

HOUSE JOURNAL

EIGHTY-FIRST LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SIXTY-FOURTH DAY — TUESDAY, MAY 5, 2009

The house met at 1:25 p.m. and was called to order by the speaker pro tempore.

The roll of the house was called and a quorum was announced present (Record 543).

Present — Mr. Speaker; Allen; Alonzo; Alvarado; Anchia; Anderson; Aycoc; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley.

Absent, Excused — Chavez.

Absent, Excused, Committee Meeting — Dukes; Zerwas.

LEAVE OF ABSENCE GRANTED

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

Chavez on motion of Pickett.

LEAVES OF ABSENCE GRANTED

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

RULES SUSPENDED

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

The motion prevailed.

MOTION FOR ONE RECORD VOTE

On motion of Representative Gattis and by unanimous consent, the house agreed to use the first record vote taken for all those bills on the local, consent, and resolutions calendar that require a record vote on third reading and final passage, with the understanding that a member may record an individual vote on any bill with the journal clerk, with the exception of **HB 1569**, **HB 2692**, and **HB 3132**.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today to attend a meeting of the Conference Committee on **SB 1**:

Isett on motion of F. Brown.

LOCAL, CONSENT, AND RESOLUTIONS CALENDAR THIRD READING

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

(Record 544): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dunnam; Dutton; Edwards; Eiland(C); Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle;

Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley.

Present, not voting — Mr. Speaker.

Absent, Excused — Chavez.

Absent, Excused, Committee Meeting — Dukes; Isett; Zerwas.

Absent — Laubenberg.

STATEMENT OF VOTE

When Record No. 544 was taken, I was temporarily out of the house chamber. I would have voted yes.

Laubenberg

HB 101

HB 334

HB 434 (Aycock, Chisum, Christian, Crabb, Harless, Harper-Brown, Laubenberg, Madden, Phillips, and Riddle - no) (134 - 10 - 1)

HB 739 (Aycock, Crabb, Phillips, and Riddle - no) (140 - 4 - 1)

HB 756 (Aycock, Chisum, Christian, and Darby - no) (140 - 4 - 1)

HB 871

HB 878

SB 658 (Phillips - no) (143 - 1 - 1)

SB 659

HB 1030

HB 1111

HB 1112

HB 1113

HB 1138 (Flynn - no) (143 - 1 - 1)

HB 1151

HB 1187

HB 1233

HB 1256

HB 1285

HB 1384

HB 1461

HB 1518

HB 1730 (Miklos - present, not voting) (143 - 0 - 2)

HB 1883

HB 1925(Chisum, Christian, Harper-Brown, and Laubenberg-no)(140-4-1)

HB 1997

HB 2022

HB 2090 (Chisum, Christian, Harper-Brown, and Laubenberg-no)(140-4-1)

HB 2209 (Aycock, Crabb, Darby, and Riddle - no) (140 - 4 - 1)

HB 2212

HB 2214 (Aycock and Darby - no) (142 - 2 - 1)

HB 2344

HB 2349

HB 2424

HB 2467

HB 2628

HB 2665 (Chisum, Christian, Gattis, and Harper-Brown - no) (140 - 4 - 1)

HB 2737

SB 293

HB 2772

HB 2805

HB 2845

HB 2854

HB 2961 (Bohac, Crabb, Madden, and Riddle - no) (140 - 4 - 1)

HB 3001

HB 3003

HB 3009

HB 3072 (Christian, Flynn, and Sheffield - no) (141 - 3 - 1)

HB 3098 (Aycock, Flynn, and Sheffield - no) (141 - 3 - 1)

HB 3358

HB 3398

HB 3487 (Aycock - no) (143 - 1 - 1)

HB 3544

HB 3552

HB 3554

HB 3635

HB 3668

HB 3677 (Miklos - no) (143 - 1 - 1)

SB 836

HB 3758

HB 3767

HB 3800

HB 3802

HB 3881 (Aycock, Darby, Harless, and Phillips - no) (140 - 4 - 1)

