

# HOUSE JOURNAL

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EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

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FIFTY-NINTH DAY — TUESDAY, APRIL 19, 2011

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

The roll of the house was called and a quorum was announced present (Record 421).

Present — Mr. Speaker; Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycok; 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; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Absent, Excused — Thompson.

Absent — Menendez; Raymond.

The invocation was offered by Jason Taylor, lead pastor, Faith Assembly Church, Houston, as follows:

Dear Heavenly Father, thank you for loving us and seeing in us what we could not see for ourselves. Thank you for allowing your son, Jesus, to walk the road none of us would have so that we might stand before you today redeemed and set free by the blood of the lamb. Trust and peace: Father, if the decisions and accomplishments of today were left to man's wisdom and strength, you would have made it absolutely clear in your word that it was up to us to change the world and to bring about results. You would have told us to remove the mountain and throw it into the sea, but you didn't. You said in John Chapter 15, Verse 5: "I am the vine; you are the branches. If a man remains in me and I in

him, he will bear much fruit; apart from me you can do nothing." This is a chamber still proclaiming, "In God We Trust." Let it be so, and may each one of us choose right now to trust in the Lord with all your heart and lean not on your own understanding; in all your ways acknowledge him, and he will make your paths straight. The task our leaders face each and every day is nothing short of impossible if it's viewed through the eyes of man. Which is why you made this statement to your disciples, "With man this is impossible, but with God all things are possible." (Matthew 19:26)

Lord, I would ask for peace in the hearts of each one of those here today as they face issues and ultimately decisions that can often weigh heavily on the heart. You never promised gentle sailing while facing critical moments in life, but you do offer a promise to those who abide in the vine and put their trust in you. Do not be anxious about anything, but in everything, by prayer and petition, with thanksgiving, present your requests to God. And the peace of God, which transcends all understanding, will guard your hearts and your minds in Christ Jesus.

May we never forget the sacrifice and love of our Lord and risen Savior, Jesus Christ. May we always remember it was never about how perfect the one bringing the sacrifice was, it's always been about the one being sacrificed. Jesus was perfect and we are not, which is why we remain in the perfect vine, trusting in the perfect one, and finding our peace in the Prince of Peace. Amen.

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

### **LEAVE OF ABSENCE GRANTED**

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

Thompson on motion of C. Anderson.

### **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).

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

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

### **HCR 120 - ADOPTED (by Kuempel)**

Representative Kuempel moved to suspend all necessary rules to take up and consider at this time **HCR 120**.

The motion prevailed.

The following resolution was laid before the house:

**HCR 120**, In memory of Thomas Peter Whalen of Schertz.

**HCR 120** was read and was unanimously adopted by a rising vote.

On motion of Representative Frullo, the names of all the members of the house were added to **HCR 120** as signers thereof.

### **INTRODUCTION OF GUESTS**

The speaker recognized Representative Kuempel who introduced family members of Thomas Peter Whalen.

#### **HR 1377 - ADOPTED (by Flynn)**

Representative Flynn moved to suspend all necessary rules to take up and consider at this time **HR 1377**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1377**, Congratulating Dan and Susie Perez of Canton on their 60th wedding anniversary.

(Kleinschmidt in the chair)

**HR 1377** was adopted.

(Speaker in the chair)

#### **HR 1359 - ADOPTED (by S. King)**

Representative S. King moved to suspend all necessary rules to take up and consider at this time **HR 1359**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1359**, Honoring the Legislative Ladies Club.

(Raymond now present)

**HR 1359** was read and was adopted.

On motion of Representative Aycock, the names of all the members of the house were added to **HR 1359** as signers thereof.

(Menendez now present)

(Frullo in the chair)

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

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

#### **HB 2605 ON THIRD READING (by L. Taylor)**

**HB 2605**, A bill to be entitled An Act relating to the continuation and functions of the division of workers' compensation of the Texas Department of Insurance.

Representative Murphy moved to postpone consideration of **HB 2605** until 9:50 a.m. today.

The motion prevailed.

**GENERAL STATE CALENDAR  
HOUSE BILLS  
THIRD READING**

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

**HB 44 ON THIRD READING  
(by Menendez)**

**HB 44**, A bill to be entitled An Act relating to the authority of a property owners' association to regulate the use of certain lots for residential purposes.

**HB 44** was passed by (Record 422): 105 Yeas, 34 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anderson, R.; Bohac; Branch; Brown; Burnam; Castro; Chisum; Christian; Coleman; Cook; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Farrar; Frullo(C); Gallego; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hardcastle; Harless; Hartnett; Hernandez Luna; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Murphy; Naishat; Nash; Oliveira; Orr; Otto; Patrick; Peña; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Truitt; Turner; Villarreal; Vo; Weber; White; Woolley; Workman; Zedler.

Nays — Aliseda; Anderson, C.; Aycock; Beck; Berman; Bonnen; Burkett; Cain; Carter; Craddick; Creighton; Elkins; Fletcher; Flynn; Garza; Gooden; Hamilton; Hancock; Harper-Brown; Hilderbran; King, P.; Landtroop; Larson; Laubenberg; Morrison; Parker; Paxton; Perry; Sheffield; Shelton; Simpson; Taylor, V.; Torres; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused — Thompson.

Absent — Anchia; Button; Callegari; Farias; King, S.; Miller, D.; Miller, S.; Veasey; Walle.

**STATEMENTS OF VOTE**

When Record No. 422 was taken, I was in the house but away from my desk. I would have voted yes.

Button

When Record No. 422 was taken, I was in the house but away from my desk. I would have voted yes.

Callegari

When Record No. 422 was taken, I was in the house but away from my desk. I would have voted yes.

Farias

I was shown voting no on Record No. 422. I intended to vote yes.

Fletcher

I was shown voting no on Record No. 422. I intended to vote yes.

Gooden

When Record No. 422 was taken, I was in the house but away from my desk. I would have voted no.

S. King

When Record No. 422 was taken, I was in the house but away from my desk. I would have voted yes.

D. Miller

When Record No. 422 was taken, I was temporarily out of the house chamber meeting with DPS, ATF, ICE, Congressman Pete Sessions, and Todd Staples on border security. I would have voted yes.

S. Miller

I was shown voting yes on Record No. 422. I intended to vote no.

T. Smith

When Record No. 422 was taken, I was in the house but away from my desk. I would have voted yes.

Veasey

When Record No. 422 was taken, I was in the house but away from my desk. I would have voted yes.

Walle

**HB 213 ON THIRD READING**  
**(by Rodriguez, Keffer, et al.)**

**HB 213**, A bill to be entitled An Act relating to the duties of a mortgage servicer of certain residential mortgage loans.

**HB 213** was passed by (Record 423): 140 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Carter; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes;

Dutton; Eiland; Eissler; Elkins; Farrar; Fletcher; Flynn; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, 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.; 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.; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Thompson.

Absent — Alonzo; Callegari; Castro; Farias; King, S.; Miller, S.; Walle.

#### STATEMENTS OF VOTE

When Record No. 423 was taken, I was in the house but away from my desk. I would have voted yes.

Castro

When Record No. 423 was taken, I was in the house but away from my desk. I would have voted yes.

Farias

When Record No. 423 was taken, I was in the house but away from my desk. I would have voted yes.

S. King

When Record No. 423 was taken, I was temporarily out of the house chamber meeting with DPS, ICE, TDA, ATF, and border sheriffs on border security. I would have voted yes.

S. Miller

When Record No. 423 was taken, I was in the house but away from my desk. I would have voted yes.

Walle

#### HB 265 ON THIRD READING (by Hilderbran)

**HB 265**, A bill to be entitled An Act relating to the lease of space by or for a state agency.

**HB 265** was passed by (Record 424): 139 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Thompson.

Absent — Callegari; Deshotel; Farias; Gutierrez; Miller, S.; Peña; Veasey; Walle.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 424. I intended to vote no.

Berman

When Record No. 424 was taken, I was in the house but away from my desk. I would have voted yes.

Farias

When Record No. 424 was taken, I was temporarily out of the house chamber meeting with DPS, ATF, ICE, TDA, border sheriffs, and Congressman Pete Sessions on border security. I would have voted yes.

S. Miller

When Record No. 424 was taken, I was in the house but away from my desk. I would have voted yes.

Peña

When Record No. 424 was taken, I was in the house but away from my desk. I would have voted yes.

Veasey

When Record No. 424 was taken, I was in the house but away from my desk. I would have voted yes.

Walle

**HB 345 ON THIRD READING**  
**(by Kleinschmidt)**

**HB 345**, A bill to be entitled An Act relating to limitations on awards in an adjudication brought against a local governmental entity for breach of contract.

**HB 345** was passed by (Record 425): 142 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Thompson.

Absent — Gallego; Gooden; King, S.; Veasey; Walle.

**STATEMENTS OF VOTE**

When Record No. 425 was taken, I was in the house but away from my desk. I would have voted yes.

Gooden

When Record No. 425 was taken, I was in the house but away from my desk. I would have voted yes.

S. King

When Record No. 425 was taken, I was in the house but away from my desk. I would have voted yes.

Veasey

**HB 499 ON THIRD READING**  
**(by Rodriguez)**

**HB 499**, A bill to be entitled An Act relating to the additional penalty for collection costs for certain delinquent ad valorem taxes.

**HB 499** was passed by (Record 426): 145 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; 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.; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Thompson.

Absent — Berman; Gonzalez.

**HB 968 ON THIRD READING**  
**(by Strama)**

**HB 968**, A bill to be entitled An Act relating to expulsion from school or placement in a disciplinary alternative education program for certain conduct.

**HB 968** was passed by (Record 427): 141 Yeas, 4 Nays, 2 Present, not voting.

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

Nays — Hilderbran; Landtroop; Perry; Simpson.

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

Absent, Excused — Thompson.

Absent — Anderson, C.; Gallego.

### STATEMENTS OF VOTE

When Record No. 427 was taken, I was in the house but away from my desk. I would have voted no.

C. Anderson

I was shown voting yes on Record No. 427. I intended to vote no.

Flynn

I was shown voting yes on Record No. 427. I intended to vote no.

Kleinschmidt

I was shown voting yes on Record No. 427. I intended to vote no.

Lavender

I was shown voting yes on Record No. 427. I intended to vote no.

S. Miller

I was shown voting yes on Record No. 427. I intended to vote no.

T. Smith

### HB 1064 ON THIRD READING (by Pitts and Cook)

**HB 1064**, A bill to be entitled An Act relating to exempting certain customers from certain demand charges by transmission and distribution utilities.

**HB 1064** was passed by (Record 428): 145 Yeas, 0 Nays, 2 Present, not voting.

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

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

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

Absent, Excused — Thompson.

Absent — Farias; Walle.

### STATEMENTS OF VOTE

When Record No. 428 was taken, I was in the house but away from my desk. I would have voted yes.

Farias

When Record No. 428 was taken, I was in the house but away from my desk. I would have voted yes.

Walle

### HB 1118 ON THIRD READING (by Ritter and Deshotel)

**HB 1118**, A bill to be entitled An Act relating to the resale of property purchased by a taxing unit at a tax sale.

**HB 1118** was passed by (Record 429): 143 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farrar; Fletcher; Flynn; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; 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; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Simpson.

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

Absent, Excused — Thompson.

Absent — Farias; Isaac; Walle.

### STATEMENTS OF VOTE

When Record No. 429 was taken, I was in the house but away from my desk. I would have voted yes.

Farias

When Record No. 429 was taken, I was in the house but away from my desk. I would have voted yes.

Isaac

When Record No. 429 was taken, I was in the house but away from my desk. I would have voted yes.

Walle

### HB 1380 ON THIRD READING (by Truitt)

**HB 1380**, A bill to be entitled An Act relating to the graduate medical training requirements for certain foreign medical school graduates applying for a license to practice medicine in this state.

**HB 1380** was passed by (Record 430): 145 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; 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.; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Thompson.

Absent — Deshotel; Walle.

### STATEMENT OF VOTE

When Record No. 430 was taken, I was in the house but away from my desk. I would have voted yes.

Walle

### HB 1965 ON THIRD READING

(by Kolkhorst, Zerwas, Naishtat, Branch, Bohac, et al.)

**HB 1965**, A bill to be entitled An Act relating to the expansion of faith- and community-based health and human services initiatives.

**HB 1965** was passed by (Record 431): 144 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Thompson.

Absent — Callegari; Farias; Walle.

### STATEMENTS OF VOTE

When Record No. 431 was taken, I was in the house but away from my desk. I would have voted yes.

Callegari

When Record No. 431 was taken, I was in the house but away from my desk. I would have voted yes.

Farias

When Record No. 431 was taken, I was in the house but away from my desk. I would have voted yes.

Walle

### HB 2131 ON THIRD READING (by Geren, Solomons, et al.)

**HB 2131**, A bill to be entitled An Act relating to the issuance of a pass for expedited access to the State Capitol.

**HB 2131** was passed by (Record 432): 143 Yeas, 3 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; 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; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Weber; Woolley; Workman; Zedler; Zerwas.

Nays — Isaac; Simpson; White.

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

Absent, Excused — Thompson.

Absent — Walle.

**STATEMENT OF VOTE**

When Record No. 432 was taken, I was in the house but away from my desk. I would have voted yes.

Walle

(Speaker in the chair)

**HR 1424 - ADOPTED  
(by Burkett)**

Representative Burkett moved to suspend all necessary rules to take up and consider at this time **HR 1424**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1424**, Recognizing April 19, 2011, as Balch Springs Day at the State Capitol.

**HR 1424** was adopted.

**HB 2541 ON THIRD READING  
(by Solomons)**

**HB 2541**, A bill to be entitled An Act relating to the regulation of traffic on certain roads by counties.

**HB 2541** was passed by (Record 433): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; 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; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Thompson.

Absent — Bonnen; Harless; Larson; Ritter; Walle.

### STATEMENTS OF VOTE

When Record No. 433 was taken, I was in the house but away from my desk. I would have voted yes.

Larson

When Record No. 433 was taken, I was in the house but away from my desk. I would have voted yes.

Walle

### HB 2559 ON THIRD READING (by Truitt)

**HB 2559**, A bill to be entitled An Act relating to commercial motor vehicle installment sales.

**HB 2559** was passed by (Record 434): 148 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Thompson.

### HB 2904 ON THIRD READING (by Zerwas)

**HB 2904**, A bill to be entitled An Act relating to the administration of the Glenda Dawson Donate Life-Texas Registry.

**HB 2904** was passed by (Record 435): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Bohac; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Castro; Chisum; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; 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.; 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.; Torres; Truitt; Turner; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Thompson.

Absent — Berman; Burnam; Christian; Hughes; Morrison; Veasey.

#### STATEMENTS OF VOTE

When Record No. 435 was taken, I was in the house but away from my desk. I would have voted yes.

Berman

When Record No. 435 was taken, my vote failed to register. I would have voted yes.

Christian

When Record No. 435 was taken, I was in the house but away from my desk. I would have voted yes.

Morrison

#### HB 3174 ON THIRD READING (by Madden, et al.)

**HB 3174**, A bill to be entitled An Act relating to the stay of recognition or enforcement of a foreign country judgment to allow for de novo review of a contract or agreement for a sale, offer for sale, or sell under the Securities Act.

**HB 3174** was passed by (Record 436): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman;

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Thompson.

Absent — Eiland; Flynn; King, P.; Morrison.

#### STATEMENT OF VOTE

When Record No. 436 was taken, I was in the house but away from my desk. I would have voted yes.

Flynn

#### POSTPONED BUSINESS

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

#### HB 2605 ON THIRD READING

(by L. Taylor)

**HB 2605**, A bill to be entitled An Act relating to the continuation and functions of the division of workers' compensation of the Texas Department of Insurance.

**HB 2605** was read third time earlier today and was postponed until this time.

#### Amendment No. 1

Representative Riddle offered the following amendment to **HB 2605**:

Amend **HB 2605** on third reading in added Section 504.054(a), Labor Code, by striking "employed, or volunteering service to, by" and substituting "employed by, or volunteering service to,".

Amendment No. 1 was adopted.

#### Amendment No. 2

Representative Alonzo offered the following amendment to **HB 2605**:

Amend **HB 2605** on third reading as follows:

(1) In the section of the bill amending Section 408.0041, Labor Code, strike the recital and substitute the following:

Section 408.0041, Labor Code, is amended by amending Subsections (b) and (h) and adding Subsections (b-1), (f-2), (f-3), and (f-4) to read as follows:

(2) In the section of the bill amending Section 408.0041, Labor Code, after proposed Subsection (b-1), insert the following:

(f-2) An employee required to be examined by a designated doctor may request a medical examination to determine maximum medical improvement and the employee's impairment rating from the treating doctor or from another doctor to whom the employee is referred by the treating doctor if:

(1) the designated doctor's opinion is the employee's first evaluation of maximum medical improvement and impairment rating; and

(2) the employee is not satisfied with the designated doctor's opinion.

(f-3) The commissioner shall provide the insurance carrier and the employee with reasonable time to obtain and present the opinion of a doctor selected under Subsection (f) or (f-2) before the commissioner makes a decision on the merits of the issue.

(f-4) The commissioner by rule shall adopt guidelines prescribing the circumstances under which an examination by the employee's treating doctor or another doctor to whom the employee is referred by the treating doctor to determine any issue under Subsection (a), other than an examination under Subsection (f-2), may be appropriate.

(h) The insurance carrier shall pay for:

(1) an examination required under Subsection (a), ~~(f)~~, or (f-2), unless otherwise prohibited by this subtitle or by an order or rule of the commissioner; and

(2) the reasonable expenses incident to the employee in submitting to the examination.

(3) In the section of the bill containing the transition for amended Section 408.0041, Labor Code, strike "Section 408.0041, Labor Code, as amended by this Act, applies" and substitute "Section 408.0041(b), Labor Code, as amended by this Act, and Section 408.0041(b-1), Labor Code, as added by this Act, apply".

Representative L. Taylor moved to table Amendment No. 2.

The motion to table prevailed by (Record 437): 94 Yeas, 52 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Geren; Gonzales, L.; Gonzales, V.; Gooden; Hamilton; Hancock; Hardcastle; Hartnett; Hilderbran; Hopson; Howard, C.; Howard, D.; Huberty; 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; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips;

Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Taylor, L.; Taylor, V.; Torres; Weber; White; Woolley; Workman.

Nays — Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Gallego; Garza; Giddings; Gonzalez; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Hochberg; Hughes; Johnson; Lozano; Lucio; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Oliveira; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Solomons; Strama; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Thompson.

Absent — Button; Nash.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 437. I intended to vote no.

