Anderson), Congratulating Christina Swanson of the Waco Convention and Visitors Bureau on passing the Certified Meeting Professional exam.

To Rules and Resolutions.

HR 1290 (By C. Anderson), Congratulating the baseball team of Midway High School in Waco on winning the 2011 Frisco Tournament of Champions.

To Rules and Resolutions.

HR 1291 (By C. Anderson), In memory of Owen Defoor of Crawford.

To Rules and Resolutions.

HR 1292 (By C. Anderson), In memory of Calistro Ramos of Waco.

To Rules and Resolutions.

HR 1293 (By C. Anderson), Congratulating Robinson FFA members Matt Davis and Colton Moorhouse on winning blue ribbons at the San Angelo Stock Show & Rodeo's agricultural mechanics contest.

To Rules and Resolutions.

HR 1294 (By C. Anderson), In memory of Madge C. Bratton of Hewitt.

To Rules and Resolutions.

HR 1295 (By C. Anderson), Congratulating Kendall Newman of Robinson High School for performing with the 2011 All-State Concert Band.

To Rules and Resolutions.

HR 1296 (By C. Anderson), In memory of Elizabeth Jones Genovese of Woodway.

To Rules and Resolutions.

HR 1297 (By C. Anderson), In memory of George Clyde Coppage, Jr., of Hewitt.

To Rules and Resolutions.

HR 1298 (By C. Anderson), Congratulating Private Landus Hutyra of West on completing U.S. Army military police training.

To Rules and Resolutions.

HR 1299 (By C. Anderson), Congratulating Rachel Nicoletti of Lorena on her induction into the National Society of High School Scholars.

To Rules and Resolutions.

HR 1300 (By C. Anderson), In memory of James Carlton Timmons.

To Rules and Resolutions.

HR 1301 (By C. Anderson), In memory of Bobby Chastain of Woodway.

To Rules and Resolutions.

HR 1302 (By C. Anderson), In memory of Lucy E. Guerra of Waco.

To Rules and Resolutions.

HR 1303 (By C. Anderson), In memory of Judy Marie Hitt of Waco.

To Rules and Resolutions.

HR 1304 (By C. Anderson), In memory of John Herrington of Moody.
To Rules and Resolutions.

HR 1305 (By C. Anderson), In memory of Kenneth Schroeder of Elm Mott.
To Rules and Resolutions.

HR 1306 (By C. Anderson), In memory of Katherine Young Arrington of Waco.
To Rules and Resolutions.

HR 1307 (By C. Anderson), Congratulating Jon and Ila Jean Carothers of Crawford on their 50th wedding anniversary.
To Rules and Resolutions.

HR 1308 (By C. Anderson), Congratulating the West High School Trojan Band on winning its third consecutive Sweepstakes Award.
To Rules and Resolutions.

Pursuant to Rule 1, Section 4 of the House Rules, the chair corrects the referral of the following bills and resolutions:

HB 2254 (By R. Anderson), Relating to scope and validity of correction instruments in the conveyance of real property.
To Business and Industry.

HB 2954 (By Cain), Relating to eliminating longevity pay for state employees and judicial officers and authorizing merit pay for certain state employees.
To Government Efficiency and Reform.

SIGNED BY THE SPEAKER

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

Senate List No. 14

SB 115, SB 569

MESSAGES FROM THE SENATE

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

Message No. 1

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Wednesday, April 13, 2011

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 202 Shapiro

Relating to achievement benchmarks in fiscal notes and to legislative review of those benchmarks.

SB 449 Watson

Relating to the appraisal for ad valorem tax purposes of open-space land devoted to water stewardship purposes on the basis of its productive capacity.

SB 694 West

Relating to the regulation of metal recycling entities; providing penalties.

SB 746 Davis

Relating to membership of the state continuing advisory committee for special education services.

SB 758 Deuell

Relating to sales and use tax information provided to certain local governmental entities.

SB 904 Patrick

Relating to the eligibility of certain citizens residing outside the United States to vote a full ballot.

SB 1304 Rodriguez

Relating to requiring financial disclosure concerning reports prepared by public institutions of higher education for other entities.

SB 1349 Van de Putte

Relating to a requirement that a person hold a license issued by the appropriate state agency to be employed as a marriage and family therapist by a school district.

SB 1490 Uresti

Relating to the recording of proceedings and the issuance of a warrant to take physical custody of a child in certain suits affecting the parent-child relationship; creating an offense.

SJR 16 Estes

Proposing a constitutional amendment providing for the appraisal for ad valorem tax purposes of open-space land devoted to water-stewardship purposes on the basis of its productive capacity.

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER

Austin, Texas

Wednesday, April 13, 2011 - 2

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 218 Nelson
Relating to procedures in certain suits affecting the parent-child relationship and the operation of the child protective services and foster care systems.

SB 496 Fraser
Relating to the punishment for the offense of evading arrest or detention.

SB 652 Hegar
Relating to governmental entities subject to the sunset review process.

SB 932 Williams
Relating to oyster beds and shells and an oyster shell recovery and replacement program.

SB 1010 Huffman
Relating to providing a victim, guardian of a victim, or close relative of a deceased victim with notice of a plea bargain agreement in certain criminal cases.

SB 1154 Uresti
Relating to a task force for the development of a strategy to reduce child abuse and neglect and improve child welfare.

SB 1273 Williams
Relating to the lawful manufacture, distribution, and possession of and prescriptions for controlled substances under the Texas Controlled Substances Act.

SB 1301 Deuell
Relating to manufacturers' inclusion of denatonium benzoate in certain products containing ethylene glycol.

SB 1341 Seliger
Relating to the participation by a taxing unit in a suit to compel an appraisal review board to order a change in an appraisal roll.

SB 1361 Estes
Relating to the audit report exemption for certain general and special law districts.

SB 1612 Ogden
Relating to the monitoring, oversight, and funding of certain public retirement systems.

SB 1630 Birdwell

Relating to the regulation of residential appliance installation, including pool-related electrical devices, under the Texas Electrical Safety and Licensing Act.

SB 1846

Lucio

Relating to organizations that are covered by the Charitable Immunity and Liability Act of 1987.

Respectfully,

Patsy Spaw

Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

April 12

Border and Intergovernmental Affairs - **HB 1371, HB 3191**

Business and Industry - **HB 1168, HB 2989, HB 3141**

Criminal Jurisprudence - **HB 290, HB 777**

Culture, Recreation, and Tourism - **HB 957, HB 1449**

Economic and Small Business Development - **HB 1711, HB 2853, HB 3302, SB 458**

Energy Resources - **HB 2663**

Environmental Regulation - **HB 1933, HB 2551, HB 2826, HB 3272, SB 527**

Judiciary and Civil Jurisprudence - **HB 901, HB 1890, HJR 61, SB 116, SB 785**

Land and Resource Management - **HB 267, SB 508**

Natural Resources - **SB 564, SB 737**

Pensions, Investments, and Financial Services - **SB 141, SB 350**

Public Education - **HB 2349**

State Affairs - **HB 2249, HB 2620**

Transportation - **HB 1523, HB 1683, HB 1750, HB 2223**

ENGROSSED

April 12 - HB 377, HB 634, HB 726, HB 1422

SIGNED BY THE GOVERNOR

April 12 - HCR 79, HCR 123, HCR 125