HB 3988

HB 4029

HB 4180 (Aycock, Chisum, Christian, Crabb, Darby, Harless, Laubenberg, and Riddle - no) (136 - 8 - 1)

HB 4244

HB 4257

HB 4275 (Bohac, Crabb, Harless, Madden, and Riddle - no) (139 - 5 - 1)

HB 4276

HB 4338

HB 4376 (Chisum - no) (143 - 1 - 1)

HB 4402 (Chisum, Christian, Harper-Brown, Laubenberg, and Phillips - no) (139 - 5 - 1)

HB 4461

HB 4501

HB 4644

HB 4661 (Sheffield - no) (143 - 1 - 1)

HB 4713 (Sheffield - no) (143 - 1 - 1)

HB 4720

HB 4723

HB 4727

HB 4728

HB 4730

HB 4748

HB 4760

HB 4762

HB 4779

SB 799

SB 811

SB 848

SB 914

SB 1658

HB 1569 ON THIRD READING
(by Thompson and Chavez)

HB 1569, A bill to be entitled An Act relating to equal access to places of public accommodation.

HB 1569 was read third time and was passed by (Record 545): 100 Yeas, 36 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Berman; Bohac; Bolton; Bonnen; Brown, F.; Burnam; Castro; Cohen; Coleman; Corte; Darby; Davis, Y.; Deshotel; Driver; Dunnam; Dutton; Eiland(C); Eissler; England; Farabee; Farias; Farrar; Flores; Frost; Gallego; Gonzales; Gonzalez Tourelles; Guillen; Gutierrez; Hamilton; Hardcastle; Harless; Hartnett; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Jackson; Jones; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kuempel; Leibowitz; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Moody; Morrison; Naishtat; Oliveira; Olivo; Ortiz; Patrick; Peña; Pickett; Pierson; Quintanilla; Raymond; Rios Ybarra; Ritter; Rodriguez; Rose; Shelton; Smith, T.; Smith, W.; Strama; Thibaut; Thompson; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle.

Nays — Aycock; Branch; Brown, B.; Button; Callegari; Christian; Cook; Crabb; Craddick; Creighton; Crownover; Elkins; Fletcher; Flynn; Gattis; Geren; Hancock; Harper-Brown; Laubenberg; Legler; McCall; Miller, S.; Orr; Otto; Parker; Paxton; Phillips; Riddle; Sheffield; Smithee; Solomons; Swinford; Taylor; Truitt; Weber; Woolley.

Present, not voting — Mr. Speaker.

Absent, Excused — Chavez.

Absent, Excused, Committee Meeting — Dukes; Isett; Zerwas.

Absent — Chisum; Davis, J.; Edwards; Giddings; Heflin; Keffer; Kolkhorst; Lewis; Pitts.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 545. I intended to vote no.

Hilderbran

When Record No. 545 was taken, I was temporarily out of the house chamber. I would have voted no.

Kolkhorst

When Record No. 545 was taken, I was in the house but away from my desk. I would have voted no.

Lewis

I was shown voting yes on Record No. 545. I intended to vote no.

Olivo

HB 2692 ON THIRD READING
(by Rodriguez)

HB 2692, A bill to be entitled An Act relating to certain municipal requirements regarding sales of residential properties in certain areas.

HB 2692 was read third time and was passed by (Record 546): 73 Yeas, 68 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Bolton; Burnam; Castro; Cohen; Coleman; Davis, Y.; Deshotel; Dunnam; Dutton; England; Farabee; Farias; Farrar; Flores; Frost; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; Jones; Keffer; Kent; King, S.; King, T.; Leibowitz; Lucio; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Miklos; Moody; Naishtat; Oliveira; Olivo; Ortiz; Peña; Pickett; Pierson; Quintanilla; Raymond; Rios Ybarra; Ritter; Rodriguez; Rose; Strama; Thibaut; Thompson; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle.