Allen

I was shown voting yes on Record No. 437. I intended to vote no.

V. Gonzales

I was shown voting yes on Record No. 437. I intended to vote no.

D. Howard

I was shown voting yes on Record No. 437. I intended to vote no.

T. King

When Record No. 437 was taken, I was in the house but away from my desk. I would have voted yes.

Nash

I was shown voting no on Record No. 437. I intended to vote yes.

Solomons

### LEAVE OF ABSENCE GRANTED

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

Gallego on motion of Martinez.

### HB 2605 - (consideration continued)

**HB 2605**, as amended, was passed by (Record 438): 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; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.;

Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Garza; Geren; Giddings; Gonzales, 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.; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Gallego; Thompson.

Absent — Gonzales, L.

**GENERAL STATE CALENDAR  
SENATE BILLS  
THIRD READING**

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

**SB 423 ON THIRD READING  
(Menendez - House Sponsor)**

**SB 423**, A bill to be entitled An Act relating to health insurance coverage for eligible survivors of certain public servants killed in the line of duty.

**SB 423** was passed by (Record 439): 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; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddock; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; 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.; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Gallego; Thompson.

Absent — Lyne.

**SB 691 ON THIRD READING**  
**(T. King - House Sponsor)**

**SB 691**, A bill to be entitled An Act relating to the exemption from permitting by groundwater conservation districts for certain water wells used for domestic, livestock, and poultry watering purposes.

**SB 691** was passed by (Record 440): 146 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; McClendon; Menendez; 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.; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Gallego; Thompson.

**HR 1435 - ADOPTED**  
**(by Berman)**

Representative Berman moved to suspend all necessary rules to take up and consider at this time **HR 1435**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1435**, Honoring Robert W. Cartwright for his 30 years of service to the Texas Nursery & Landscape Association.

**HR 1435** was adopted.

**HR 1165 - PREVIOUSLY ADOPTED**  
(by Callegari)

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

**HR 1165**, Commending Oakmont Healthcare and Rehab Center of Katy for providing an outstanding level of care.

**INTRODUCTION OF GUESTS**

The speaker recognized Representative Callegari who introduced representatives of the Oakmont Healthcare and Rehab Center.

(Zerwas in the chair)

**POSTPONED BUSINESS**

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

**HB 1633 ON SECOND READING**  
(by Bonnen, et al.)

**HB 1633**, A bill to be entitled An Act relating to a person's ability to read and write in English as a qualification for service as a petit juror.

**HB 1633** was read second time on April 15, postponed until later that day, and was again postponed until 8 a.m. today.

**HB 1633 - POINT OF ORDER**

Representative Alonzo raised a point of order against further consideration of **HB 1633** under Rule 4, Section 32(c) of the House Rules on the grounds that the committee report is incorrect.

The chair overruled the point of order.

(Speaker in the chair)

**HB 1633** was passed to engrossment by (Record 441): 111 Yeas, 31 Nays, 3 Present, not voting.

Yeas — Aliseda; Allen; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Deshotel; Driver; Dutton; Eiland; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lyne; Madden; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner;

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

Nays — Alonzo; Alvarado; Anchia; Coleman; Davis, Y.; Dukes; Farias; Farrar; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hernandez Luna; Hochberg; King, T.; Lucio; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Muñoz; Naishtat; Pickett; Quintanilla; Raymond; Reynolds; Rodriguez; Veasey; Walle.

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

Absent, Excused — Gallego; Thompson.

Absent — Giddings; Oliveira; Peña.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 441. I intended to vote no.

Allen

I was shown voting yes on Record No. 441. I intended to vote no.

Burnam

I was shown voting no on Record No. 441. I intended to vote yes.

Guillen

I was shown voting no on Record No. 441. I intended to vote yes.

Menendez

### LEAVES OF ABSENCE GRANTED

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

Alonzo on motion of Brown.

Alvarado on motion of Brown.

Aycock on motion of Brown.

Branch on motion of Brown.

Eissler on motion of Brown.

Geren on motion of Brown.

Harless on motion of Brown.

Hilderbran on motion of Brown.

Hunter on motion of Brown.

Keffer on motion of Brown.

Madden on motion of Brown.

Peña on motion of Brown.

Phillips on motion of Brown.

Veasey on motion of Brown.

Villarreal on motion of Brown.

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

Pickett on motion of Brown.

### **CSHB 743 ON SECOND READING**

**(by Sheffield, L. Gonzales, Murphy, Legler, and Aliseda)**

**CSHB 743**, A bill to be entitled An Act relating to requiring public institutions of higher education to notify the federal Student and Exchange Visitor Information System (SEVIS) regarding the withdrawal or nonattendance of certain foreign students.

**CSHB 743** was read second time on April 14 and was postponed until 9 a.m. today.

### **CSHB 743 - POINT OF ORDER**

Representative Walle raised a point of order against further consideration of **CSHB 743** under Rule 4, Section 32(c) of the House Rules on the grounds that the committee report is incorrect.

(Darby in the chair)

The point of order was withdrawn.

Representative Sheffield moved to postpone consideration of **CSHB 743** until 12 p.m. today.

The motion prevailed.

### **SB 85 ON SECOND READING**

**(Solomons - House Sponsor)**

**SB 85**, A bill to be entitled An Act relating to the duties of the county tax assessor-collector and voter registrar regarding exemptions from jury service.

**SB 85** was considered in lieu of **HB 229**.

**SB 85** was read second time and was passed to third reading.

### **HB 229 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Solomons moved to lay **HB 229** on the table subject to call.

The motion prevailed.

### **LEAVE OF ABSENCE GRANTED**

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

Solomons on motion of Brown.

**SB 539 ON SECOND READING**  
**(Kleinschmidt - House Sponsor)**

**SB 539**, A bill to be entitled An Act relating to the award of costs and attorney's fees in certain proceedings concerning mechanic's, contractor's, or materialman's liens.

**SB 539** was considered in lieu of **HB 346**.

**SB 539** was read second time.

Representative Kleinschmidt moved to postpone consideration of **SB 539** until 1 p.m. today.

The motion prevailed.

**CSHB 115 ON SECOND READING**  
**(by McClendon, Gallego, Johnson, et al.)**

**CSHB 115**, A bill to be entitled An Act relating to the creation of a commission to investigate convictions after exoneration and to prevent wrongful convictions.

**CSHB 115** was read second time on April 14 and was postponed until 10 a.m. today.

Representative McClendon moved to postpone consideration of **CSHB 115** until the end of today's calendar.

(Speaker in the chair)

The motion prevailed.

**SB 323 ON SECOND READING**  
**(Elkins - House Sponsor)**

**SB 323**, A bill to be entitled An Act relating to the applicability of certain laws governing corporations to limited liability companies.

**SB 323** was considered in lieu of **HB 521**.

**SB 323** was read second time and was passed to third reading.

**HB 521 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Elkins moved to lay **HB 521** on the table subject to call.

The motion prevailed.

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

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

**CSHB 2694 ON SECOND READING**  
**(by W. Smith)**

**CSHB 2694**, A bill to be entitled An Act relating to the continuation and functions of the Texas Commission on Environmental Quality and abolishing the On-site Wastewater Treatment Research Council.

**Amendment No. 1**

Representative W. Smith offered the following amendment to **CSHB 2694**:  
Floor Packet Page No. 1

Amend **CSHB 2694** (house committee report) as follows:

(1) On page 4, strike lines 17 and 18 and substitute "SECTION 1.07. Section 12.052, Water Code, is amended by amending Subsection (a) and adding Subsection (b-1) to read as follows:".

(2) On page 4, between lines 24 and 25, insert the following:

(b-1) The commission may enter into an agreement with an owner of a dam who is required to reevaluate the adequacy of an existing dam or spillway. The agreement may include timelines to achieve compliance with the commission's design criteria and may authorize deferral of compliance with the criteria, as appropriate.

Amendment No. 1 was adopted.

**Amendment No. 2**

Representative W. Smith offered the following amendment to **CSHB 2694**:  
Floor Packet Page No. 2

Amend **CSHB 2694** (house committee printing) as follows:

(1) On page 17, line 27, strike "be less than \$50 or greater".

(2) On page 18, strike line 1 and substitute "exceed \$5,000 [~~\$2,500~~] a day for each violation."

(3) On page 18, line 3, strike "be less".

(4) On page 18, strike line 4 and substitute "exceed \$25,000 [~~\$10,000~~] a day for each".

(5) On page 20, line 5, strike "less".

(6) On page 20, strike line 6 and substitute "to exceed \$5,000 [~~\$500~~] a day. Each day a".

Amendment No. 2 was adopted.

**Amendment No. 3**

Representative W. Smith offered the following amendment to **CSHB 2694**:  
Floor Packet Page No. 3

Amend **CSHB 2694** (house committee printing) as follows:

(1) On page 35, line 24, strike "one" and substitute ".6 [~~one~~]".

(2) On page 36, line 1, strike "[~~one half of~~] one" and substitute ".6 [~~one half of one~~]".

(3) On page 36, line 6, strike "~~one-half of~~ one" and substitute ".6 [one-half of one]".

Amendment No. 3 was withdrawn.

#### **Amendment No. 4**

Representative Shelton offered the following amendment to **CSHB 2694**:

Floor Packet Page No. 7

Amend **CSHB 2694** (house committee report) as follows:

(1) On page 4, strike lines 17 and 18, and substitute "SECTION 1.07. Section 12.052, Water Code, is amended by amending Subsections (a) and (f) and adding Subsections (e-1) and (e-2) to read as follows:".

(2) On page 4, between lines 24 and 25, insert the following:

(e-1) The owner or operator of a permitted or exempt dam for a reservoir with a storage capacity that does not exceed 1,000 acre-feet, or of such a reservoir, that was substantially completed before January 1, 2011, may not be required to upgrade or modify the dam or reservoir:

(1) to meet the minimum design flood hydrograph criteria established by commission rules that take effect on or after January 1, 2009; or

(2) based on downstream development that occurred after substantial completion of the dam or reservoir.

(e-2) Except as provided by Subsection (e-1), the owner or operator of a dam or reservoir described by that subsection shall operate and maintain the dam or reservoir in accordance with commission rules.

(f) Nothing in this section or in rules or orders made by the commission shall be construed to relieve an owner or operator of a dam or reservoir of ~~any~~ [the] legal duties, obligations, or liabilities incident to ownership or operation of a dam or reservoir under the common law of this state.

Amendment No. 4 was withdrawn.

#### **Amendment No. 5**

Representative Reynolds offered the following amendment to **CSHB 2694**:

Floor Packet Page No. 8

Amend **CSHB 2694** as follows:

(1) On page 4, between lines 24 and 25, insert the following appropriately numbered sections:

SECTION 1.08. Chapter 5, TEXAS NATURAL RESOURCE CONSERVATION COMMISSIONS, is amended by adding Section 5.003 to read as follows:

Sec. 5.003. MISSION STATEMENT. The mission of the Commission on Environmental Quality is the protection of human health and the environment.

SECTION 1.09. Section 5.011, Water Code, is amended to read as follows:

Sec. 5.011. PURPOSE OF CHAPTER. It is the purpose of this chapter to provide an organizational structure for the commission that will provide more efficient and effective administration of the conservation of natural resources and

the protection of the environment and human health in this state and to define the duties, responsibilities, authority, and functions of the commission and the executive director.

### **Amendment No. 6**

Representative Phillips offered the following amendment to Amendment No. 5:

Amend Amendment No. 5 to **CSHB 2694** (house committee printing) by Reynolds (page 8 of the prefiled amendments packet) on page 1 by striking lines 4-9 and substituting the following:

SECTION 1.08. Subchapter A, Chapter 5, Water Code, is amended by adding Section 5.003 to read as follows:

Sec. 5.003. MISSION AND GOALS. The mission of the commission is to protect human health and natural resources in this state while maintaining sustainable economic development. The commission's goals are clear air, clean water, and the safe management of waste.

Amendment No. 6 was withdrawn.

### **Amendment No. 7**

On behalf of Representative Phillips, Representative Y. Davis offered the following amendment to Amendment No. 5:

Amend Amendment No. 5 to **CSHB 2694** (house committee printing) by Reynolds (page 8 of the prefiled amendments packet) on page 1 by striking lines 4-9 and substituting the following:

SECTION 1.08. Subchapter A, Chapter 5, Water Code, is amended by adding Section 5.003 to read as follows:

Sec. 5.003. MISSION AND GOALS. The mission of the commission is to protect human health and natural resources in this state while maintaining sustainable economic development. The commission's goals are clear air, clean water, and the safe management of waste.

Amendment No. 7 was adopted.

Representative Bonnen moved to table Amendment No. 5, as amended.

The motion to table prevailed by (Record 442): 88 Yeas, 40 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Beck; Berman; Bonnen; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Elkins; Fletcher; Flynn; Frullo; Garza; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harper-Brown; Hartnett; Hopson; Howard, C.; Huberty; Hughes; Isaac; Jackson; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lyne; Margo; Miller, D.; Miller, S.; Morrison; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Perry;

Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

Nays — Allen; Anchia; Burnam; Castro; Coleman; Davis, Y.; Dukes; Dutton; Eiland; 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; Strama; Turner; Vo; Walle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Gallego; Thompson.

Absent, Excused, Committee Meeting — Alonzo; Alvarado; Aycock; Branch; Eissler; Geren; Harless; Hilderbran; Hunter; Keffer; Madden; Peña; Phillips; Pickett; Solomons; Veasey; Villarreal.

Absent — Bohac; Deshotel.

### **Amendment No. 8**

Representative Burnam offered the following amendment to **CSHB 2694**:

Floor Packet Page No. 13

Amend **CSHB 2694** (house committee printing) in Article 1 of the bill by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS accordingly:

SECTION 1.\_\_\_\_. Subchapter C, Chapter 572, Government Code, is amended by adding Section 572.062 to read as follows:

Sec. 572.062. FORMER COMMISSIONER OR EXECUTIVE DIRECTOR OF THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY: LOBBYING RESTRICTED; CRIMINAL OFFENSE. (a) In this section, "administrative action," "communicates directly with," "legislation," "member of the executive branch," and "member of the legislative branch" have the meanings assigned by Section 305.002.

(b) Except as provided by Subsection (c), a former member of the Texas Commission on Environmental Quality may not, and a former executive director of the Texas Commission on Environmental Quality may not, before the fourth anniversary of the date the person ceases to be a commissioner or executive director, represent a client before a governmental entity with regard to a matter that is related to the powers, duties, and functions of the position the person held.

(c) Subsection (b) does not apply to a person who:

(1) communicates directly with a member of the legislative or executive branch only to influence legislation or administrative action on behalf of:

(A) a nonprofit organization;

(B) an individual;

(C) a group of low-income individuals; or

(D) a group of individuals with disabilities; and

(2) does not receive compensation other than reimbursement for actual expenses for engaging in communication described by Subdivision (1).

(d) A person who violates this section commits an offense. An offense under this section is a Class A misdemeanor.

(Ritter in the chair)

Amendment No. 8 was withdrawn.

### **Amendment No. 9**

Representative Burnam offered the following amendment to **CSHB 2694**:

Floor Packet Page No. 11

Amend **CSHB 2694** (house committee printing) in Article 1 of the bill by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS accordingly:

SECTION 1.\_\_\_\_. Subchapter C, Chapter 572, Government Code, is amended by adding Section 572.062 to read as follows:

Sec. 572.062. FORMER COMMISSIONER OR EXECUTIVE DIRECTOR OF THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY: LOBBYING RESTRICTED; CRIMINAL OFFENSE. (a) In this section, "administrative action," "communicates directly with," "legislation," "member of the executive branch," and "member of the legislative branch" have the meanings assigned by Section 305.002.

(b) Except as provided by Subsection (c), a former member of the Texas Commission on Environmental Quality may not, and a former executive director of the Texas Commission on Environmental Quality may not, before the third anniversary of the date the person ceases to be a commissioner or executive director, represent a client before a governmental entity with regard to a matter that is related to the powers, duties, and functions of the position the person held.

(c) Subsection (b) does not apply to a person who:

(1) communicates directly with a member of the legislative or executive branch only to influence legislation or administrative action on behalf of:

(A) a nonprofit organization;

(B) an individual;

(C) a group of low-income individuals; or

(D) a group of individuals with disabilities; and

(2) does not receive compensation other than reimbursement for actual expenses for engaging in communication described by Subdivision (1).

(d) A person who violates this section commits an offense. An offense under this section is a Class A misdemeanor.

Amendment No. 9 was withdrawn.

### **Amendment No. 10**

Representative Burnam offered the following amendment to **CSHB 2694**:

Floor Packet Page No. 9

Amend **CSHB 2694** (house committee printing) in Article 1 of the bill by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS accordingly:

SECTION 1.\_\_\_\_. Subchapter C, Chapter 572, Government Code, is amended by adding Section 572.062 to read as follows:

Sec. 572.062. FORMER COMMISSIONER OR EXECUTIVE DIRECTOR OF THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY: LOBBYING RESTRICTED; CRIMINAL OFFENSE. (a) In this section, "administrative action," "communicates directly with," "legislation," "member of the executive branch," and "member of the legislative branch" have the meanings assigned by Section 305.002.

(b) Except as provided by Subsection (c), a former member of the Texas Commission on Environmental Quality may not, and a former executive director of the Texas Commission on Environmental Quality may not, before the second anniversary of the date the person ceases to be a commissioner or executive director, represent a client before a governmental entity with regard to a matter that is related to the powers, duties, and functions of the position the person held.

(c) Subsection (b) does not apply to a person who:

(1) communicates directly with a member of the legislative or executive branch only to influence legislation or administrative action on behalf of:

(A) a nonprofit organization;

(B) an individual;

(C) a group of low-income individuals; or

(D) a group of individuals with disabilities; and

(2) does not receive compensation other than reimbursement for actual expenses for engaging in communication described by Subdivision (1).

(d) A person who violates this section commits an offense. An offense under this section is a Class A misdemeanor.

Representative W. Smith moved to table Amendment No. 10.

The motion to table prevailed by (Record 443): 84 Yeas, 40 Nays, 3 Present, not voting.

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

Nays — Allen; Anchia; Burnam; Castro; Coleman; Davis, S.; Davis, Y.; Deshotel; Dutton; Eiland; Farias; Farrar; Giddings; Gonzales, V.; Guillen; Gutierrez; Hernandez Luna; Hochberg; Howard, D.; Johnson; Lavender; Mallory Caraway; Marquez; Martinez; Martinez Fischer; Menendez; Miles; Muñoz; Naishtat; Oliveira; Perry; Raymond; Reynolds; Rodriguez; Strama; Taylor, V.; Turner; Vo; Walle; Zedler.