Nays — Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Button; Callegari; Chisum; Christian; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Driver; Eissler; Elkins; Fletcher; Flynn; Gattis; Geren; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Howard, C.; Hughes; Hunter; Jackson; King, P.; Kleinschmidt; Kuempel; Laubenberg; Legler; Lewis; Madden; Merritt; Miller, D.; Miller, S.; Morrison; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pitts; Riddle; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Swinford; Taylor; Truitt; Weber; Woolley.

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

Absent, Excused — Chavez.

Absent, Excused, Committee Meeting — Dukes; Isett; Zerwas.

Absent — Edwards; Heflin; Kolkhorst.

STATEMENTS OF VOTE

When Record No. 546 was taken, I was temporarily out of the house chamber. I would have voted no.

Kolkhorst

I was shown voting yes on Record No. 546. I intended to vote no.

Olivo

HB 3132 ON THIRD READING
(by Gallego)

HB 3132, A bill to be entitled An Act relating to the creation of the Presidio County Emergency Services District; providing authority to issue bonds and impose taxes.

HB 3132 was read third time and was passed by (Record 547): 125 Yeas, 15 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Bohac; Bolton; Branch; Brown, B.; Burnam; Button; Callegari; Castro; Chisum; Christian; Cohen; Coleman; Cook; Corte; Craddick; Creighton; Crownover; Davis, J.; Davis, Y.; Deshotel; Driver; Dunnam; Dutton; Edwards; Eiland(C); England; Farabee; Farias; Farrar; Fletcher; Flores; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hardcastle; Harper-Brown; Hartnett; Heflin; Hernandez; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, D.; Hughes; Hunter; Jackson; Jones; Keffer; Kent; King, P.; King, T.; Kleinschmidt; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Moody; Morrison; Naishtat; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley.

Nays — Aycock; Berman; Bonnen; Brown, F.; Crabb; Darby; Eissler; Elkins; Flynn; Harless; Howard, C.; Miller, S.; Phillips; Sheffield; Truitt.

Present, not voting — Mr. Speaker.

Absent, Excused — Chavez.

Absent, Excused, Committee Meeting — Dukes; Isett; Zerwas.

Absent — Hancock; Herrero; King, S.; Kolkhorst; Oliveira.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 547. I intended to vote no.

Anderson

I was shown voting yes on Record No. 547. I intended to vote no.

Christian

I was shown voting yes on Record No. 547. I intended to vote no.

Cook

I was shown voting yes on Record No. 547. I intended to vote no.

Creighton

When Record No. 547 was taken, I was temporarily out of the house chamber. I would have voted yes.

Kolkhorst

I was shown voting yes on Record No. 547. I intended to vote no.

Madden

I was shown voting yes on Record No. 547. I intended to vote no.

Olivo

I was shown voting yes on Record No. 547. I intended to vote no.

Weber

REGULAR ORDER OF BUSINESS SUSPENDED

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

(Speaker in the chair)

MAJOR STATE CALENDAR HOUSE BILLS THIRD READING

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

HB 4765 ON THIRD READING (by Oliveira, Paxton, Hopson, Callegari, Creighton, et al.)

HB 4765, A bill to be entitled An Act relating to the total revenue exemption for the franchise tax.

HB 4765 was passed by (Record 548): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Jackson; Jones; Keffer; Kent; King, P.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra;

Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Chavez.

Absent, Excused, Committee Meeting — Dukes; Isett; Zerwas.

Absent — King, S.; Pierson.

STATEMENT OF VOTE

When Record No. 548 was taken, I was in the house but away from my desk. I would have voted yes.

Pierson

CONSTITUTIONAL AMENDMENTS CALENDAR HOUSE JOINT RESOLUTIONS THIRD READING

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

HJR 62 ON THIRD READING

(by Farabee, Swinford, Smithee, Strama, et al.)

HJR 62, A joint resolution proposing a constitutional amendment to provide that the Railroad Commission of Texas is governed by a single elected railroad commissioner.

Amendment No. 1

Representative Hartnett offered the following amendment to **HJR 62**:

Amend **HJR 62** (second reading engrossment) on third reading as follows:

(1) On page 1, line 7, strike "Railroad" and substitute "Texas Energy [~~Railroad~~]".

(2) On page 1, line 8, strike "railroad" and substitute "energy".

(3) On page 1, strike lines 19 through 21 and substitute the following:

Regular Session, 2009, providing for the change of name of the Railroad Commission of Texas to the Texas Energy Commission and that the Texas Energy Commission will be governed by a single energy commissioner instead of a three-member commission.

(4) On page 1, line 22, strike "railroad" and substitute "energy".

(5) On page 2, line 1, strike "railroad" and substitute "energy".

(6) On page 2, line 8, between "purpose" and the period, insert "except that the commission is renamed the Texas Energy Commission".

(7) On page 2, line 9, strike "railroad" and substitute "energy".

(8) On page 2, line 10, strike "railroad" and substitute "energy".

(9) On page 2, lines 11 and 12, strike "Railroad Commission of Texas" and substitute "Texas Energy Commission".

(10) On page 2, lines 15 and 16, strike "Railroad Commission of Texas" and substitute "Texas Energy Commission".

(11) On page 2, line 18, strike "Railroad Commission of Texas" and substitute "Texas Energy Commission".

(12) On page 2, line 19, strike "railroad" and substitute "energy".

(13) On page 2, lines 21 and 22, strike "Railroad Commission of Texas" and substitute "Texas Energy Commission".

(14) On page 2, line 23, strike "railroad" and substitute "energy".

(15) On page 2, line 25, strike "Railroad Commission of Texas" and substitute "Texas Energy Commission".

(16) On page 3, strike lines 6 through 9 and insert the following:
proposition: "The constitutional amendment to change the name of the Railroad Commission of Texas to the Texas Energy Commission and to provide that the Texas Energy Commission will be governed by a single elected energy commissioner instead of by an elected three-member commission."

Amendment No. 1 was adopted.

HJR 62, as amended, failed of adoption (not receiving the necessary two-thirds vote) by (Record 549): 89 Yeas, 53 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Aycock; Bolton; Bonnen; Branch; Burnam; Castro; Chisum; Cohen; Coleman; Crabb; Creighton; Crownover; Darby; Davis, J.; Deshotel; Dunnam; Eiland; England; Farabee; Farias; Farrar; Flores; Frost; Gallego; Gonzales; Gonzalez Toureilles; Guillen; Hamilton; Hardcastle; Harper-Brown; Hartnett; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; Hughes; Keffer; Kent; King, T.; Kleinschmidt; Leibowitz; Lucio; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Moody; Naishtat; Oliveira; Orr; Ortiz; Otto; Patrick; Peña; Pickett; Pierson; Quintanilla; Raymond; Rios Ybarra; Ritter; Rodriguez; Sheffield; Smith, T.; Smithee; Solomons; Strama; Swinford; Thibaut; Truitt; Turner, C.; Vaught; Veasey; Villarreal; Vo; Walle.

Nays — Anderson; Berman; Bohac; Brown, B.; Brown, F.; Button; Christian; Cook; Corte; Craddick; Davis, Y.; Driver; Dutton; Edwards; Eissler; Elkins; Fletcher; Flynn; Gattis; Geren; Giddings; Gutierrez; Hancock; Harless; Hilderbran; Howard, C.; Hunter; Jackson; Jones; King, P.; Kolkhorst; Kuempel; Laubenberg; Legler; Lewis; Madden; Miller, D.; Miller, S.; Morrison; Olivo; Parker; Paxton; Phillips; Pitts; Riddle; Rose; Shelton; Smith, W.; Taylor; Thompson; Turner, S.; Weber; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Chavez.

Absent, Excused, Committee Meeting — Dukes; Isett; Zerwas.

Absent — Callegari; Heflin; King, S.