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

Absent, Excused — Gallego; Thompson.

Absent, Excused, Committee Meeting — Alonzo; Alvarado; Aycock; Branch; Eissler; Geren; Harless; Hilderbran; Hunter; Keffer; Madden; Peña; Phillips; Pickett; Solomons; Veasey; Villarreal.

Absent — Davis, J.; Dukes; Lozano; McClendon.

### STATEMENTS OF VOTE

When Record No. 443 was taken, I was in the house but away from my desk. I would have voted no.

Dukes

When Record No. 443 was taken, I was in the house but away from my desk. I would have voted no.

McClendon

### Amendment No. 11

Representative Burnam offered the following amendment to **CSHB 2694**:  
Floor Packet Page No. 15

Amend **CSHB 2694** (house committee printing) as follows:

On page 8, line 21 to page 9, line 2, strike SECTION 3.02 and renumber subsequent SECTIONS accordingly.

Representative W. Smith moved to table Amendment No. 11.

The motion to table prevailed by (Record 444): 88 Yeas, 38 Nays, 2 Present, not voting.

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

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

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

Absent, Excused — Gallego; Thompson.

Absent, Excused, Committee Meeting — Alonzo; Alvarado; Aycock; Branch; Eissler; Geren; Harless; Hilderbran; Hunter; Keffer; Madden; Peña; Phillips; Pickett; Solomons; Veasey; Villarreal.

Absent — Bohac; Deshotel; Eiland.

### LEAVE OF ABSENCE GRANTED

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

Bohac on motion of Patrick.

### CSHB 2694 - (consideration continued)

#### Amendment No. 12

Representative Castro offered the following amendment to **CSHB 2694**:

Floor Packet Page No. 17

Amend **CSHB 2694** (house committee report) as follows:

(1) On page 10, strike lines 24 through 26, and substitute with the following:

SECTION 4.04. Section 5.753, Water Code, is amended by amending Subsections (a) and (b) to read as follows:

(2) On page 11, strike lines 18 through 27.

(3) On page 12, strike lines 1 through 17.

(4) On page 15, strike lines 7 through 16, and substitute with the following:

(h) The commission by rule shall, at a minimum, prohibit a person whose compliance history is classified as unsatisfactory according to commission standards ~~[in the lowest classification developed under this section]~~ from:

(1) receiving an announced inspection; and

(2) obtaining or renewing a flexible permit under the program administered by the commission under Chapter 382, Health and Safety Code, or participating in the regulatory flexibility program administered by the commission under Section 5.758.

(5) On page 16, strike lines 5 through 6 and substitute the following:

SECTION 4.08. Section 5.758(h), Water Code, is amended to read as follows:

(6) On page 16, strike lines 7 through 26.

Representative W. Smith moved to table Amendment No. 12.

The motion to table prevailed by (Record 445): 87 Yeas, 38 Nays, 2 Present, not voting.

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

Nays — Allen; Anchia; Burnam; Castro; Coleman; Davis, Y.; 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; Turner; Vo; Walle.

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

Absent, Excused — Bohac; Gallego; Thompson.

Absent, Excused, Committee Meeting — Alonzo; Alvarado; Aycock; Branch; Eissler; Geren; Harless; Hilderbran; Hunter; Keffer; Madden; Peña; Phillips; Pickett; Solomons; Veasey; Villarreal.

Absent — Anderson, C.; Deshotel; Eiland.

### STATEMENTS OF VOTE

When Record No. 445 was taken, I was in the house but away from my desk. I would have voted yes.

C. Anderson

When Record No. 445 was taken, I was in the house but away from my desk. I would have voted no.

Deshotel

### Amendment No. 13

Representative W. Smith offered the following amendment to **CSHB 2694**:  
Floor Packet Page No. 18

Amend **CSHB 2694** (house committee printing) as follows:

(1) On page 11, line 3, between "history" and the period, insert "that ensure consistency. In developing the standards, the commission may account for differences among regulated entities".

(2) On page 11, strike lines 18-22 and substitute "(d) If the commission".

(3) On page 12, strike lines 9-13 and substitute "(d-1) For purposes of listing compliance history, the commission may not include as a notice of violation information received by the commission as required by Title V of the federal Clean Air Act (42 U.S.C. Section 7661 et seq.)".

(4) On page 12, at the end of line 15, add "Title V".

(5) On page 14, strike lines 24-26 and substitute "(e-1) The amount of the penalty enhancement or escalation attributed to compliance history may not exceed 100 percent of the base penalty for an individual violation as determined by the commission's penalty policy. Notices of violation may not be used individually for".

Amendment No. 13 was adopted.

#### **Amendment No. 14**

Representative Farrar offered the following amendment to **CSHB 2694**:

Floor Packet Page No. 19

Amend **CSHB 2694** as follows:

On page 11, strike lines 12-16 and insert the following:

(3) to the extent readily available to the commission, enforcement orders, court judgments, consent decrees, criminal convictions relating to violations of environmental rules [laws] of the United States Environmental Protection Agency, and criminal convictions of a local government to which the commission refers complaints for investigation,; and

#### **AMENDMENT NO. 14 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE FARRAR: This amendment adds to the compliance history rating system criminal convictions—I repeat, criminal convictions—of a local government, to which the commission refers complaints for investigations. This is when someone—this is what Harris County supports—this is when there is a complainant to Harris County. Harris County has found a criminal conviction. So, this would also limit these convictions to those that are readily available to the TCEQ. It would require the TCEQ to seek out every local conviction in the state. The compliance history rating equation currently includes convictions of the state and federal government, but not local governments. TCEQ often refers the citizen complaints to local governments that have the capacity to enforce them, such as Harris County. Harris County is referred nearly every complaint that occurs in the unincorporated area of the county, and that's why this is important. Entities and unincorporated areas can be enforced against, over and over and over, without damage to their compliance history rankings, without this amendment.

REPRESENTATIVE BURNAM: Ms. Farrar, as you were explaining this, are you suggesting that it is very analogous to blue-collar crime, where you have felons, that you're going to expunge their records, such that you can't look at their record for establishing penalties?

FARRAR: You could look at that.

BURNAM: So, almost any prosecutor would oppose this kind of proposal from the standpoint of, it would undermine our ability to seek justice.

FARRAR: I'd imagine that, yes.

REPRESENTATIVE W. SMITH: Members, this is a still compliance history issue and if you—if my memory serves me, we have at least in this house voted once to completely do away with compliance history.

BURNAM: I assume that you heard and listened carefully to the exchange between Ms. Farrar and I, and we understand that there are different opinions about compliance history. But doesn't this specific situation completely undermine the activity of the Harris County District Attorney's Office in trying to make sure that people are in compliance with the law?

W. SMITH: I don't know that it undermines it, but TCEQ is the responsible party for issuing the permits. So it should belong to TCEQ, and TCEQ shouldn't be controlled, dictated by the local entities.

BURNAM: We're not talking about controlled and dictated, are we? Aren't we talking about TCEQ looking at the public record to ascertain what a company has done in violation of the law?

W. SMITH: We have no idea what local entities—whether it be Harris County or anyone else—has done in relation to this, and so TCEQ should be the defining person that issues the permits for the State of Texas.

BURNAM: Right, but, shouldn't the TCEQ have the opportunity to look at the public record on a corporation that may be a major offender?

W. SMITH: I assume TCEQ can look now. It's a matter of whether being required—

BURNAM: But, you want to exclude it from record?

W. SMITH: I want TCEQ to be the entity in demand.

BURNAM: You want the TCEQ to do what now?

W. SMITH: Be the entity that controls the permit process.

BURNAM: Well, we're not surrendering the control of the permit—well, we probably are, as matter of fact, if you look at the broader picture of this sunset and what's going on, we're probably in the process of surrendering TCEQ's ability to control the permitting process. But, specifically, right now, aren't we talking about history? Compliance history and violating the law?

W. SMITH: We are talking about compliance history, yes.

BURNAM: Right, and you are proposing—

W. SMITH: It's not necessarily a violation of the law, if you're talking about compliance history.

BURNAM: But, that's what Representative Farrar and I were discussing.

W. SMITH: Compliance history should really be called performance history.

BURNAM: I'm sorry?

W. SMITH: Compliance history is really more of a performance history than a compliance history.

BURNAM: Right, sometimes, in dealing in violation of the law.

FARRAR: Mr. Speaker, members, the only thing that I would add or to reiterate really is that this is a very low bar. This is including criminal convictions. I ask you to vote no on the motion to table.

(Aycock, Geren, Harless, and Hunter now present)

Representative W. Smith moved to table Amendment No. 14.

The motion to table prevailed by (Record 446): 90 Yeas, 41 Nays, 2 Present, not voting.

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

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

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

Absent, Excused — Bohac; Gallego; Thompson.

Absent, Excused, Committee Meeting — Alonzo; Alvarado; Branch; Eissler; Hilderbran; Keffer; Madden; Peña; Phillips; Pickett; Solomons; Veasey; Villarreal.

Absent — Lozano.

### REMARKS ORDERED PRINTED

Representative Burnam moved to print remarks on Amendment No. 14.

The motion prevailed.

### Amendment No. 15

Representative Reynolds offered the following amendment to **CSHB 2694**:  
Floor Packet Page No. 20

Amend **CSHB 2694** as follows:

Strike in section 4.05, 5.754 (e-1), Water Code.

(Branch, Keffer, Peña, and Phillips now present)

Representative W. Smith moved to table Amendment No. 15.

The motion to table prevailed by (Record 447): 94 Yeas, 42 Nays, 2 Present, not voting.

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

Nays — Allen; Anchia; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; 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; Riddle; Rodriguez; Strama; Turner; Vo; Walle.

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

Absent, Excused — Bohac; Gallego; Thompson.

Absent, Excused, Committee Meeting — Alonzo; Alvarado; Eissler; Hilderbran; Madden; Pickett; Solomons; Veasey; Villarreal.

### **Amendment No. 16**

Representative Burnam offered the following amendment to **CSHB 2694**:  
Floor Packet Page No. 21

Amend **CSHB 2694** (house committee printing) as follows:

On page 17, line 19, before the period, insert "and deterrence to prevent the economic benefit of noncompliance".

Amendment No. 16 was adopted.

### **Amendment No. 17**

Representative Chisum offered the following amendment to **CSHB 2694**:  
Floor Packet Page No. 23

Amend **CSHB 2694** as follows:

(1) On page 17, line 23, strike "7.052(a) and (c)" and substitute "7.052(a), (c), and (d)".

(2) On page 18, between lines 5 and 6, insert the following:

(d) Except as provided by Subsection (b), each day that a continuing violation occurs may be considered a separate violation. If a violation involves the emission of more than one type of pollutant, the commission may not assess a separate penalty for each type of pollutant emitted. The commission may authorize an installment payment schedule for an administrative penalty assessed under this subchapter, except for an administrative penalty assessed under Section 7.057.

(Alonzo, Alvarado, Madden, and Veasey now present)

Representative Anchia moved to table Amendment No. 17.

The motion to table was lost by (Record 448): 44 Yeas, 95 Nays, 3 Present, not voting.

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

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

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

Absent, Excused — Bohac; Gallego; Thompson.

Absent, Excused, Committee Meeting — Eissler; Hilderbran; Pickett; Solomons; Villarreal.

### STATEMENT OF VOTE

I was shown voting no on Record No. 448. I intended to vote yes.

Peña

### COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Licensing and Administrative Procedures meeting scheduled for today is cancelled.

**CSHB 2694 - (consideration continued)****Amendment No. 18**

Representative Castro offered the following amendment to Amendment No. 17:

Amend Amendment No. 17 to **CSHB 2694** (house committee printing) by Chisum (page 23 of the prefiled amendments packet) on page 1, by striking "If a violation involves the emission of more than one type of pollutant, the commission may not assess a separate penalty for each type of pollutant emitted." and substituting "For a violation of Chapter 382, Health and Safety Code, the commission may assess a separate penalty for each type of pollutant emitted in violation of that chapter.".

**Amendment No. 18 - Point of Order**

Representative Chisum raised a point of order against further consideration of Amendment No. 18 under Article III, Section 30 of the Texas Constitution on the grounds that the amendment violates the one subject rule.

The point of order was withdrawn.

Representative Chisum moved to table Amendment No. 18.

(Eissler now present)

The motion to table prevailed by (Record 449): 94 Yeas, 46 Nays, 2 Present, not voting.

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

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Farias; Farrar; Giddings; Gonzales, V.; Gonzalez; Guillen; Gutierrez; Hartnett; 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; Riddle; Rodriguez; Strama; Turner; Veasey; Vo; Walle.

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

Absent, Excused — Bohac; Gallego; Thompson.

Absent, Excused, Committee Meeting — Hilderbran; Pickett; Solomons; Villarreal.

Absent — Peña.

### STATEMENT OF VOTE

When Record No. 449 was taken, I was in the house but away from my desk. I would have voted no.

Peña

Amendment No. 17 was withdrawn.

(Hilderbran now present)

#### Amendment No. 19

Representative Chisum offered the following amendment to **CSHB 2694**:  
Floor Packet Page No. 25

Amend **CSHB 2694** as follows:

(1) On page 22, line 3, strike "Subsection (d)" and substitute "Subsections (d) and (e)".

(2) On page 22, between lines 11 and 12, insert the following:

(e) It is an affirmative defense to the imposition of an administrative penalty for a violation of Subsection (d) that the person delivering a regulated substance into an underground storage tank relied on:

(1) a valid paper delivery certificate presented by the owner or operator of the underground storage tank or displayed at the facility associated with the underground storage tank;

(2) a temporary delivery authorization presented by the owner or operator of the underground storage tank or displayed at the facility associated with the underground storage tank; or

(3) registration and self-certification information for the underground storage tank obtained from the commission's Internet website not more than 30 days before the date of delivery.

Amendment No. 19 was adopted.

#### Amendment No. 20

Representative Geren offered the following amendment to **CSHB 2694**:  
Floor Packet Page No. 6

Amend **CSHB 2694** (house committee report) as follows:

(1) On page 4, strike lines 17 and 18, and substitute "SECTION 1.07. Section 12.052, Water Code, is amended by amending Subsections (a) and (f) and adding Subsections (e-1) and (e-2) to read as follows:".

(2) On page 4, between lines 24 and 25, insert the following:

(e-1) The owner of a permitted or exempt dam for a reservoir with a storage capacity that does not exceed 1,000 acre-feet, or of such reservoir, that was substantially completed before January 1, 2011, may not be required to upgrade or modify the dam or reservoir; or

(1) to meet the minimum design flood hydrograph criteria established by commission rules that take effect on or after January 1, 2009; or

(2) based on downstream development that occurred after substantial completion of the dam or reservoir.

(e-2) Except as provided by Subsection (e-1), the owner or operator of a dam or reservoir described by that subsection shall operate and maintain the dam or reservoir in accordance with commission rules.

(f) Nothing in this section or in rules or orders made by the commission shall be construed to relieve an owner or operator of a dam or reservoir of any ~~the~~ legal duties, obligation, or liabilities incident to ownership or operation of a dam or reservoir under the common law of this state.

### **Amendment No. 21**

Representative Geren offered the following amendment to Amendment No. 20:

Amend Amendment No. 20 by Geren to **CSHB 2694** (page 6 of the amendment packet) on page 1, strike lines 8 through 26, and insert the following:

(e-1) The Commission shall exempt dams that impound 1,000 acre-feet or less from meeting requirements related to dam safety.

Amendment No. 21 was adopted.

Amendment No. 20, as amended, was adopted.

### **Amendment No. 22**

Representative Chisum offered the following amendment to **CSHB 2694**:  
Floor Packet Page No. 26

Amend **CSHB 2694** (house committee printing) as follows:

(1) Strike page 23, line 27, through page 25, line 6, and substitute the following appropriately numbered SECTION:

SECTION 4.\_\_\_\_. Section 26.3574(b), Water Code, is amended to read as follows:

(b) A fee is imposed on the delivery of a petroleum product on withdrawal from bulk of that product as provided by this subsection. Each operator of a bulk facility on withdrawal from bulk of a petroleum product shall collect from the person who orders the withdrawal a fee in an amount determined as follows:

(1) \$3.125 [~~\$3.75~~] for each delivery into a cargo tank having a capacity of less than 2,500 gallons for the state fiscal year beginning September 1, 2011 [~~2007~~], through the state fiscal year ending August 31, 2015 [~~2011~~];

(2) \$6.25 [~~\$7.50~~] for each delivery into a cargo tank having a capacity of 2,500 gallons or more but less than 5,000 gallons for the state fiscal year beginning September 1, 2011 [~~2007~~], through the state fiscal year ending August 31, 2015 [~~2011~~];

(3) \$9.37 [~~\$11.75~~] for each delivery into a cargo tank having a capacity of 5,000 gallons or more but less than 8,000 gallons for the state fiscal year beginning September 1, 2011 [~~2007~~], through the state fiscal year ending August 31, 2015 [~~2011~~];

(4) \$12.50 [~~\$15.00~~] for each delivery into a cargo tank having a capacity of 8,000 gallons or more but less than 10,000 gallons for the state fiscal year beginning September 1, 2011 [~~2007~~], through the state fiscal year ending August 31, 2015 [~~2011~~]; and

(5) \$6.25 [~~\$7.50~~] for each increment of 5,000 gallons or any part thereof delivered into a cargo tank having a capacity of 10,000 gallons or more for the state fiscal year beginning September 1, 2011 [~~2007~~], through the state fiscal year ending August 31, 2015 [~~2011~~].

(2) On page 32, strike lines 3 through 8.

(Speaker in the chair)

### **Amendment No. 23**

Representative W. Smith offered the following amendment to Amendment No. 22:

Amend Amendment No. 22 to **CSHB 2694** (house committee printing) by Chisum (page 26 of the prefiled amendments packet) as follows:

(1) On page 1, line 2, strike "page 25, line 6" and substitute "page 25, line 1".