GENERAL STATE CALENDAR
HOUSE BILLS
THIRD READING

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

HB 469 ON THIRD READING**(by P. King, Anchia, Hughes, Lewis, Strama, et al.)**

HB 469, A bill to be entitled An Act relating to the establishment of incentives by this state for the implementation of certain projects to capture and sequester in geological formations carbon dioxide that would otherwise be emitted into the atmosphere.

(Isett now present)

HB 469 was passed by (Record 550): 140 Yeas, 3 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chisum; Christian; Cohen; Cook; Corte; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley.

Nays — Crabb; Farrar; Turner, S.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Chavez.

Absent, Excused, Committee Meeting — Dukes; Zerwas.

Absent — Coleman; Homer; Smith, W.

HB 461 ON THIRD READING**(by Eissler, Chisum, Button, Leibowitz, and Bohac)**

HB 461, A bill to be entitled An Act relating to the detection and treatment of dyslexia, including the use of certain professional titles by dyslexia practitioners and therapists; providing a criminal penalty.

HB 461 was passed by (Record 551): 131 Yeas, 13 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Aycock; Berman; Bohac; Bolton; Branch; Brown, B.; Brown, F.; Burnam; Button; Cohen; Coleman; Cook; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver;

Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Jackson; Jones; Keffer; Kent; King, P.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller, D.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley.

Nays — Anderson; Bonnen; Callegari; Chisum; Christian; Corte; Hilderbran; Isett; King, S.; King, T.; Miklos; Miller, S.; Phillips.

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

Absent, Excused — Chavez.

Absent, Excused, Committee Meeting — Dukes; Zerwas.

Absent — Hochberg.

STATEMENT OF VOTE

I was shown voting no on Record No. 551. I intended to vote yes.

Chisum

HB 1320 ON THIRD READING

(by Christian, et al.)

HB 1320, A bill to be entitled An Act relating to creating an offense for engaging in certain conduct relating to cockfighting and to the criminal and civil consequences of committing that offense.

HB 1320 was passed by (Record 552): 109 Yeas, 30 Nays, 1 Present, not voting.

Yeas — Allen; Alvarado; Anchia; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Deshotel; Driver; Dunnam; Dutton; Edwards; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flynn; Gallego; Gattis; Geren; Giddings; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez; Hochberg; Howard, C.; Howard, D.; Hunter; Jackson; Jones; Keffer; Kent; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Marquez; Martinez Fischer; McCall; Menendez; Merritt; Miklos; Miller, D.; Morrison; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pickett; Pitts; Quintanilla; Riddle; Ritter; Rose;

Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Vo; Walle; Weber; Woolley.

Nays — Alonzo; Anderson; Davis, Y.; Flores; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Heflin; Herrero; Hilderbran; Hodge; Homer; Hopson; Isett; King, T.; Mallory Caraway; Martinez; McClendon; McReynolds; Miller, S.; Moody; Olivo; Ortiz; Peña; Raymond; Rios Ybarra; Rodriguez.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Chavez.

Absent, Excused, Committee Meeting — Dukes; Zerwas.

Absent — Bolton; Eiland; Frost; Hughes; Naishtat; Pierson; Villarreal.

STATEMENTS OF VOTE

I was shown voting no on Record No. 552. I intended to vote yes.

Anderson

I was shown voting yes on Record No. 552. I intended to vote no.

Kuempel

When Record No. 552 was taken, I was in the house but away from my desk. I would have voted yes.

Pierson

I was shown voting no on Record No. 552. I intended to vote yes.

Rodriguez

HB 3226 ON THIRD READING (by Madden)

HB 3226, A bill to be entitled An Act relating to the payment of temporary housing costs for certain inmates who are eligible for release on parole or to mandatory supervision.

Representative Madden moved to postpone consideration of **HB 3226** until 10 a.m. Thursday, May 7.

The motion prevailed.

HB 2927 ON THIRD READING (by D. Howard, Hilderbran, Dunnam, and Anderson)

HB 2927, A bill to be entitled An Act relating to the regulation of cemeteries by state and local government.

HB 2927 was passed by (Record 553): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chisum; Christian; Cohen; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; McCall; McClendon; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Chavez.

Absent, Excused, Committee Meeting — Dukes; Zerwas.

Absent — Coleman; Hochberg; Martinez Fischer; McReynolds.

HB 2788 ON THIRD READING
(by D. Miller and Bolton)

HB 2788, A bill to be entitled An Act relating to the powers and duties of counties and emergency services districts.

HB 2788 was passed by (Record 554): 140 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Button; Callegari; Castro; Chisum; Christian; Cohen; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Olivo; Orr; Ortiz; Otto; Parker; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton;

Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Chavez.

Absent, Excused, Committee Meeting — Dukes; Zerwas.

Absent — Burnam; Coleman; Dunnam; Gutierrez; Oliveira; Patrick.

STATEMENT OF VOTE

When Record No. 554 was taken, I was in the house but away from my desk. I would have voted yes.

Patrick

HB 2582 ON THIRD READING

(by Gonzalez Toureilles, Leibowitz, Moody, and Hardcastle)

HB 2582, A bill to be entitled An Act relating to the production and taxation of renewable diesel fuel.

HB 2582 was passed by (Record 555): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dunnam; Dutton; Edwards; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Chavez.

Absent, Excused, Committee Meeting — Dukes; Zerwas.

Absent — Alonzo; Eiland; Flores; Guillen; McClendon.

STATEMENT OF VOTE

When Record No. 555 was taken, my vote failed to register. I would have voted yes.

Guillen

(Gonzales in the chair)

HB 2685 ON THIRD READING
(by Callegari, Leibowitz, et al.)

HB 2685, A bill to be entitled An Act relating to the landowner's bill of rights.

HB 2685 was passed by (Record 556): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dunnam; Dutton; Edwards; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley.

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

Absent, Excused — Chavez.

Absent, Excused, Committee Meeting — Dukes; Zerwas.

Absent — Eiland.

GENERAL STATE CALENDAR
SENATE BILLS
THIRD READING

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

SB 983 ON THIRD READING
(Rose - House Sponsor)

SB 983, A bill to be entitled An Act relating to providing certain documents and training to children in the conservatorship of the Department of Family and Protective Services.

SB 983 was passed by (Record 557): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley.

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

Absent, Excused — Chavez.

Absent, Excused, Committee Meeting — Dukes; Zerwas.

Absent — Pierson.

STATEMENT OF VOTE

I was shown voting yes on Record No. 557. I intended to vote no.

Flynn

SB 1495 ON THIRD READING
(Oliveira - House Sponsor)

SB 1495, A bill to be entitled An Act relating to the taxation of motor fuels; providing penalties.

Representative Keffer moved to postpone consideration of **SB 1495** until 10 a.m. tomorrow.

The motion prevailed.

SB 872 ON THIRD READING
(Menendez - House Sponsor)

SB 872, A bill to be entitled An Act relating to continued health insurance coverage for eligible survivors of certain public servants killed in the line of duty.

SB 872 was passed by (Record 558): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chisum; Christian; Cohen; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales(C); Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley.

Present, not voting — Mr. Speaker.

Absent, Excused — Chavez.

Absent, Excused, Committee Meeting — Dukes; Zerwas.

Absent — Coleman.

SB 2043 ON THIRD READING
(Bonnen - House Sponsor)

SB 2043, A bill to be entitled An Act relating to the closure or modification of certain man-made passes between the Gulf of Mexico and inland bays by the commissioner of the General Land Office.

SB 2043 was passed by (Record 559): 144 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales(C); Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock;

Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley.

Nays — Morrison.

Present, not voting — Mr. Speaker.

Absent, Excused — Chavez.

Absent, Excused, Committee Meeting — Dukes; Zerwas.

Absent — Ritter.

SB 95 ON THIRD READING (Menendez - House Sponsor)

SB 95, A bill to be entitled An Act relating to prohibiting the use of unsafe children's products in certain nonresidential child-care facilities.