(2) Strike page 1, line 11 through page 2, line 6 and substitute the following:

(1) not more than \$3.125 [~~\$3.75~~] for each delivery into a cargo tank having a capacity of less than 2,500 gallons [~~for the state fiscal year beginning September 1, 2007, through the state fiscal year ending August 31, 2011~~];

(2) not more than \$6.25 [~~\$7.50~~] for each delivery into a cargo tank having a capacity of 2,500 gallons or more but less than 5,000 gallons [~~for the state fiscal year beginning September 1, 2007, through the state fiscal year ending August 31, 2011~~];

(3) not more than \$9.37 [~~\$11.75~~] for each delivery into a cargo tank having a capacity of 5,000 gallons or more but less than 8,000 gallons [~~for the state fiscal year beginning September 1, 2007, through the state fiscal year ending August 31, 2011~~];

(4) not more than \$12.50 [~~\$15.00~~] for each delivery into a cargo tank having a capacity of 8,000 gallons or more but less than 10,000 gallons [~~for the state fiscal year beginning September 1, 2007, through the state fiscal year ending August 31, 2011~~]; and

(5) not more than \$6.25 [~~\$7.50~~] for each increment of 5,000 gallons or any part thereof delivered into a cargo tank having a capacity of 10,000 gallons or more [~~for the state fiscal year beginning September 1, 2007, through the state fiscal year ending August 31, 2011~~].

Amendment No. 23 was adopted.

### **AMENDMENT NO. 22 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE TURNER: Representative Darby, there's been some communication going back and forth on this fee. Please explain, now, where the reduction has taken place so that we're all clear, because I'm—

REPRESENTATIVE DARBY: This fee was being sunsetted—it was going away—and so it's not figured in the certification of the existing **HB 1**—

TURNER: And it was—has it already sunsetted, or it is being sunsetted?

DARBY: It already sunsetted. It expires at the end of August.

TURNER: August of 2011?

DARBY: That's correct.

TURNER: The fee was going to expire?

DARBY: It's going to expire.

TURNER: Okay, so, as of now, under the current law—under the current law—the fee was scheduled to expire as of August 31st of 2011?

DARBY: Exactly.

TURNER: And is the sunset provision in the sunset bill, or is that in another bill?

DARBY: Well, I—what we've done is, we've already had this in the fiscal matters bills—**HB 3418** is an extension for this bill for the lesser amount. For the figures contained in Warren's amendment, those figures generate about \$51 million.

TURNER: Right, I'm going to stick though to the first part, to the sunset provision. The fact that the fee was going to sunset on August 31st of 2011. That's in—is that already in statute?

DARBY: It's already in statute, it's already being sunsetted.

TURNER: Okay, so, as of now if we do nothing—if we do nothing—the fee that currently is in existence will expire as of August 31st of 2011?

DARBY: Absolutely.

TURNER: And because the fee is scheduled to expire, as of August 31st of 2011, then the comptroller is not utilizing the fee for certification?

DARBY: That's my understanding. Yes.

TURNER: Okay. Now, in the fiscal matters bill that was voted out of the Appropriations Committee yesterday, the fee—there is another fee that is being instituted or implemented for this program?

DARBY: Correct.

TURNER: And in the fiscal matters bill that we voted out of Appropriations, that fee is at a smaller amount than what existed in the past?

DARBY: Exactly.

TURNER: Okay, and it is that new fee in the fiscal matters bill that Representative Warren Chisum's amendment is addressing?

DARBY: It does. The same amounts of money on each one of those sections is the same as in my fiscal matters bill.

TURNER: Now, with regards to the fiscal matters bill, because we are using the fiscal matters bill as a part of funding **HB 1**, is the fiscal matters bill, or the fee in the fiscal matters bill, being used to—

DARBY: Remediate the existing projects. The reason why there's a lesser amount being raised is, the number of projects to be remediated has gone down, therefore there's less money to be needed for the remediation of the remaining projects. And so, that fee reduction is actually—generates about \$7 million less. It goes from \$58 million to \$51 million.

TURNER: Okay, and that's in the new fee that we've created?

DARBY: That's correct. That's correct.

TURNER: That we are proposing to create—

DARBY: Correct.

TURNER: And Representative Chisum's amendment, then, only deals with the new proposed fee that is not being used by the comptroller for certifications?

DARBY: That's correct.

### REMARKS ORDERED PRINTED

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

The motion prevailed.

(Villarreal now present)

Amendment No. 22, as amended, was adopted by (Record 450): 92 Yeas, 48 Nays, 3 Present, not voting.

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

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

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

Absent, Excused — Bohac; Gallego; Thompson.

Absent, Excused, Committee Meeting — Pickett; Solomons.

Absent — Alonzo; Hilderbran.

### STATEMENT OF VOTE

When Record No. 450 was taken, I was in the house but away from my desk. I would have voted yes.

Hilderbran

#### Amendment No. 24

Representative Farrar offered the following amendment to **CSHB 2694**:

Floor Packet Page No. 28

Amend **CSHB 2694** as follows:

(1) Rename ARTICLE 4. COMPLIANCE, ENFORCEMENT, AND PERMITTING

(2) On page 32, insert an appropriately numbered section to read as follows:

Sections 382.0518(d) and (e), Health and Safety Code, are amended to read as follows:

(d) If the commission finds that the emissions from the proposed facility will contravene the standards under Subsection (b) or will contravene the intent of this chapter, the commission shall deny ~~may not grant~~ the permit, permit amendment, or special permit. However, if the application for the permit, permit amendment, or special permit has not been the subject of a contested case hearing and the commission makes the finding described by this subsection, the commission ~~and~~ shall set out in a report to the applicant its specific objections to the submitted plans of the proposed facility and may grant or deny the application as provided by Subsection (e).

(e) If the person applying for a permit, permit amendment, or special permit makes the alterations in the person's plans and specifications to meet the commission's specific objections, the commission shall grant the permit, permit amendment, or special permit. If the person fails or refuses to alter the plans and specifications, the commission shall deny ~~may not grant~~ the permit, permit amendment, or special permit. The commission may refuse to accept a person's new application until the commission's objections to the plans previously submitted by that person are satisfied.

(3) The change in law made by this Act applies to an application for a permit, permit amendment, or special permit that is pending with the Texas Commission on Environmental Quality on the effective date of this Act or is filed with the commission on or after the effective date of this Act.

Representative Bonnen moved to table Amendment No. 24.

The motion to table prevailed by (Record 451): 98 Yeas, 39 Nays, 1 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eiland; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, 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; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Gallego; Thompson.

Absent, Excused, Committee Meeting — Pickett; Solomons.

Absent — Alonzo; Deshotel; Guillen; Hilderbran; Menendez; Peña; Raymond.

### STATEMENTS OF VOTE

When Record No. 451 was taken, I was in the house but away from my desk. I would have voted yes.

Hilderbran

I was shown voting yes on Record No. 451. I intended to vote no.

Margo

When Record No. 451 was taken, I was in the house but away from my desk. I would have voted yes.

Peña

### Amendment No. 25

Representative Burnam offered the following amendment to **CSHB 2694**:  
Floor Packet Page No. 32

Amend **CSHB 2694** (house committee printing) in Article 4 of the bill by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS accordingly:

SECTION 4. \_\_\_\_\_. Section 382.0518, Health and Safety Code, is amended by adding Subsection (j) to read as follows:

(j) The commission may not issue a permit for a new electric generating facility or a major modification to an existing electric generating facility unless the applicant has submitted an assessment that compares the best available control technologies for a water-cooling technology to the technology proposed for use by the facility.

**Amendment No. 26**

Representative Chisum offered the following amendment to Amendment No. 25:

Amend Amendment No. 25 to **CSHB 2694** by Burnam (page 32 of the prefiled amendments packet) on page 1, lines 8-9, by striking "or a major modification to an existing electric generating facility".

Amendment No. 26 was adopted.

Amendment No. 25, as amended, was adopted.

**COMMITTEE GRANTED PERMISSION TO MEET**

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

Permission to meet was granted.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

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

**CSHB 2694 - (consideration continued)**

(Zedler in the chair)

**Amendment No. 27**

Representative Burnam offered the following amendment to **CSHB 2694**:  
Floor Packet Page No. 33

Amend **CSHB 2694** (house committee printing) in Article 4 of the bill by adding the following appropriately numbered SECTIONS and renumbering subsequent SECTIONS accordingly:

SECTION 4.\_\_\_\_. Subchapter B, Chapter 382, Health and Safety Code, is amended by adding Section 382.0202 to read as follows:

Sec. 382.0202. OIL AND GAS WELLS. The commission shall adopt rules to minimize emissions of air contaminants resulting from activities associated with the drilling or reworking of oil or gas wells.

SECTION 4.\_\_\_\_. Not later than December 1, 2012, the Texas Commission on Environmental Quality shall adopt rules under Section 382.0202, Health and Safety Code, as added by this Act.

Representative W. Smith moved to table Amendment No. 27.

The motion to table prevailed by (Record 452): 97 Yeas, 39 Nays, 2 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Button; Cain; Carter; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eiland; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; 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; Lyne; Madden; Margo; Miller, D.; Morrison; Muñoz; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Riddle; Ritter; Schwertner; Scott; Sheets; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zerwas.

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

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

Absent, Excused — Bohac; Gallego; Thompson.

Absent, Excused, Committee Meeting — Pickett; Solomons.

Absent — Callegari; Gonzales, L.; Gooden; Hilderbran; Johnson; Miller, S.; Sheffield.

### STATEMENTS OF VOTE

When Record No. 452 was taken, I was in the house but away from my desk. I would have voted yes.

Hilderbran

When Record No. 452 was taken, my vote failed to register. I would have voted yes.

Sheffield

### Amendment No. 28

Representative Farrar offered the following amendment to **CSHB 2694**:

Floor Packet Page No. 34

Amend **CSHB 2694**, in Article 4 of the bill, by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS accordingly:

SECTION 4. \_\_\_\_\_. Section 26.3513, Water Code, is amended by amending Subsections (a), (b), (c), (d), (e), (f), (g), and (h) and adding Subsection (b-1) to read as follows:

(a) This section applies at a site where:

(1) the owner and the operator are different persons;

(2) [or at a site where] there is more than one underground storage tank, petroleum storage tank, or a combination of both; or

(3) an underground storage tank or petroleum storage tank has one or more previous owners or operators.

(b) Each owner and operator or previous owner or operator of an underground storage tank or petroleum storage tank at a site to which this section applies and from which a release or threatened release occurs is responsible for taking all corrective action at the site which may be required under this subchapter; provided that liability for the expenses of corrective action among owners and operators may be apportioned as provided by this section.

(b-1) A previous owner or operator is not liable under this section if the owner or operator proves that no release occurred during the time that the person owned or operated the tank.

(c) All owners and operators, including previous owners and operators, of underground storage tanks and petroleum storage tanks at a site to which this section applies shall attempt to negotiate a settlement among themselves as to the apportionment of expenses.

(d) If the owners and operators, including previous owners and operators, reach a settlement as to the apportionment of expenses on or before the 30th day from the date on which the commission issues an order requiring corrective action, they shall submit the settlement to the commission for review. If the commission approves the settlement, the parties shall be liable for the expenses of taking corrective action in accordance with the approved settlement. Any action for breach of contract on the settlement agreement shall be to the district court of Travis County.

(e) If the parties cannot reach a settlement by the 30th day after the commission issues its order, the commission shall file suit in the district court of Travis County. In its petition, the commission:

(1) shall request the court to apportion the expenses of corrective action among the owners and operators, including previous owners and operators; and

(2) may request the court to award recovery of costs as provided by Section 26.355 of this code. In the alternative, the commission may file an action for recovery of costs at a later time.

(f) Where the owner or operator, including a previous owner or operator, can prove by a preponderance of the evidence that liability for the expenses of taking corrective action in response to a release or threatened release is divisible, that person shall be liable for the expenses only to the extent that the impact to the groundwater, surface water, or subsurface soils is attributable to the release or threatened release from that person's ~~his~~ underground storage tank or petroleum storage tank.

(g) The court may allocate corrective action costs among liable parties, using such equitable factors as the court determines are appropriate if the evidence is insufficient to establish each party's divisible portion of the liability

for corrective action under Subsection (f) of this section and joint and several liability would impose undue hardship on the owners and operators, including previous owners and operators.

(h) If the court apportions liability for the expenses of corrective action as provided by Subsection (f) or (g) of this section, cost recovery against the owners and operators, including previous owners and operators, shall be based on the apportionment.

(Marquez in the chair)

Representative W. Smith moved to table Amendment No. 28.

The motion to table prevailed by (Record 453): 95 Yeas, 45 Nays, 2 Present, not voting.

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

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

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

Absent, Excused — Bohac; Gallego; Thompson.

Absent, Excused, Committee Meeting — Pickett; Solomons.

Absent — Callegari; Hilderbran; Miller, S.

### STATEMENT OF VOTE

When Record No. 453 was taken, I was in the house but away from my desk. I would have voted yes.

Hilderbran

### Amendment No. 29

Representative Ritter offered the following amendment to **CSHB 2694**:

Floor Packet Page No. 38

Amend **CSHB 2694** (house committee report) as follows:

- (1) On page 32, line 11, strike "(f), and (g)" and substitute "and (f)".
- (2) On page 32, line 14, between "information" and "on a monthly basis", insert "required under Subsection (a)".
- (3) On page 32, line 18, strike "The" and substitute "Except as provided by Subsection (a), the".
- (4) On page 32, line 20, between "water" and the underlined period, insert "or in response to a complaint".
- (5) On page 32, strike lines 21 and 22.
- (6) On page 32, line 23, strike "(g) Subsections (e) and (f) do" and substitute "(f) Subsection (e) does".

Amendment No. 29 was adopted.

### **Amendment No. 30**

Representative Ritter offered the following amendment to **CSHB 2694**:

Floor Packet Page No. 39

Amend **CSHB 2694** (house committee report) by striking page 32, line 27, through page 33, line 15, and substituting the following:

Sec. 11.053. EMERGENCY ORDER CONCERNING WATER RIGHTS.

(a) During a period of drought or other emergency shortage of water, the executive director by order may:

(1) temporarily suspend the right of any person who holds a water right to use the water, in accordance with the priority of water rights established by Section 11.027; and

(2) adjust the diversion of water by water rights holders to address an imminent hazard to public health.

(b) The executive director in ordering a suspension or adjustment under this section shall ensure that an action taken:

(1) maximizes the beneficial use of water;

(2) minimizes the impact on water rights holders;

(3) prevents the waste of water; and

(4) to the greatest extent practicable, conforms to the order of preferences established by Section 11.024.

(c) The commission shall adopt rules to implement this section, including rules:

(1) defining a drought or other emergency shortage of water for purposes of this section; and

(2) specifying the:

(A) conditions under which the executive director may issue an order under this section;

(B) terms of an order issued under this section, including the maximum duration of a temporary suspension or adjustment under this section; and

(C) procedures for appealing an order issued under this section to the commission.

**Amendment No. 31**

Representative Ritter offered the following amendment to Amendment No. 30:

Amend Floor Amendment No. 30 by Ritter to **CSHB 2694** (house committee report) as follows:

(1) On page 1, line 4, add the following appropriately numbered subsection and renumber subsequent subsections accordingly:

(a) During a period of drought or other emergency shortage of water, as defined by commission rule, the executive director by order may require any person or entity that receives or may receive a water transfer under this section to comply with drought management measures adopted by the commission.

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

(3) for drought management measures that may be implemented during times of drought or other emergency shortage of water, as provided in Section (a).

Amendment No. 31 was adopted.

Amendment No. 30, as amended, was adopted.

**Amendment No. 32**

Representative Martinez Fischer offered the following amendment to **CSHB 2694**:

Floor Packet Page No. 41

Please amend **CSHB 2694** by adding new subsection (d) to Sec. 11.053, Water Code, on page 33, line 16:

(d) The commission shall adopt rules that require regulated entities to adopt drought contingency plans upon the commission's request or be subject to specified water rights restrictions.

Amendment No. 32 was withdrawn.

**Amendment No. 33**

Representative Aycock offered the following amendment to **CSHB 2694**:

Floor Packet Page No. 42

Amend **CSHB 2694** (house committee report) by adding the following appropriately numbered SECTION to ARTICLE 5 of the bill and renumbering subsequent SECTIONS of that ARTICLE accordingly:

SECTION 5.\_\_\_\_. Subchapter D, Chapter 11, Water Code, is amended by adding Section 11.1273 to read as follows:

Sec. 11.1273. ADDITIONAL REQUIREMENT: REVIEW OF AMENDMENTS TO CERTAIN WATER MANAGEMENT PLANS. (a) This section applies only to a water management plan consisting of a reservoir operation plan for the operation of two water supply reservoirs that was:

(1) developed by an applicant for a permit under this subchapter; and

(2) originally required by a court order adjudicating the water rights for those reservoirs.

(b) Not later than the first anniversary of the date the executive director determines that an application to amend a water management plan is administratively complete, the executive director shall complete a technical review of the plan.

(c) If the executive director submits a written request for additional information to the applicant, the applicant shall submit the requested information to the executive director not later than the 30th day after the date the applicant receives the request or not later than the deadline agreed to by the executive director and the applicant, if applicable. The review period required by Subsection (b) for completing the technical review is tolled until the date the executive director receives the requested information from the applicant.

(d) The commission shall provide an opportunity for public comment and a public hearing on the application.

(e) If the commission receives a request for a hearing before the period for submitting public comments and requesting a hearing expires, the commission shall act on the request for a hearing and approve or deny the application not later than the 60th day after the date the period expires. If a request for a hearing is not submitted before the period expires, the executive director may approve or deny the application.

#### **Amendment No. 34**

Representative Aycock offered the following amendment to Amendment No. 33:

Amend Amendment No. 33 to **CSHB 2694** by Aycock (page 42 of the prefiled amendments packet) as follows:

(1) On page 1, lines 10-13, strike "": (1) developed by an applicant for a permit under this subchapter; and (2).

(2) On page 1, line 29, between "application" and the period, insert ", consistent with the process for other water rights applications".

(3) On page 2, line 4, strike "approve or deny" and substitute ", if the request is denied, act on".

(4) On page 2, line 7, strike "approve or deny" and substitute "act on".

Amendment No. 34 was adopted.

Amendment No. 33, as amended, was adopted.

#### **Amendment No. 35**

On behalf of Representative Callegari, Representative W. Smith offered the following amendment to **CSHB 2694**:

Floor Packet Page No. 45

Amend **CSHB 2694** (house committee printing) on page 36, line 6, by striking "[~~one-half of~~]" and substituting "one-half of".

Amendment No. 35 was adopted.

**Amendment No. 36**

Representative Zerwas offered the following amendment to **CSHB 2694**:  
Floor Packet Page No. 48

Amend **CSHB 2694** (house committee report) by adding the following appropriately numbered SECTION to ARTICLE 5 of the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION 5.\_\_\_\_. Section 11.002(12), Water Code, is amended to read as follows:

(12) "Agriculture" means any of the following activities:

(A) cultivating the soil to produce crops for human food, animal feed, or planting seed or for the production of fibers;

(B) the practice of floriculture, viticulture, silviculture, and horticulture, including the cultivation of plants in containers or nonsoil media, by a nursery grower;

(C) raising, feeding, or keeping animals for breeding purposes or for the production of food or fiber, leather, pelts, or other tangible products having a commercial value;

(D) raising or keeping equine animals;

(E) wildlife management; ~~and~~

(F) planting cover crops, including cover crops cultivated for transplantation, or leaving land idle for the purpose of participating in any governmental program or normal crop or livestock rotation procedure; and

(G) aquaculture, as defined by Section 134.001, Agriculture Code.

**AMENDMENT NO. 36 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE ZERWAS: This amendment simply adds "aquaculture" to the agriculture definition in Section 11.002 of the Water Code. "Aquaculture" is already defined in the Agriculture Code and clearly states that aquaculture is an agricultural activity. The background on this is that providing water, interruptible water rates for aquaculture, has been raised regarding water contracts with aquaculture producers. Currently, the aquaculture water customers are considered by the water providers to be agriculture enterprises. However, readings of Chapter 11 of the Water Code indicates that the water for aquaculture use is not equivalent to water for agriculture use. Applying the industrial definition to aquaculture uses would require that firm water charges be applied to aquaculture customers. This would increase the cost of water to the aquaculture customer by about seven times the interruptible agricultural use charges at a time when the domestic aquaculture is severely challenged by the foreign fish imports and their operating margins are already reduced. A substantial increase in operating cost will adversely affect the survival of many, if not most, of the current producers and will preclude the expansion of aquaculture, and I believe this amendment is acceptable to the author.

REPRESENTATIVE RITTER: Dr. Zerwas, now this is for—would this be similar for shrimp farms, or catfish farms? Things like that?

ZERWAS: That's my understanding, yes, sir.

RITTER: Which are big water users—in that, basically, in many people's eyes, are more compared to a manufacturing industry type concept, versus actually watering hogs, and cows, or chickens?

ZERWAS: I think that, well, you make a good point, and that's currently where it is categorized, is as an industrial use. However, it's also I think clearly recognized these people are producing live products. They're used, ultimately, for consumption. And so, I think that most people would recognize this as an agricultural activity.

RITTER: I don't know if I'd agree with you, Mr. Zerwas.

ZERWAS: I appreciate that.

REPRESENTATIVE BURNAM: We discussed this earlier today and you understand some of the concern. So, would you just in very simple language say what the intent of this amendment is? What are you trying to accomplish for this industry? I use that word advisedly.

ZERWAS: "Aquaculture" is defined as an agricultural activity in the Agriculture Code. However, in the Water Code, it is being treated as an industrial profession, if you will; and therefore, there is a higher rate that is charged to those individuals. If it's considered an agricultural activity, then it should be charged at what is the interruptible water rate.

BURNAM: So, one of the reasons there is that higher rate is just because there's just a much higher use in aquaculture as opposed to terrestrial agriculture, correct?

ZERWAS: One could assume that.

BURNAM: And so, the effect of this amendment is to reduce the cost of water for aquaculture?

ZERWAS: That would be the effect of this amendment. Yes.

### **REMARKS ORDERED PRINTED**

Representative Burnam moved to print remarks on Amendment No. 36.

The motion prevailed.

(Solomons now present)

Representative Ritter moved to table Amendment No. 36.

The motion to table prevailed by (Record 454): 75 Yeas, 60 Nays, 2 Present, not voting.

Yeas — Aliseda; Beck; Berman; Branch; Brown; Burkett; Burnam; Cain; Callegari; Castro; Chisum; Cook; Creighton; Crownover; Darby; Davis, J.; Deshotel; Driver; Dutton; Eiland; Elkins; Farias; Farrar; Fletcher; Garza; Gonzales, V.; Gooden; Guillen; Gutierrez; Hancock; Hardcastle; Harless; Harper-Brown; Hernandez Luna; Hilderbran; Hopson; Howard, D.; Hughes; Jackson; Keffer; King, P.; King, S.; King, T.; Kuempel; Larson; Laubenberg; Lozano; Lucio; Martinez Fischer; Menendez; Miller, D.; Miller, S.; Morrison;

Naishtat; Oliveira; Orr; Patrick; Paxton; Pitts; Price; Raymond; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Smithee; Strama; Taylor, L.; Torres; Veasey; Villarreal; Vo; Walle.

Nays — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Bonnen; Button; Carter; Christian; Coleman; Craddick; Davis, S.; Davis, Y.; Dukes; Eissler; Frullo; Geren; Giddings; Gonzales, L.; Gonzalez; Hamilton; Hochberg; Howard, C.; Huberty; Hunter; Isaac; Johnson; Kleinschmidt; Kolkhorst; Landtroop; Lavender; Legler; Lewis; Madden; Mallory Caraway; Margo; Martinez; McClendon; Miles; Murphy; Nash; Otto; Parker; Perry; Phillips; Quintanilla; Reynolds; Shelton; Simpson; Smith, W.; Solomons; Taylor, V.; Truitt; Turner; White; Woolley; Workman; Zedler; Zerwas.

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

Absent, Excused — Bohac; Gallego; Thompson.

Absent, Excused, Committee Meeting — Pickett.

Absent — Aycocock; Flynn; Hartnett; Lyne; Muñoz; Peña; Rodriguez; Smith, T.; Weber.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 454. I intended to vote no.

Hilderbran

When Record No. 454 was taken, I was in the house but away from my desk. I would have voted yes.

Peña

I was shown voting yes on Record No. 454. I intended to vote no.

Scott

When Record No. 454 was taken, I was in the house but away from my desk. I would have voted yes.

T. Smith

### Amendment No. 37

Representative Menendez offered the following amendment to **CSHB 2694**:  
Floor Packet Page No. 49

Amend **CSHB 2694** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE \_\_\_\_ . RATE NOTIFICATION

SECTION \_\_\_\_ .01. Section 13.043(i), Water Code, is amended to read as follows:

(i) The governing body of a municipally owned utility or a political subdivision, within 60 [~~30~~] days after the date of a final decision on a rate change, shall provide individual written notice to each ratepayer eligible to appeal who resides outside the boundaries of the municipality or the political

subdivision. The notice must include, at a minimum, the effective date of the new rates, the new rates, and the location where additional information on rates can be obtained. The governing body of a municipally owned utility or a political subdivision may provide the notice electronically if the utility or political subdivision has access to a ratepayer's e-mail address.

SECTION \_\_.02. Section 13.187(b), Water Code, is amended to read as follows:

(b) A copy of the statement of intent shall be mailed, sent by e-mail, or delivered to the appropriate offices of each affected municipality, and to any other affected persons as required by the regulatory authority's rules.

Amendment No. 37 was adopted.

### **Amendment No. 38**

Representative Hughes offered the following amendment to **CSHB 2694**:  
Floor Packet Page No. 63

Amend **CSHB 2694** by adding the following appropriately numbered SECTIONS and renumbering subsequent SECTIONS accordingly:

SECTION \_\_\_\_. Section 49.198(a), Water Code, is amended to read as follows:

(a) A district may elect to file annual financial reports with the executive director in lieu of the district's compliance with Section 49.191 provided:

(1) the district had no bonds or other long-term (more than one year) liabilities outstanding during the fiscal period;

(2) the district did not have gross receipts from operations, loans, taxes, or contributions in excess of \$250,000 [~~\$100,000~~] during the fiscal period; and

(3) the district's cash and temporary investments were not in excess of \$100,000 at any time during the fiscal period.

SECTION \_\_\_\_. Section 49.198(a), Water Code, as amended by this Act, applies to a district that files its annual financial report on or after the effective date of this Act. A district that files its annual financial report before the effective date of this Act is governed by the law in effect on the date the report is filed, and that law is continued in effect for that purpose.

Amendment No. 38 was adopted.

### **Amendment No. 39**

Representative Chisum offered the following amendment to **CSHB 2694**:  
Floor Packet Page No. 69

Amend **CSHB 2694** in ARTICLE 4 of the bill by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS accordingly:

SECTION 4.\_\_\_\_. Subchapter C, Chapter 382, Health and Safety Code, is amended by adding Section 382.059 to read as follows:

Sec. 382.059. HEARING AND DECISION ON PERMIT AMENDMENT APPLICATION OF CERTAIN ELECTRIC GENERATING FACILITIES. (a)  
This section applies to a permit amendment application submitted to allow an

electric generating facility to comply with Section 112 of the federal Clean Air Act (42 U.S.C. Section 7412), including a requirement to use applicable maximum achievable control technology.

(b) The commission shall provide an opportunity for a public hearing and the submission of public comment on an application for a permit amendment under this section in the manner provided by Section 382.0561.

(c) The commission shall send notice of a decision on an application for a permit amendment under this section in the manner provided by Section 382.0562.

(d) A person affected by a decision of the commission to issue or deny a permit amendment may move for rehearing and is entitled to judicial review under Section 382.032.

Amendment No. 39 was adopted.

#### **Amendment No. 40**

Representative Chisum offered the following amendment to **CSHB 2694**:  
Floor Packet Page No. 70

Amend **CSHB 2694** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE \_\_\_\_ . CONTESTED CASE HEARINGS

SECTION \_\_\_\_ .01. Section 382.056(n), Health and Safety Code, is amended to read as follows:

(n) In this subsection, "affected person" has the meaning assigned by Section 5.115, Water Code. Except as provided by Section 382.0561, the commission shall consider a request that the commission reconsider the executive director's decision or hold a public hearing in accordance with the applicable procedures provided by Sections 5.315, 5.316, 5.556, and 5.557, Water Code. In a public hearing or contested case hearing granted in response to an affected person's request under Section 5.556, Water Code, regarding the issuance of a permit under Section 382.0518, a permit renewal under Section 382.055, or a related permit condition, the burden of proof is on the affected person to show that the permit should not be issued or renewed or that a related permit condition should be imposed, modified, or omitted.

SECTION \_\_\_\_ .02. Section 5.115(b), Water Code, is amended to read as follows:

(b) At the time an application for a permit or license under this code is filed with the executive director and is administratively complete, the commission shall give notice of the application to any person who may be affected by the granting of the permit or license. A state agency that receives notice under this subsection may submit comments to the commission in response to the notice but may not contest the issuance of a permit or license by the commission.

SECTION \_\_\_\_ .03. Sections 5.228(c) and (d), Water Code, are amended to read as follows:

(c) The executive director shall ~~may~~ participate as a party in contested case permit hearings before the commission or the State Office of Administrative Hearings to:

~~(1) provide information [for the sole purpose of providing information] to complete the administrative record; and~~

~~(2) support the executive director's position developed in the underlying proceeding. [The commission by rule shall specify the factors the executive director must consider in determining, case by case, whether to participate as a party in a contested case permit hearing. In developing the rules under this subsection the commission shall consider, among other factors:~~

~~[(1) the technical, legal, and financial capacity of the parties to the proceeding;~~

~~[(2) whether the parties to the proceeding have participated in a previous contested case hearing;~~

~~[(3) the complexity of the issues presented; and~~

~~[(4) the available resources of commission staff.]~~

(d) In a contested case hearing relating to a permit application, the executive director or the executive director's designated representative may not rehabilitate the testimony of a witness unless the witness is a commission employee ~~[testifying for the sole purpose of providing information to complete the administrative record].~~

SECTION \_\_\_\_\_.04. Subchapter H, Chapter 5, Water Code, is amended by adding Sections 5.315 and 5.316 to read as follows:

Sec. 5.315. DISCOVERY IN CASES USING PREFILED WRITTEN TESTIMONY. In a contested case hearing delegated by the commission to the State Office of Administrative Hearings that uses prefiled written testimony, all discovery must be completed before the deadline for the submission of that testimony.

Sec. 5.316. DELEGATED CASES REGARDING PERMIT APPLICATION. In a contested case hearing delegated by the commission to the State Office of Administrative Hearings regarding a permit application, the rules, guidance, and policies in effect at the time the technical review portion of the application process closes are the applicable rules, guidance, and policies for the contested case hearing.

SECTION \_\_\_\_\_.05. Section 5.556, Water Code, is amended by adding Subsection (g) to read as follows:

(g) In a contested case hearing regarding the issuance of a permit or specific conditions in a permit, the burden of proof is on the affected person who requested the hearing to show that the permit should not be issued or renewed or that a related permit condition should be imposed, modified, or omitted.

SECTION \_\_\_\_\_.06. Section 5.228(e), Water Code, is repealed.

SECTION \_\_\_\_\_.07. (a) Section 5.115(b), Water Code, as amended by this article, applies only to an application for the issuance, amendment, extension, or renewal of a permit or license that is received by the Texas Commission on

Environmental Quality on or after the effective date of this Act. An application that is received before that date is governed by the law in effect at the time the application is received, and the former law is continued in effect for that purpose.

(b) The changes in law made by this article apply to a proceeding before the State Office of Administrative Hearings that is pending or filed on or after September 1, 2011.

#### **Amendment No. 41**

Representative Chisum offered the following amendment to Amendment No. 40:

Amend Amendment No. 40 to **CSHB 2694** by Chisum (page 70 of the prefiled amendments packet) on page 2, line 1, after the period, by adding "For the purposes of this subsection, "state agency" does not include a river authority."

Amendment No. 41 was adopted.

#### **Amendment No. 42**

Representative Turner offered the following amendment to Amendment No. 40:

Amend Floor Amendment No. 40 by Chisum on page 72 of the packet for **CSHB 2694** by substituting a comma for a period on line 2 of page 3 of the amendment followed by "except for water and sewer ratemaking proceedings."

Amendment No. 42 was adopted.

Amendment No. 40, as amended, was adopted by (Record 455): 96 Yeas, 44 Nays, 3 Present, not voting.

Yeas — Aliseda; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bonnen; Branch; Brown; Burkett; Button; Cain; Callegari; Carter; Chisum; Christian; Cook; Craddick; Crownover; Darby; Davis, J.; Davis, S.; Driver; Eissler; Elkins; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gooden; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes; Hunter; Isaac; Jackson; Keffer; King, P.; King, 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; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

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

Absent, Excused — Bohac; Gallego; Thompson.

Absent, Excused, Committee Meeting — Pickett.

Absent — Deshotel; King, S.; Peña.

**Amendment No. 43**

Representative Burnam offered the following amendment to **CSHB 2694**:

Floor Packet Page No. 4

Amend **CSHB 2694** (house committee printing) as follows:

On page 1, line 17, strike "2023" and substitute "2017".

Representative W. Smith moved to table Amendment No. 43.

The motion to table prevailed by (Record 456): 103 Yeas, 41 Nays, 2 Present, not voting.

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

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

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

Absent, Excused — Bohac; Gallego; Thompson.

Absent, Excused, Committee Meeting — Pickett.

(Bohac now present)

**CSHB 2694**, as amended, was passed to engrossment by (Record 457): 107 Yeas, 38 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; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hopson; Howard, C.; Huberty; Hughes;

Hunter; Isaac; Jackson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lyne; Madden; Margo; Martinez; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Nash; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pitts; Price; Quintanilla; Raymond; Riddle; Ritter; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Taylor, L.; Taylor, V.; Torres; Truitt; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

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

Absent, Excused — Gallego; Thompson.

Absent, Excused, Committee Meeting — Pickett.

### **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. 16).

### **BILLS AND JOINT RESOLUTIONS ON FIRST READING AND REFERRAL TO COMMITTEES**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 2.)

### **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).

### **POSTPONED BUSINESS**

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

#### **CSHB 743 ON SECOND READING**

**(by Sheffield, L. Gonzales, Murphy, Legler, and Aliseda)**

**CSHB 743**, A bill to be entitled An Act relating to requiring public institutions of higher education to notify the federal Student and Exchange Visitor Information System (SEVIS) regarding the withdrawal or nonattendance of certain foreign students.

**CSHB 743** was read second time on April 14, was postponed until 9 a.m. today, and was again postponed until this time.

**CSHB 743 - POINT OF ORDER**

Representative Alonzo raised a point of order against further consideration of **CSHB 743** under Rule 4, Section 32(c) of the House Rules on the grounds that the committee report is incorrect.

The chair sustained the point of order.

**CSHB 743** was returned to the Committee on Higher Education.

**LEAVE OF ABSENCE GRANTED**

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

Schwertner on motion of Price.

**SB 539 ON SECOND READING  
(Kleinschmidt - House Sponsor)**

**SB 539**, A bill to be entitled An Act relating to the award of costs and attorney's fees in certain proceedings concerning mechanic's, contractor's, or materialman's liens.

**SB 539** was read second time earlier today and was postponed until this time.

**Amendment No. 1**

On behalf of Representative Eiland, Representative Kleinschmidt offered the following amendment to **SB 539**:

Amend **SB 539** (house committee printing) in SECTION 1 of the bill, at the end of amended Section 53.156, Property Code (page 1, line 13), by inserting the following:

With respect to a lien or claim arising out of a residential construction contract, the court is not required to order the property owner to pay costs and attorney's fees under this section.

Amendment No. 1 was adopted.

**AMENDMENT NO. 1 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE PHILLIPS: His language specifically relates to residential construction contracts?

REPRESENTATIVE KLEINSCHMIDT: Yes.

PHILLIPS: It would be your position, would it not, for legislative intent purposes, that even for those nonresidential contracts, that if the judge did not think that it was appropriate that the judge would not have to order attorney's fees?

KLEINSCHMIDT: That is correct. The current statute has the language "award costs and reasonable attorney's fees as are equitable and just as found by the court."

PHILLIPS: So for legislative intent, even though the amendment that you're going to put on here, that you're going to accept from Representative Eiland, specifically says that the court is not to order them in a residential construction contract, it's also your position, as you discussed earlier today, that if the judge doesn't make that determination in a nonresidential construction contract matter, that the judge does not have to award attorney's fees.

KLEINSCHMIDT: That is correct, the judge would have to find that they were equitable and just.

### REMARKS ORDERED PRINTED

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

The motion prevailed.

**SB 539**, as amended, was passed to third reading.

### HB 346 - LAID ON THE TABLE SUBJECT TO CALL

Representative Kleinschmidt moved to lay **HB 346** on the table subject to call.

The motion prevailed.

### GENERAL STATE CALENDAR HOUSE BILLS SECOND READING

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

### CSHB 268 ON SECOND READING (by Hilderbran)

**CSHB 268**, A bill to be entitled An Act relating to the exemption from sales and use taxes, including the motor vehicle sales and use tax, for timber and certain items used on a farm, ranch, or timber operation.