SB 95 was passed by (Record 560): 140 Yeas, 5 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Aycok; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Castro; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales(C); Gonzalez Tourelles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley.

Nays — Anderson; Callegari; Lewis; Miller, S.; Phillips.

Present, not voting — Mr. Speaker.

Absent, Excused — Chavez.

Absent, Excused, Committee Meeting — Dukes; Zerwas.

Absent — Jackson.

STATEMENT OF VOTE

I was shown voting no on Record No. 560. I intended to vote yes.

Callegari

LOCAL, CONSENT, AND RESOLUTIONS CALENDAR SENATE BILLS THIRD READING

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

SB 1373 ON THIRD READING (Pickett - House Sponsor)

SB 1373, A bill to be entitled An Act relating to the operation and continuation of the law authorizing the issuance of oversize or overweight vehicle permits by certain port authorities.

SB 1373 was passed by (Record 561): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales(C); Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Harcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley.

Present, not voting — Mr. Speaker.

Absent, Excused — Chavez.

Absent, Excused, Committee Meeting — Dukes; Zerwas.

Absent — Jackson; McReynolds.

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. 23).

POSTPONED BUSINESS

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

SB 1071 ON SECOND READING (Geren - House Sponsor)

SB 1071, A bill to be entitled An Act relating to the required disclosure under the public information law of information pertaining to an employee or trustee of a public employee pension system.

SB 1071 was considered in lieu of **CSHB 1707**.

SB 1071 was read second time and was passed to third reading by (Record 562): 138 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycoc; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Davis, J.; Davis, Y.; Deshotel; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales(C); Gonzalez Toureilles; Guillen; Gutierrez; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley.

Nays — Chisum.

Present, not voting — Mr. Speaker.

Absent, Excused — Chavez.

Absent, Excused, Committee Meeting — Dukes; Zerwas.

Absent — Berman; Castro; Darby; Driver; Hamilton; Rose; Truitt.

STATEMENT OF VOTE

When Record No. 562 was taken, my vote failed to register. I would have voted yes.

Truitt

CSHB 1707 - LAID ON THE TABLE SUBJECT TO CALL

Representative Geren moved to lay **CSHB 1707** on the table subject to call.

The motion prevailed.

HB 2573 ON SECOND READING
(by Gonzalez Toureilles)

HB 2573, A bill to be entitled An Act relating to the amount of a county expenditure for which competitive bidding is required.

HB 2573 was read second time on April 23, postponed until May 1, and was again postponed until 10 a.m. today.

Representative Gonzalez Toureilles moved to postpone consideration of **HB 2573** until 10 a.m. Monday, May 11.

The motion prevailed.

HB 3545 ON SECOND READING
(by Leibowitz)

HB 3545, A bill to be entitled An Act relating to nonsubstantive additions to and corrections in enacted codes, to the nonsubstantive codification or disposition of various laws omitted from enacted codes, to conforming codifications enacted by the 80th Legislature to other Acts of that legislature, and to the repeal of certain unconstitutional laws.

HB 3545 was read second time on April 24, postponed until April 28, postponed until May 1, and was again postponed until 10 a.m. today.

Representative Leibowitz moved to postpone consideration of **HB 3545** until 10 a.m. Friday, May 8.

The motion prevailed.

HB 2987 ON SECOND READING
(by Phillips)

HB 2987, A bill to be entitled An Act relating to a nonsubstantive revision of statutes relating to railroads; including conforming amendments.

HB 2987 was read second time on April 24, postponed until April 28, postponed until May 1, and was again postponed until 10 a.m. today.

Representative Phillips moved to postpone consideration of **HB 2987** until 10 a.m. Friday, May 8.

The motion prevailed.

CSHB 2820 ON SECOND READING
(by Chisum and Chavez)

CSHB 2820, A bill to be entitled An Act relating to contracts by governmental entities for professional services relating to geoscience and landscape architecture.

CSHB 2820 was read second time on April 29, postponed until May 1, and was again postponed until 10 a.m. today.