#### Amendment No. 1

Representative Y. Davis offered the following amendment to **CSHB 268**:

Amend **CSHB 268** (house committee report) by inserting the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Chapter 325, Government Code, is amended by adding Section 325.023 to read as follows:

Sec. 325.023. EVALUATION OF EXEMPTIONS FROM CERTAIN STATE TAXES. (a) In this section, "exemption" includes an exemption that is provided by the manner in which a term is defined in Subchapter A, Chapter 151, Tax Code.

(b) The commission shall periodically evaluate the exemptions provided by Sections 151.316, 151.3162, and 152.091 from the taxes imposed by Chapters 151 and 152.

(c) The commission shall conduct the evaluation required by Subsection (b) according to a schedule that the commission adopts. The schedule must provide for the commission to evaluate each tax exemption at an interval not to exceed six years. The commission shall provide the schedule to the governor, lieutenant governor, speaker of the house of representatives, and presiding officers of the senate finance committee and the house ways and means committee.

(d) The commission's evaluation of the tax exemption must:

(1) include an evaluation of the exemption's effect on:

(A) revenue received from taxes imposed by the chapter providing the exemption;

(B) the entities that receive the exemption;

(C) sales of property, goods, and services made in this state, where applicable; and

(D) economic investment and growth in this state;

(2) take into account any other factors the commission considers relevant in evaluating the exemption;

(3) consider whether retaining the exemption is in the best interest of the public; and

(4) make recommendations for retaining or repealing the exemption, or for amending a provision related to the exemption.

(e) At each regular legislative session, the commission shall present to the legislature and the governor a report on the evaluation and recommendations it makes under Subsection (d). The report must include drafts of any legislation needed to carry out the commission's recommendations under that subsection.

(f) The evaluation described by this section does not apply to a tax exemption that is:

(1) explicitly provided by the constitution of this state; or

(2) for an item or service that this state is unable to tax under the United States Constitution or federal law.

SECTION \_\_\_\_\_. Subchapter C, Chapter 11, Tax Code, is amended by adding Section 11.49 to read as follows:

Sec. 11.49. SUNSET PROVISION FOR CERTAIN EXEMPTIONS FROM STATE TAXES. (a) In this section, "exemption" means an exemption that is provided by the manner in which a term is defined in Subchapter A, Chapter 151.

(b) The exemptions provided by Section 151.316, 151.3162, and 152.091 from the taxes imposed by Chapters 151 and 152 are subject to periodic evaluation by the Sunset Advisory Commission under Section 325.023, Government Code, according to a schedule that the commission adopts under that section.

(c) A tax exemption that is the subject of a Sunset Advisory Commission evaluation under Section 325.023, Government Code, and a section or part of a section that provides the exemption are repealed on December 31 of the year in which the commission presents its evaluation to the legislature unless the legislature retains the exemption.

(d) This section does not prohibit the legislature from repealing an exemption provided by Section 151.316, 151.3162, or 152.091 at a date earlier than the date provided by this section.

(e) The evaluation described by Subsection (b) and the repeal described by Subsection (c) do not apply to a tax exemption for an item or service that this state is unable to tax under the United States Constitution or federal law.

SECTION \_\_\_\_\_. The Sunset Advisory Commission shall adopt a schedule for evaluating exemptions from state taxes as provided by Section 325.023, Government Code, as added by this Act, on or before January 1, 2012.

Amendment No. 1 was withdrawn.

**CSHB 268** was passed to engrossment. (Cain and White recorded voting no.)

### **HB 470 ON SECOND READING**

**(by C. Anderson, Martinez, Schwertner, Shelton, Zerwas, et al.)**

**HB 470**, A bill to be entitled An Act relating to the addition of Salvia divinorum and its derivatives and extracts to Penalty Group 3 of the Texas Controlled Substances Act.

**HB 470** was passed to engrossment. (Simpson recorded voting no.)

### **HB 663 ON SECOND READING**

**(by Kleinschmidt)**

**HB 663**, A bill to be entitled An Act relating to procedures for amending restrictions governing certain residential subdivisions.

**HB 663** was passed to engrossment.

### **CSHB 896 ON SECOND READING**

**(by C. Howard)**

**CSHB 896**, A bill to be entitled An Act relating to auxiliary members of an appraisal review board.

**CSHB 896** was passed to engrossment. (Simpson and White recorded voting no.)

### **CSHB 1137 ON SECOND READING**

**(by Darby, Flynn, Driver, and Berman)**

**CSHB 1137**, A bill to be entitled An Act relating to the transmission of records regarding over-the-counter sales of ephedrine, pseudoephedrine, and norpseudoephedrine and a person's civil liability for certain acts arising from the sale of those products.

(Speaker in the chair)

### **Amendment No. 1**

Representative Darby offered the following amendment to **CSHB 1137**:

Amend **CSHB 1137** (house committee printing) on page 6, line 6, by striking "act or omission arising from the person's" and substituting "act done or omission made in".

Amendment No. 1 was adopted.

### **Amendment No. 2**

Representative Darby offered the following amendment to **CSHB 1137**:

Amend **CSHB 1137** (house committee printing) on page 7, line 11, by striking "the Department of Public Safety" and substituting "any local, state, or federal law enforcement agency, including the United States Drug Enforcement Administration [the Department of Public Safety]".

Amendment No. 2 was adopted.

**CSHB 1137**, as amended, was passed to engrossment by (Record 458): 113 Yeas, 25 Nays, 3 Present, not voting.

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

Nays — Anchia; Bonnen; Brown; Davis, S.; Elkins; Gonzalez; Gooden; Harper-Brown; Hartnett; Hughes; King, S.; King, T.; Laubenberg; Legler; Lozano; Marquez; Oliveira; Paxton; Riddle; Sheets; Simpson; Smith, T.; Strama; Weber; White.

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

Absent, Excused — Gallego; Schwertner; Thompson.

Absent, Excused, Committee Meeting — Pickett.

Absent — Aliseda; Burkett; Dutton; Mallory Caraway; Sheffield.

### **STATEMENTS OF VOTE**

I was shown voting no on Record No. 458. I intended to vote yes.

Anchia

When Record No. 458 was taken, my vote failed to register. I would have voted yes.

Burkett

I was shown voting yes on Record No. 458. I intended to vote no.

Christian

I was shown voting no on Record No. 458. I intended to vote yes.

Gonzalez

I was shown voting no on Record No. 458. I intended to vote yes.

Lozano

I was shown voting no on Record No. 458. I intended to vote yes.

Strama

**HB 1601 ON SECOND READING**  
(by Price, Gallego, Carter, Burkett, Geren, et al.)

**HB 1601**, A bill to be entitled An Act relating to consecutive sentences for certain offenses involving injury to a child, an elderly individual, or a disabled individual and arising out of the same criminal episode.

**HB 1601** was passed to engrossment.

**SB 782 ON SECOND READING**  
(Deshotel - House Sponsor)

**SB 782**, A bill to be entitled An Act relating to uniform law on secured transactions.

**SB 782** was considered in lieu of **HB 1617**.

**SB 782** was passed to third reading. (Cain recorded voting no.)

**HB 1617 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Deshotel moved to lay **HB 1617** on the table subject to call.

The motion prevailed.

**HB 1682 ON SECOND READING**  
(by Weber)

**HB 1682**, A bill to be entitled An Act relating to prohibiting school districts from requiring or coercing school district employees to make charitable contributions.

**HB 1682** was passed to engrossment. (Paxton recorded voting no.)

**HB 1862 ON SECOND READING**  
(by Anchia)

**HB 1862**, A bill to be entitled An Act relating to a tenant's remedies regarding a local government's revocation of a certificate of occupancy due to a landlord's failure to maintain the premises.

**HB 1862** was passed to engrossment. (S. Davis, Flynn, and Lavender recorded voting no.)

**CSHB 1907 ON SECOND READING**  
**(by Madden)**

**CSHB 1907**, A bill to be entitled An Act relating to notification requirements concerning offenses committed by students and school district discretion over admission or placement of certain students.

**CSHB 1907** was passed to engrossment.

**HB 1964 ON SECOND READING**  
**(by Villarreal)**

**HB 1964**, A bill to be entitled An Act relating to discharging fines and costs assessed against certain juvenile defendants through community service.

**HB 1964** was passed to engrossment.

**HB 1979 ON SECOND READING**  
**(by Laubenberg and Burkett)**

**HB 1979**, A bill to be entitled An Act relating to strategic partnerships for the continuation of certain water districts annexed by a municipality.

Representative Laubenberg moved to postpone consideration of **HB 1979** until 8 a.m. Monday, April 25.

The motion prevailed.

**HB 2017 ON SECOND READING**  
**(by McClendon, Pickett, and Harper-Brown)**

**HB 2017**, A bill to be entitled An Act relating to the organization, governance, duties, and functions of the Texas Department of Motor Vehicles.

**Amendment No. 1**

Representative McClendon offered the following amendment to **HB 2017**:

Amend **HB 2017** (house committee printing) as follows:

- (1) Strike page 18, lines 8-10.
- (2) Strike SECTIONS 36 and 37 of the bill (page 24, lines 13-23) and renumber subsequent SECTIONS of the bill accordingly.

Amendment No. 1 was adopted.

**Amendment No. 2**

Representative McClendon offered the following amendment to **HB 2017**:

Amend **HB 2017** (house committee printing) on page 20, line 14 by striking "may [~~shall~~] establish" and substituting "shall retain or establish one or more".

Amendment No. 2 was adopted.

**Amendment No. 3**

On behalf of Representative Gallego, Representative Martinez offered the following amendment to **HB 2017**:

Amend **HB 2017** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. The heading to Section 504.401, Transportation Code, is amended to read as follows:

Sec. 504.401. STATE OFFICIALS: EXECUTIVE AND LEGISLATIVE BRANCHES.

SECTION \_\_\_\_\_. Sections 504.401(b) and (d), Transportation Code, are amended to read as follows:

(b) A state official may be issued four [~~three~~] sets of license plates under this section.

(d) In this section, "state official" means:

- (1) a member of the legislature;
- (2) the governor;
- (3) the lieutenant governor;
- (4) a justice of the supreme court;  
[~~(5) a judge of the court of criminal appeals;~~  
[~~(6)~~] the attorney general;
- (5) [~~(7)~~] the commissioner of the General Land Office;
- (6) [~~(8)~~] the comptroller;
- (7) [~~(9)~~] a member of the Railroad Commission of Texas;
- (8) [~~(10)~~] the commissioner of agriculture;
- (9) [~~(11)~~] the secretary of state; or
- (10) [~~(12)~~] a member of the State Board of Education.

SECTION \_\_\_\_\_. Subchapter E, Chapter 504, Transportation Code, is amended by adding Section 504.4015 to read as follows:

Sec. 504.4015. STATE OFFICIALS: JUDICIAL BRANCH. (a) The department shall issue without charge specialty license plates to a current state judge. The license plates must include the words "State Judge."

(b) A state judge may be issued three sets of license plates under this section.

(c) The license plates remain valid until December 31 of each year.

(d) In this section, "state judge" means:

- (1) a justice of the supreme court;
- (2) a judge of the court of criminal appeals;
- (3) a judge of a court of appeals;
- (4) a district court judge;
- (5) a presiding judge of an administrative judicial district; or
- (6) a statutory county court judge.

SECTION \_\_\_\_\_. The heading to Section 504.402, Transportation Code, is amended to read as follows:

Sec. 504.402. FEDERAL OFFICIALS: MEMBERS OF CONGRESS.

SECTION \_\_\_\_\_. Section 504.402(b), Transportation Code, is amended to read as follows:

(b) A person may be issued four [~~three~~] sets of license plates under this section.

SECTION \_\_\_\_\_. Subchapter E, Chapter 504, Transportation Code, is amended by adding Section 504.4025 to read as follows:

Sec. 504.4025. FEDERAL OFFICIALS: JUDICIAL BRANCH. (a) The department shall issue without charge specialty license plates for a current federal judge. The license plates must include the words "U.S. Judge."

(b) A federal judge may be issued three sets of license plates under this section.

(c) The license plates remain valid until December 31 of each year.

(d) In this section, "federal judge" means:

(1) a justice of the United States Supreme Court whose primary residence is in this state;

(2) a judge of the Fifth Circuit Court of Appeals; or

(3) a judge of a United States district court.

SECTION \_\_\_\_\_. The heading to Section 504.405, Transportation Code, is amended to read as follows:

Sec. 504.405. COUNTY OFFICIALS: COUNTY JUDGES.

SECTION \_\_\_\_\_. Section 504.405, Transportation Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) A person may be issued two [~~three~~] sets of license plates under this section.

(b-1) The license plates remain valid until December 31 of each year.

SECTION \_\_\_\_\_. Sections 504.403, 504.404, and 504.406, Transportation Code, are repealed.

Amendment No. 3 was withdrawn.

**HB 2017**, as amended, was passed to engrossment.

### **SB 313 ON SECOND READING (Price - House Sponsor)**

**SB 313**, A bill to be entitled An Act relating to priority groundwater management areas.

**SB 313** was considered in lieu of **HB 2112**.

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

Representatives D. Miller and Ritter offered the following amendment to **SB 313**:

Amend **SB 313** (house committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Section 35.012, Water Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) Except as provided by Section 35.013, within [~~Within~~] two years, but no sooner than 120 days, from the date on which the commission issues an order under Section 35.008 designating a priority groundwater management area, for those areas that are not within a district, the commission shall[~~;~~

[~~(4)~~] create one or more new districts under Section 36.0151[~~;~~

~~[(2) recommend that the areas, or a portion of the areas, be added to an existing district under Section 35.013; or  
(3) take any combination of the actions under Subdivisions (1) and (2)].~~

(b-1) For purposes of this section, the commission may consider territory in two separately designated priority groundwater management areas to be in the same designated priority groundwater management area if:

(1) the two areas share a common boundary and one or more common aquifers; and

(2) the commission determines that a district composed of territory in the two areas will result in more effective or efficient groundwater management than other options available to the commission.

SECTION 2. Section 35.013, Water Code, is amended by amending Subsections (b), (c), (e), (f), (g), and (h) and adding Subsections (b-1) and (g-1) to read as follows:

(b) The commission shall submit a copy of the order to the board of the district to which it is recommending the priority groundwater management area be added. Not later than the 120th day after the date of receiving the copy, the ~~[The]~~ board shall vote on the addition of the priority groundwater management area to the district and shall advise the commission of the outcome.

(b-1) If the district described by Subsection (b) has not approved an ad valorem tax on the date of the commission's order issued under Section 35.008 and the board of the district votes to accept the addition of the priority groundwater management area to the district, the board shall enter an order adding the territory in the district.

(c) If the district described by Subsection (b) has approved an ad valorem tax on the date of the commission's order issued under Section 35.008 and the board votes to accept the addition of the priority groundwater management area to the district, the board:

(1) shall enter an order adding the territory in the district;

(2) may request the Texas AgriLife ~~[Agricultural]~~ Extension Service, the commission, and the Texas Water Development Board, with the cooperation and assistance of the Department of Agriculture and other state agencies, to administer an educational program to inform the residents of the status of the area's water resources, the addition of territory to the district, and [management] options for financing management of the groundwater resources of the [including possible annexation into a] district;

(3) ~~[(2)]~~ shall call an election to be held not later than the 270th day after the date of the board's vote under Subsection (b) within the priority groundwater management area, or portion of the priority groundwater management area, as delineated by the commission to determine if the added area will assume a proportional share of the debts or taxes of the district ~~[priority groundwater management area will be added to the district];~~ and

(4) ~~[(3)]~~ shall designate election precincts and polling places for the elections in the order calling an election under this subsection.

(e) The ballots for the election shall be printed to provide for voting for or against the proposition: "The ~~[inclusion of \_\_\_\_\_ (briefly describe priority groundwater management area) in the \_\_\_\_\_ District.]~~ If the district has outstanding debts or taxes, the proposition shall include the following language: "and] assumption by the \_\_\_\_\_ (briefly describe the territory added under Subsection (c)(1)) ~~[described area]~~ of a proportional share of the debts or taxes of the \_\_\_\_\_ District instead of the assessment of fees in the described area to fund the groundwater management activities of the district."

(f) Immediately after the election, the presiding judge of each polling place shall deliver the returns of the election to the board, and the board shall canvass the returns for the election within the priority groundwater management area and declare the results. If a majority of the voters in the priority groundwater management area voting on the proposition vote in favor of the proposition, the board shall declare that the priority groundwater management area assumes a proportional share of the debts or taxes of ~~[is added to]~~ the district. If a majority of the voters in the priority groundwater management area voting on the proposition do not vote in favor of the proposition ~~[against adding the priority groundwater management area to the district]~~, the board shall adopt rules to implement Subsection (g-1) ~~[declare that the priority groundwater management area is not added to the district]~~. The board shall file a copy of the election results with the commission.

(g) The ~~[If the voters approve adding the priority groundwater management area to the district, the]~~ board of the district to which the priority groundwater management area is added shall provide reasonable representation on that board compatible with the district's existing scheme of representation. Not later than the 30th day after the date on which the board declares that the priority groundwater management area is added to the district, the board of the existing district shall appoint a person or persons to represent the area until the next regularly scheduled election or appointment of directors.

(g-1) If the voters do not approve the assumption of a proportional share of the debts or taxes of a district under Subsection (e), the board shall assess production fees in the added territory based on the amount of water authorized by permit to be withdrawn from a well or the amount actually withdrawn. A district may use revenue generated by the fees for any district purpose. Production fees may not exceed:

(1) \$2 per acre-foot payable annually for water used for agricultural use; or

(2) 30 cents per 1,000 gallons payable annually for water used for any other purpose.

(h) Not later than the first anniversary of the date on which ~~[H]~~ the proposition is defeated, or ~~[if]~~ the board of the existing district votes not to accept the addition of the area to the district, ~~[then]~~ the commission shall, except as provided under Subsection (i):

(1)[5] create under Section 36.0151 one or more districts covering the priority groundwater management area; or

(2) recommend the area be added to another existing district as provided by this section [not later than the first anniversary of the date on which the proposition is defeated or the board votes not to accept the area].

SECTION 3. Section 36.0151, Water Code, is amended by amending Subsection (a) and adding Subsections (c), (d), (e), and (f) to read as follows:

(a) If the commission is required to create a district under Section 35.012(b), it shall, without an evidentiary hearing, issue an order creating the district and shall provide in its order that temporary directors be appointed under Section 36.0161 [36.016] and that an election be called by the temporary directors to authorize the district to assess taxes and to elect permanent directors.

(c) The commission may amend the territory in an order issued under Section 35.008 or this section to adjust for areas that, in the time between when the order was issued under Section 35.008 and the order is issued under this section, have:

(1) been added to an existing district or created as a separate district; or

(2) not been added to an existing district or created as a separate district.

(d) In making a modification under Subsection (c), the commission may recommend:

(1) creation of a new district in the area; or

(2) that the area be added to a different district.

(e) Except as provided by Section 35.013(h), a change in the order under Subsection (c) does not affect a deadline under Section 35.012 or 35.013.

(f) The commission may not create a groundwater conservation district under this section in a county:

(1) in which total surface water use is more than 50 times the total groundwater production;

(2) that is located in a priority groundwater management area; and

(3) that has a population greater than 2.3 million. To the extent of a conflict between this section and Section 35.012, this section controls.

SECTION 4. Section 36.0171(h), Water Code, is amended to read as follows:

(h) If the majority of the votes cast at the election are against the levy of a maintenance tax, the district shall set production [permit] fees in accordance with Section 35.013(g-1) to pay for the district's regulation of groundwater in the district, including fees based on the amount of water to be withdrawn from a well.

SECTION 5. (a) The changes in law made by this Act apply to any territory in a priority groundwater management area that is not included in a groundwater conservation district on the effective date of this Act.

(b) Not later than September 1, 2012, the Texas Commission on Environmental Quality shall create a district or add territory to an existing district for any territory for which the commission has issued an order recommending creation of a district or addition of territory to an existing district under Section 35.008, Water Code, before the effective date of this Act, unless the commission determines that the territory is not suitable under Section 35.013(i), Water Code.

SECTION 6. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.

### **Amendment No. 2**

Representative D. Miller offered the following amendment to Amendment No. 1:

Amend the D. Miller amendment to **SB 313** as follows:

(1) In SECTION 2 of the amendment, in added Section 35.013(g-1), Water Code (page 4), strike lines 16-20 and substitute:

Production fees may not exceed the amounts set under Chapter 8859, Special District Local Laws Code.

(2) In the recital to SECTION 3 of the amendment (page 5, lines 2-3), strike "(e), and (f)" and substitute "and (e)".

(3) In SECTION 3 of the amendment, in amended Section 36.0151, Water Code, strike added Subsection (f) (page 5, line 25, through page 6, line 2).

(4) Add the following appropriately numbered SECTIONS to the amendment and renumber the remaining SECTIONS of the amendment accordingly:

SECTION \_\_\_\_\_. Section 35.007(a), Water Code, is amended to read as follows:

(a) The executive director and the executive administrator shall meet periodically to identify, based on information gathered by the commission and the Texas Water Development Board, those areas of the state that are experiencing or that are expected to experience, within the immediately following 50-year [~~25-year~~] period, critical groundwater problems, including shortages of surface water or groundwater, land subsidence resulting from groundwater withdrawal, and contamination of groundwater supplies. Not later than September 1, 2005, the commission, with assistance and cooperation from the Texas Water Development Board, shall complete the initial designation of priority groundwater management areas across all major and minor aquifers of the state for all areas that meet the criteria for that designation. The studies may be prioritized considering information from the regional planning process, information from the Texas Water Development Board groundwater management areas and from groundwater conservation districts, and any other information available. After the initial designation of priority groundwater management areas, the commission and the Texas Water Development Board shall annually review the need for additional designations as provided by this subsection.

SECTION \_\_\_\_\_. Section 35.008, Water Code, is amended by adding Subsection (j) to read as follows:

(j) The commission may adopt rules regarding:

(1) the creation of a district over all or part of a priority groundwater management area that was designated as a critical area under Chapter 35, Water Code, as that chapter existed before September 1, 1997, or under other prior law;  
and

(2) the addition of all or part of the land in a priority groundwater management area described by Subdivision (1) to an existing district.

SECTION \_\_\_\_\_. All governmental acts and proceedings, including the adoption of rules, of the Texas Commission on Environmental Quality relating to the creation of a groundwater conservation district over all or part of a priority groundwater management area that was designated as a critical area under Chapter 35, Water Code, as that chapter existed before September 1, 1997, or under other prior law, are validated in all respects as of the dates on which they occurred.

SECTION \_\_\_\_\_. Section 35.007(a), Water Code, as amended by this Act, applies only to a designation of a priority groundwater management area made by the Texas Commission on Environmental Quality on or after the effective date of this Act. A designation made before the effective date of this Act is governed by the law in effect when the designation was made, and that law is continued in effect for that purpose.

Amendment No. 2 was adopted.

Amendment No. 1, as amended, was adopted.

**SB 313**, as amended, was passed to third reading.

#### **HB 2112 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Price moved to lay **HB 2112** on the table subject to call.

The motion prevailed.

#### **CSHB 2334 ON SECOND READING** (by Hardcastle, et al.)

**CSHB 2334**, A bill to be entitled An Act relating to the operation by the Department of Agriculture of programs for rural economic development and the marketing and promotion of agricultural and other products grown, processed, or produced in this state.

Representative Hardcastle moved to postpone consideration of **CSHB 2334** until 9 a.m. Tuesday, April 26.

The motion prevailed.

#### **CSHB 2468 ON SECOND READING** (by Phillips)

**CSHB 2468**, A bill to be entitled An Act relating to providing a patron of a pay-to-park or valet parking service with certain information; providing a civil penalty.

**CSHB 2468** was passed to engrossment. (Simpson and White recorded voting no.)

#### **HB 2561 ON SECOND READING** (by Eissler)

**HB 2561**, A bill to be entitled An Act relating to the definition of "school year" for purposes of the Teacher Retirement System of Texas.

**HB 2561 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE HOCHBERG: I just have two quick questions for legislative intent. Will retirees be affected or see a rate increase from **HB 2561**?

REPRESENTATIVE EISSLER: The bill does not affect retirees.

HOCHBERG: Is it your understanding that according to Texas Administrative Code, Title 34, Subchapter A, retirees are exempted from the effects of **HB 2561**?

EISSLER: TAC Title 34, Subchapter A, the bill does not affect the definitions of who qualifies for TRS membership or who receives TRS service credit. The bill does not affect retirees.

**REMARKS ORDERED PRINTED**

Representative Hochberg moved to print remarks between Representative Eissler and Representative Hochberg.

The motion prevailed.

**HB 2561** was passed to engrossment.

**SB 638 ON SECOND READING  
(Murphy - House Sponsor)**

**SB 638**, A bill to be entitled An Act relating to the computation of a surplus credit for certain successor employing units.

**SB 638** was considered in lieu of **HB 2581**.

**SB 638** was passed to third reading.

**HB 2581 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Murphy moved to lay **HB 2581** on the table subject to call.

The motion prevailed.

**CSHB 2619 ON SECOND READING  
(by Callegari)**

**CSHB 2619**, A bill to be entitled An Act relating to emergency preparedness information about water facilities.

**CSHB 2619** was passed to engrossment. (Flynn recorded voting no.)

**HB 2632 ON SECOND READING  
(by Driver)**

**HB 2632**, A bill to be entitled An Act relating to access to the criminal history record information of certain persons by the Texas Facilities Commission.

**HB 2632** was passed to engrossment. (Simpson recorded voting no.)

**HB 2680 ON SECOND READING  
(by T. King)**

**HB 2680**, A bill to be entitled An Act relating to the procedure for certain small local exchange companies to propose to offer certain services or to make a minor change in a rate or tariff.

**HB 2680** was passed to engrossment. (Bohac, S. Davis, Flynn, C. Howard, Isaac, Landtroop, Laubenberg, Lavender, Paxton, Phillips, Riddle, Simpson, and W. Smith recorded voting no.)

**CSHB 2779 ON SECOND READING**  
(by Bohac, Fletcher, Deshotel, Chisum, Harless, et al.)

**CSHB 2779**, A bill to be entitled An Act relating to provisions in the dedicatory instruments of property owners' associations regarding display of flags.

**CSHB 2779** was passed to engrossment. (Simpson recorded voting no.)

**CSHB 2991 ON SECOND READING**  
(by Deshotel)

**CSHB 2991**, A bill to be entitled An Act relating to a determination of the reasonable relation of certain transactions to particular jurisdictions.

**Amendment No. 1**

Representative Deshotel offered the following amendment to **CSHB 2991**:

Amend **CSHB 2991** on page 3, line 8, by striking "; and" and substituting ";  
or".

Amendment No. 1 was adopted.

**CSHB 2991**, as amended, was passed to engrossment.

**FIVE-DAY POSTING RULE SUSPENDED**

Representative Marquez moved to suspend the five-day posting rule to allow the Committee on County Affairs to consider **HB 1564** upon final adjournment Thursday, April 21 in E2.016.

The motion prevailed.

**COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

County Affairs, upon adjournment today, 3W.15, for a formal meeting, to consider the pending agenda.

County Affairs, upon final adjournment Thursday, April 21, E2.016, for a public hearing, to consider **HB 1564** and the previously posted agenda.

**CSHB 3004 ON SECOND READING**  
(by Nash)

**CSHB 3004**, A bill to be entitled An Act relating to prepaid funeral benefits contracts and the prepaid funeral contract guaranty fund.

**CSHB 3004** was passed to engrossment.

**CSHB 3234 ON SECOND READING**  
(by Hernandez Luna, Naishtat, and Rodriguez)

**CSHB 3234**, A bill to be entitled An Act relating to the prioritization of requests to release certain case records maintained by the Department of Family and Protective Services.

**CSHB 3234** was passed to engrossment.

**HB 3372 ON SECOND READING****(by T. King)**

**HB 3372**, A bill to be entitled An Act relating to standards for a structure that is connected to a public water supply system and has a rainwater harvesting system.

**HB 3372** was passed to engrossment.

**CSHB 3389 ON SECOND READING****(by Workman)**

**CSHB 3389**, A bill to be entitled An Act relating to a seller's disclosure of natural or liquid propane gas on residential real property.

**CSHB 3389** was passed to engrossment.

**POSTPONED BUSINESS**

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

**CSHB 115 ON SECOND READING****(by McClendon, Gallego, Johnson, et al.)**

**CSHB 115**, A bill to be entitled An Act relating to the creation of a commission to investigate convictions after exoneration and to prevent wrongful convictions.

**CSHB 115** was read second time on April 14, was postponed until 10 a.m. today, and was again postponed until this time.

Representative McClendon moved to postpone consideration of **CSHB 115** until 10 a.m. tomorrow.

The motion prevailed.

**COMMITTEE GRANTED PERMISSION TO MEET**

Representative Cook requested permission for the Committee on State Affairs to meet while the house is in session, during bill referral today, in 3W.9, to consider pending business.

Permission to meet was granted.

**FIVE-DAY POSTING RULE SUSPENDED**

Representative Madden moved to suspend the five-day posting rule to allow the Committee on Corrections to consider **HCR 42** at 2 p.m. or upon final adjournment/recess tomorrow in E2.014.

The motion prevailed.

**COMMITTEE GRANTED PERMISSION TO MEET**

Representative McClendon requested permission for the Committee on Rules and Resolutions to meet while the house is in session, during bill referral today, in 1W.14, to set a calendar.

Permission to meet was granted.

## COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

State Affairs, during bill referral today, 3W.9, for a formal meeting, to consider pending business.

Corrections, 2 p.m. or upon final adjournment/recess tomorrow, E2.014, for a public hearing, to consider **HCR 42** and the previously posted agenda.

Judiciary and Civil Jurisprudence, 8 a.m. tomorrow, E2.036, for a formal meeting, to consider pending business.

### PROVIDING FOR ADJOURNMENT

Representative T. King moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 10 a.m. tomorrow in memory of Carolyn Louise Baker of Hondo and Larry "T-Byrd" Gordon of Balch Springs.

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.)

(C. Anderson in the chair)

### ADJOURNMENT

In accordance with a previous motion, the house, at 5:55 p.m., adjourned until 10 a.m. tomorrow.

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### ADDENDUM

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#### REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

#### **List No. 1**

**HB 3856** (By Naishtat), Relating to the proceedings that may be referred to and the powers of a criminal law magistrate in Travis County.

To Judiciary and Civil Jurisprudence.

**HB 3857** (By Dutton), Relating to the creation of the Near Northside Management District; providing authority to impose a tax, levy an assessment, and issue bonds.

To Urban Affairs.

**HCR 135** (By Legler), Honoring Bill Bailey, retiring constable for Precinct 8 of Harris County.

To Rules and Resolutions.

**HCR 139** (By Beck), In memory of former Texas secretary of state Myra McDaniel.

To Rules and Resolutions.

**HR 930** (By C. Howard), Endorsing Taiwan's participation as an observer in the International Civil Aviation Organization and the United Nations Framework Convention on Climate Change.

To Environmental Regulation.

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

To Rules and Resolutions.

**HR 1260** (By Marquez), Honoring Ciudad Juarez Mayor Hector Agustin Murguia Lardizabal on his visit to the State Capitol.

To Rules and Resolutions.

**HR 1309** (By Orr), Welcoming members of the Burleson Rotary Club and guests from the Open World Delegation from Ukraine to the State Capitol on April 21, 2011.

To Rules and Resolutions.

**HR 1310** (By W. Smith), Recognizing May 4, 2011, as Texas Environmental Excellence Awards Day and commending the 2011 award recipients.

To Rules and Resolutions.

**HR 1311** (By W. Smith), In memory of Dorothy "Dot" Berry of Baytown.

To Rules and Resolutions.

**HR 1312** (By W. Smith), In memory of Baytown community leader Doug Huddle, Jr.

To Rules and Resolutions.

**HR 1313** (By W. Smith), In memory of George H. Ferguson, Jr., of Baytown.

To Rules and Resolutions.

**HR 1314** (By Lozano), In memory of Aurora A. Garza of Kingsville.

To Rules and Resolutions.

**HR 1315** (By S. King), Honoring the achievements of chef and restaurateur Tom Perini of Buffalo Gap.

To Rules and Resolutions.

**HR 1316** (By Huberty), Congratulating the Kingwood High School girls' swimming and diving team for winning the UIL 5A state championship.

To Rules and Resolutions.

**HR 1317** (By Huberty), Congratulating Jordan Jones of Kingwood High School on winning two swimming titles at the 2011 UIL 5A State Meet.

To Rules and Resolutions.

**HR 1319** (By Johnson), In memory of Sam Milton Bussey, Jr., of Dallas.

To Rules and Resolutions.

**HR 1320** (By Castro), Recognizing Marco Andres Juarez of San Antonio as an honorary page in the Texas House of Representatives on April 13, 2011.

To Rules and Resolutions.

**HR 1321** (By Hilderbran), Commemorating the 100th anniversary of Sanchez Barber Shop and Hair Design Studio in Kerrville.

To Rules and Resolutions.

**HR 1322** (By Flynn), Congratulating Chris and Imogene Bell of Grand Saline on their 50th wedding anniversary.

To Rules and Resolutions.

**HR 1323** (By Harper-Brown), Congratulating the girls' basketball team of MacArthur High School in Irving on winning the UIL 5A state championship.

To Rules and Resolutions.

**HR 1324** (By Scott), Affirming the importance of folic acid in the diets of women of childbearing age.

To Rules and Resolutions.

**HR 1325** (By Harper-Brown), Honoring Kimberly Ventura on her receipt of a 2011 Best of Texas Outstanding Marketing Student Award from the Texas Career & Technology Council.

To Rules and Resolutions.

**HR 1327** (By Alonzo), Paying tribute to the life of Selena Quintanilla Perez on April 16, 2012, the 41st anniversary of her birth.

To Rules and Resolutions.

**HR 1328** (By Morrison), Honoring Beverly Fletcher of Tivoli on her 80th birthday.

To Rules and Resolutions.

**HR 1329** (By Margo), Congratulating Elizabeth Reeves on her selection as Miss Texas Intercontinental 2011.

To Rules and Resolutions.

**HR 1330** (By Margo), Congratulating Betty L. Shuvalov on her retirement from the Texas House of Representatives.

To Rules and Resolutions.

**HR 1331** (By C. Anderson), Commending the Daughters of the Republic of Texas for their stewardship of the Alamo and calling on all Texans to commemorate the achievement of Texas independence and the creation of the Republic of Texas.

To Rules and Resolutions.

**HR 1332** (By Johnson), Commending Lettie Searles for serving as a Democratic Party precinct chair in Dallas County.

To Rules and Resolutions.

**HR 1333** (By Johnson), Commending Shannon Bailey for serving as a Democratic Party precinct chair in Dallas County.

To Rules and Resolutions.

**HR 1334** (By Johnson), Commending Randall Parker for serving as a Democratic Party precinct chair in Dallas County.

To Rules and Resolutions.

**HR 1335** (By Johnson), Commending Gloria Nightingale for serving as a Democratic Party precinct chair in Dallas County.

To Rules and Resolutions.

**HR 1336** (By Johnson), Commending Pat Stephens for serving as a Democratic Party precinct chair in Dallas County.

To Rules and Resolutions.

**HR 1337** (By Johnson), Commending Camile White for serving as a Democratic Party precinct chair in Dallas County.

To Rules and Resolutions.

**HR 1338** (By Johnson), Commending Michele Flood Luce for serving as a Democratic Party precinct chair in Dallas County.

To Rules and Resolutions.

**HR 1339** (By Johnson), Commending Betty Carter Hooey for serving as a Democratic Party precinct chair in Dallas County.

To Rules and Resolutions.

**HR 1340** (By Johnson), Commending Gloria Hogg for serving as a Democratic Party precinct chair in Dallas County.

To Rules and Resolutions.

**HR 1341** (By Johnson), Commending Brandi Hill for serving as a Democratic Party precinct chair in Dallas County.

To Rules and Resolutions.

**HR 1344** (By Workman), Commemorating the 30th anniversary of the Austin Waldorf School.

To Rules and Resolutions.

**HR 1346** (By Naishtat), Commemorating National Children's Mental Health Awareness Day on May 3, 2011.

To Rules and Resolutions.

**HR 1347** (By Anchia), Honoring Gerald "Jerry" Brown for his service as chair of the Dallas Police and Fire Pension System Board of Trustees.

To Rules and Resolutions.

**HR 1348** (By Straus), Expressing the importance of pedestrian safety and driver awareness and welcoming the Alamo Council of the Blind to the Capitol.

To Rules and Resolutions.

**HR 1349** (By Murphy), In memory of Paul Oliver Naut of Katy.

To Rules and Resolutions.

**HR 1351** (By Schwertner), Congratulating Alexander James Tatro on achieving the rank of Eagle Scout.

To Rules and Resolutions.

**HR 1352** (By Schwertner), Congratulating Jonathan Reed White on achieving the rank of Eagle Scout.

To Rules and Resolutions.

**HR 1353** (By Schwertner), Congratulating John Henry "Jack" Schmalstieg IV on achieving the rank of Eagle Scout.

To Rules and Resolutions.

**HR 1354** (By Schwertner), Congratulating Leander City Council member Michell Renee Cantwell on her graduation from The University of Texas.

To Rules and Resolutions.

**HR 1355** (By Schwertner), Congratulating Lewis Shannon Pierce on achieving the rank of Eagle Scout.

To Rules and Resolutions.

**HR 1357** (By Craddick), Congratulating the Reverend Milton Jochetz and Wanda Jochetz of Stanton on their 65th wedding anniversary.

To Rules and Resolutions.

**HR 1358** (By Craddick), Congratulating Dennis and Becky Edwards of Midland on their 40th wedding anniversary.

To Rules and Resolutions.

**HR 1360** (By Murphy), Honoring the Harmony School of Innovation in Houston for its achievements.

To Rules and Resolutions.

**HR 1361** (By Harless), Recognizing April 30, 2011, as Comcast Cares Day.

To Rules and Resolutions.

**HR 1362** (By Giddings), Congratulating Paul Quinn College on its receipt of the 2011 HBCU of the Year Award.

To Rules and Resolutions.

**HR 1363** (By Price), Commemorating San Jacinto Day.

To Rules and Resolutions.

**HR 1364** (By Truitt), Congratulating Donald J. Hamilton on his receipt of the Bronze Star Medal awarded for his actions in the Vietnam War in 1966.

To Rules and Resolutions.

**HR 1365** (By Truitt), In memory of the Reverend Dr. Kenneth John Diehm of Grapevine.

To Rules and Resolutions.

**HR 1368** (By Lucio), Congratulating Herbert A. Miller, Jr., of Austin on his receipt of a 2011 Texas Exes Teaching Award.

To Rules and Resolutions.

**HR 1369** (By D. Howard), Congratulating Alex Crisara and Jahan Rabii of Anderson High School on winning Best in Fair at the 2011 Austin Energy Regional Science Festival.

To Rules and Resolutions.

**HR 1370** (By D. Howard), Honoring the students of Grandview Hills Elementary School in Austin for their participation in the Pennies for Peace initiative.

To Rules and Resolutions.

**HR 1371** (By D. Howard), Commending the students of Steiner Ranch Elementary School in Austin for their efforts in behalf of the 2011 Students Helping Students, Pay It Forward project.

To Rules and Resolutions.

**HR 1372** (By Pitts), Commending the SkillsNET Foundation for its efforts to improve employability in Texas.

To Rules and Resolutions.

**HR 1373** (By Brown), Congratulating the Texas A&M University women's basketball team on winning the NCAA Division I national championship.

To Rules and Resolutions.

**HR 1374** (By Flynn), Commemorating the dedication of a Texas Historical Marker at Van Common School.

To Rules and Resolutions.

**HR 1375** (By Flynn), Commemorating the dedication of a Texas Historical Marker at Van High School.

To Rules and Resolutions.

**HR 1376** (By Flynn), Commemorating the dedication of a Texas Historical Marker at Swindall School in Van.

To Rules and Resolutions.

**HR 1378** (By Perry), Congratulating Laroy and Connie Hawkins of Lubbock on their 60th wedding anniversary.

To Rules and Resolutions.

**HR 1379** (By Perry), Congratulating Julio and Refugia Camacho of Lubbock on their 50th wedding anniversary.

To Rules and Resolutions.

**HR 1380** (By Bonnen), In memory of Leland B. Kee of Angleton.  
To Rules and Resolutions.

**HR 1381** (By Bonnen), In memory of Coach L. Z. Bryan of Lake Jackson.  
To Rules and Resolutions.

**HR 1382** (By C. Anderson), Congratulating Ray Biles, head coach of the Lorena High School football team, on winning the 100th game of his career.  
To Rules and Resolutions.

**HR 1383** (By C. Anderson), Honoring Father Joseph F. Geleney, Jr., of the Church of St. Mary of the Assumption in Waco on the 10th anniversary of his ordination.  
To Rules and Resolutions.

**HR 1384** (By C. Anderson), Congratulating Lorena High School baseball coach Greg Blanchard on winning his 500th game.  
To Rules and Resolutions.

**HR 1385** (By C. Anderson), Honoring the Junior League of Waco on the 75th anniversary of its founding.  
To Rules and Resolutions.

**HR 1386** (By Raymond), Honoring The University of Texas Community Outreach for its achievements in promoting community-based prevention and control of diabetes and obesity.  
To Rules and Resolutions.

**HR 1387** (By Schwertner), Congratulating Greg Bergeron of Georgetown on the occasion of his retirement as Williamson County Unified Road System administrator.  
To Rules and Resolutions.

**HR 1388** (By C. Anderson), Congratulating the Lorena Independent School District on its receipt of a 2011 Gold Leadership Circle Award.  
To Rules and Resolutions.

**HR 1389** (By C. Anderson), In memory of Orvis W. Marrs of Waco.  
To Rules and Resolutions.

**HR 1390** (By C. Anderson), In memory of Alinda Marie Fickel of Hewitt.  
To Rules and Resolutions.

**HR 1391** (By C. Anderson), In memory of James Gillaspie of Tokio.  
To Rules and Resolutions.

**HR 1392** (By C. Anderson), Congratulating the Crawford High School Lady Pirates on winning the 2011 Waco ISD Softball Tournament.  
To Rules and Resolutions.

**HR 1393** (By C. Anderson), Honoring Spring Valley Elementary School for winning a 2010 Food for Families Award.  
To Rules and Resolutions.

**HR 1394** (By C. Anderson), Commemorating the 2011 Women in Construction Week and commending Waco Chapter No. 14 of the National Association of Women in Construction.

To Rules and Resolutions.

**HR 1395** (By C. Anderson), Congratulating Bryse Ed on earning a Student Leadership Award from The University of Texas Cockrell School of Engineering.

To Rules and Resolutions.

**HR 1396** (By C. Anderson), In memory of Juanita M. Jay of Waco.

To Rules and Resolutions.

**HR 1397** (By C. Anderson), Congratulating U.S. Army Reserve Specialist Sherica L. Redrick of Waco on qualifying for the 2011 Armed Forces Boxing Championship.

To Rules and Resolutions.

**HR 1398** (By C. Anderson), Honoring Midway High School for winning a 2010 Food for Families Award.

To Rules and Resolutions.

**HR 1399** (By C. Anderson), In memory of Bernice L. Brooks of Waco.

To Rules and Resolutions.

**HR 1400** (By C. Anderson), Honoring Velma Wiethorn of McGregor on her 85th birthday.

To Rules and Resolutions.

**HR 1401** (By C. Anderson), In memory of John David Burton of Moody.

To Rules and Resolutions.

**HR 1402** (By C. Anderson), In memory of Patricio T. Escalona, Sr., of Waco.

To Rules and Resolutions.

**HR 1403** (By C. Anderson), In memory of Bruce Washington Dyer, Jr., of Waco.

To Rules and Resolutions.

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

To Rules and Resolutions.

**HR 1405** (By C. Anderson), In memory of Nathan Andrew Romo of Lorena.

To Rules and Resolutions.

**HR 1406** (By C. Anderson), In memory of Christine Kocian Vanek of West.

To Rules and Resolutions.

**HR 1407** (By C. Anderson), In memory of Doris Lee Breeding Jones of Waco.

To Rules and Resolutions.

**HR 1408** (By C. Anderson), Congratulating Shelby Jurek of Hewitt on being named to the honor roll at Oklahoma State University.

To Rules and Resolutions.

**HR 1409** (By C. Anderson), In memory of Scott Rentz of China Spring.

To Rules and Resolutions.

**HR 1410** (By C. Anderson), In memory of Pilar Villegas of Waco.

To Rules and Resolutions.

**HR 1411** (By C. Anderson), In memory of Mary Winzer Hall of Waco.

To Rules and Resolutions.

**HR 1412** (By C. Anderson), In memory of Alvin Dulock of Waco.

To Rules and Resolutions.

**HR 1413** (By C. Anderson), Congratulating Willie and Mary Youngblood on their 50th wedding anniversary.

To Rules and Resolutions.

**HR 1414** (By C. Anderson), In memory of William E. Nelson, Jr., of Waco.

To Rules and Resolutions.

**HR 1415** (By C. Anderson), Congratulating the Crawford High School basketball team on its successful 2010-2011 season.

To Rules and Resolutions.

**HR 1416** (By C. Anderson), Congratulating the boys' golf team of Midway High School in Waco on winning third place at the 2011 Marvin Dameron Invitational.

To Rules and Resolutions.

**HR 1417** (By C. Anderson), Congratulating the all-district academic and athletic honorees from the West High School Lady Trojans basketball team.

To Rules and Resolutions.

**HR 1418** (By Frullo), Congratulating Laroy and Connie Hawkins of Lubbock on their 60th wedding anniversary.

To Rules and Resolutions.

**HR 1419** (By Sheffield), Recognizing October 26, 2011, as Texas Chicken Fried Steak Day.

To Rules and Resolutions.

**HR 1420** (By Sheffield), In memory of the Honorable Hiram Childress of Temple.

To Rules and Resolutions.

**HR 1421** (By Sheffield), Congratulating James and Sandy Champ of Little River on their 50th wedding anniversary.

To Rules and Resolutions.

**HR 1422** (By Sheffield), Congratulating Carrol and Blanch Ward of McGregor on their 60th wedding anniversary.

To Rules and Resolutions.

**HR 1423** (By Sheffield), Congratulating David and Betty Hester of Temple on their 50th wedding anniversary.

To Rules and Resolutions.

**HR 1426** (By Hughes), Congratulating the Wild Hog Hunt Committee of the Gilmer Area Chamber of Commerce on receiving that organization's Top Hand Award.

To Rules and Resolutions.

**HR 1427** (By Hughes), Congratulating Henry Troell on his selection as the 2010 Outstanding Citizen by the Gilmer Area Chamber of Commerce.

To Rules and Resolutions.

**HR 1428** (By Hughes), Congratulating Martha Davis on being named the 2010 Educator of the Year by the Gilmer Area Chamber of Commerce.

To Rules and Resolutions.

**HR 1429** (By Hughes), Congratulating Alston Johnson on attaining the rank of Eagle Scout.

To Rules and Resolutions.

**HR 1430** (By Hughes), Congratulating April Fry on representing the Winnsboro Independent School District during the Halftime Spectacular at the 2011 AT&T Cotton Bowl Classic.

To Rules and Resolutions.

**HR 1431** (By Hughes), Congratulating Gary and Lyle Jean Foster of Mineola on their 50th wedding anniversary.

To Rules and Resolutions.

**HR 1432** (By Hughes), Congratulating Shirley Chadwick on her receipt of the Distinguished Lifetime Achievement Award from the Mineola Chamber of Commerce.

To Rules and Resolutions.

**HR 1433** (By Hughes), Congratulating the volunteers of the First United Methodist Church Clothes Closet in Gilmer on receiving the Unsung Hero Award from the Gilmer Area Chamber of Commerce.

To Rules and Resolutions.

**HR 1434** (By Cain), Congratulating Hazel Walker Trammell of Mount Pleasant on the occasion of her 100th birthday.

To Rules and Resolutions.

**HR 1436** (By Hilderbran), In memory of Emory Chapman Thompson of Austin.

To Rules and Resolutions.

**HR 1437** (By Hilderbran), In memory of Jack Autry Bills of Kerrville.

To Rules and Resolutions.

**HR 1438** (By Lucio), Honoring Princell Hair on his achievements as a media executive and welcoming him to Texas.

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 2903** (By Zerwas), Relating to the program of all-inclusive care for the elderly.

To Human Services.

**List No. 2**

**SB 650** to Transportation.

**SB 653** to Corrections.

**SB 662** to Public Health.

**SB 1420** to Transportation.

**SIGNED BY THE SPEAKER**

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

**Senate List No. 16**

**SB 309, SB 386, SB 458, SB 525, SB 567, SB 684, SB 727, SB 737, SB 785, SB 832, SB 890, SB 983**

**MESSAGES FROM THE SENATE**

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

**Message No. 1**

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Tuesday, April 19, 2011

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**SB 266** Williams

Relating to notice required in connection with possessory liens on motor vehicles.

**SB 843** Patrick

Relating to the prosecution of the offense of failure to identify.

**SB 1002** Van de Putte

Relating to the designation of program costs for providing bill payment assistance to certain military veterans as a necessary operating expense that is a first lien against revenue of certain electric and gas utilities' revenue securing certain public securities or obligations.

**SB 1065** Williams

Relating to critical incident stress management and crisis response services.

**SB 1132** Hegar

Relating to the water rights permits issued to the Texas Water Development Board for the Allens Creek Reservoir.

**SB 1420** Hinojosa

Relating to the continuation and functions of the Texas Department of Transportation; providing penalties.

**SB 1568** Estes

Relating to shareholder standing after a merger.

**SB 1617** Harris

Relating to the discretionary transfer from a juvenile court to a criminal court of certain alleged offenses arising out of a single criminal transaction.

**SB 1618** Seliger

Relating to reporting requirements of state agencies and school districts.

Respectfully,

Patsy Spaw

Secretary of the Senate

**Message No. 2**

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Tuesday, April 19, 2011 - 2

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**HCR 120** Kuempel SPONSOR: Wentworth  
In memory of Thomas Peter Whalen of Schertz.

**HCR 134** Craddick SPONSOR: Duncan  
Declaring Lamesa the Legendary Home of the Chicken-fried Steak.

**HCR 136** Keffer SPONSOR: Fraser  
Commemorating April 2011 as Safe Digging Month.

**SB 7** Nelson

Relating to strategies for and improvements in quality of health care provided through and care management in the child health plan and medical assistance programs designed to achieve healthy outcomes and efficiency.

**SB 8** Nelson

Relating to improving the quality and efficiency of health care.

**SB 44** Zaffirini

Relating to the detention and transportation of a person with a mental illness.

**SB 167** West

Relating to the automatic expunction of arrest records and files after an individual receives a pardon or a grant of certain other relief with respect to the offense for which the individual was arrested.

**SB 267** Williams

Relating to a joint statement regarding the transfer of a motor vehicle as the result of a gift.

**SB 295** Watson

Relating to the definition of emergency services personnel for purposes of the enhanced penalty prescribed for an assault committed against a person providing emergency services.

**SB 536** Davis

Relating to the use of certain discipline management practices or behavior management techniques by peace officers employed or commissioned by school districts.

**SB 616** Rodriguez

Relating to the sale or transportation of certain desert plants; providing a penalty.

**SB 717** Harris

Relating to the purpose and duties of the Council on Children and Families.

**SB 866** Deuell

Relating to the education of public school students with dyslexia, the education and training of educators who teach students with dyslexia, and the assessment of students with dyslexia attending an institution of higher education.

**SB 1005** Van de Putte

Relating to fair treatment of all providers of instructional materials to students enrolled at public institutions of higher education.

**SB 1225** Hegar

Relating to the disannexation of land in Caldwell County by the Gonzales County Underground Water Conservation District or the Plum Creek Conservation District.

**SB 1250** Lucio

Relating to the applicability of certain restrictions on the location and operation of concrete crushing facilities.

**SB 1258** Duncan

Relating to the disposal of demolition waste from abandoned or nuisance buildings in certain areas.

**SB 1342** Seliger

Relating to the use of bingo proceeds by licensed authorized organizations, including the use of proceeds to provide health insurance or health insurance benefits to certain employees.

**SB 1356** Estes

Relating to the repeal of certain laws regulating the registration of animal tattoo marks with the Department of Public Safety of the State of Texas.

**SB 1357** Estes

Relating to the redemption and impoundment of estrays.

**SB 1661** Duncan

Relating to the regulation of health organizations certified by the Texas Medical Board; imposing an administrative penalty.

THE SENATE HAS CONCURRED IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

**SB 333** (31 Yeas, 0 Nays)

THE SENATE HAS REFUSED TO CONCUR IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

**SB 18**

Senate Conferees: Estes - Chair/Duncan/Harris/Lucio/Whitmire

Respectfully,

Patsy Spaw

Secretary of the Senate

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## APPENDIX

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### STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

**April 18**

Business and Industry - **HB 1813, HB 1860, HB 2525, SB 323, SB 539, SB 782**

Corrections - **HB 2735, HB 3459**

County Affairs - **HB 2160, HB 2313, HB 3806, HB 3809, HB 3816, HB 3817, HJR 89**

Criminal Jurisprudence - **HB 36, HB 38, HB 718, HB 770, HB 825, HB 927, HB 976, HB 1009, HB 1029, HB 1529, HB 1937, HB 2196, HB 2337, HB 2472, HB 2482, HB 2966, HB 3375, HB 3384**

Defense and Veterans' Affairs - **HB 475, HB 1385, HB 2122, HB 2928, HB 3470, HB 784**

Economic and Small Business Development - **HB 2580, HB 3068, HB 3374, HB 3465**

Elections - **HB 2191**

Environmental Regulation - **HB 1648**

Government Efficiency and Reform - **HB 198, HB 2439, HB 3255**

Homeland Security and Public Safety - **HB 2127, HB 2990**

Human Services - **HB 3197**

Judiciary and Civil Jurisprudence - **SB 85, SB 605**

Land and Resource Management - **HB 2969**

Natural Resources - **HB 2311, HB 3803, HB 3804, SB 181, SB 691**

Pensions, Investments, and Financial Services - **HB 2592, HB 2593, HB 2594**

Public Education - **HB 622, HB 742, HB 1095, HB 2135, HB 2365, HB 2380**

Public Health - **HB 142, HB 1013, HB 1720, HB 2245, HB 2722, SB 420, SB 874**

State Affairs - **HB 875, HB 971, HB 1872, HB 2498, HB 2769, HB 2828, HB 3132**

State Sovereignty, Select - **HB 273, HB 1129, HB 2545, HCR 21, HCR 60, HCR 61, HCR 78, HCR 81, HCR 94**

Transportation - **HB 2371, HB 2790, HB 2948, HB 3049, HB 3208, HB 3421, HB 3431**

Urban Affairs - **HB 990, HB 1057, HB 1250, HB 1388, HB 1488, HB 1651, HB 2920**

Ways and Means - **HB 2403, HB 3182**

#### ENGROSSED

**April 18 - HB 992, HB 1148, HB 1206, HB 1325, HB 1353, HB 1614, HB 1774, HB 1806, HB 1917, HB 2251, HB 2499, HB 2582, HB 2866**