Amendment No. 1

Representative Laubenberg offered the following amendment to **CSHB 2820**:

Amend **CSHB 2820** (house committee report) by striking page 2, line 9, through page 3, line 5, substituting the following appropriately numbered SECTION, and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 2254.004, Government Code, is amended to read as follows:

Sec. 2254.004. CONTRACT FOR PROFESSIONAL SERVICES OF ARCHITECT, ENGINEER, ~~[OR]~~ SURVEYOR, LANDSCAPE ARCHITECT, OR GEOSCIENTIST. ~~[(a)]~~ In procuring architectural, engineering, ~~[or]~~ land surveying, landscape architectural, or geoscientific services, a governmental entity shall:

(1) first create a list of ~~[select]~~ the most highly qualified providers ~~[provider]~~ of those services on the basis of demonstrated competence and qualifications; and

(2) then negotiate with the providers on the list and contract with the provider who offers the best value for the governmental entity ~~[attempt to negotiate with that provider a contract at a fair and reasonable price].~~

~~[(b) If a satisfactory contract cannot be negotiated with the most highly qualified provider of architectural, engineering, or land surveying services, the entity shall:~~

~~[(1) formally end negotiations with that provider;~~

~~[(2) select the next most highly qualified provider; and~~

~~[(3) attempt to negotiate a contract with that provider at a fair and reasonable price.]~~

~~[(c) The entity shall continue the process described in Subsection (b) to select and negotiate with providers until a contract is entered into.]~~

Amendment No. 1 was adopted.

CSHB 2820, as amended, was passed to engrossment.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today to attend a meeting of the Conference Committee on **SB 1**:

Hochberg on motion of Homer.

(Speaker in the chair)

CSHB 1678 ON SECOND READING

(by Hilderbran, Gallego, T. King, D. Miller, Rose, et al.)

CSHB 1678, A bill to be entitled An Act relating to the Hill Country local mental health authority crisis stabilization unit.

CSHB 1678 was read second time on April 24, postponed until April 30, postponed until May 1, and was again postponed until 10 a.m. today.

Representative Hilderbran moved to postpone consideration of **CSHB 1678** until 10 a.m. Thursday, May 7.

The motion prevailed.

CSSB 543 ON SECOND READING
(Harless - House Sponsor)

CSSB 543, A bill to be entitled An Act relating to certain possessory liens; providing a criminal penalty.

CSSB 543 was considered in lieu of **CSHB 1631**.

CSSB 543 was read second time and was passed to third reading. (Christian and Hunter recorded voting no.)

CSHB 1631 - LAID ON THE TABLE SUBJECT TO CALL

Representative Harless moved to lay **CSHB 1631** on the table subject to call.

The motion prevailed.

CSHB 1169 ON SECOND READING
(by Martinez, Guillen, and Veasey)

CSHB 1169, A bill to be entitled An Act relating to grants for federally qualified health centers.

CSHB 1169 was read second time on May 1 and was postponed until 10 a.m. today.

Representative Martinez moved to postpone consideration of **CSHB 1169** until 10 a.m. tomorrow.

The motion prevailed.

SB 1259 ON SECOND READING
(Hughes - House Sponsor)

SB 1259, A bill to be entitled An Act relating to the storage of records by the clerks of the supreme court and the courts of appeals.

SB 1259 was considered in lieu of **HB 1833**.

SB 1259 was read second time.

Representative Hughes moved to postpone consideration of **SB 1259** until 10 a.m. Monday, May 11.

The motion prevailed.

GENERAL STATE CALENDAR
HOUSE BILLS
SECOND READING

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

CSHB 2564 ON SECOND READING
(by McClendon)

CSHB 2564, A bill to be entitled An Act relating to the analysis of computer data; providing penalties.

Amendment No. 1

Representative McClendon offered the following amendment to **CSHB 2564**:

Amend **CSHB 2564** as follows:

(1) On page 1, between lines 3 and 4, insert the following:

ARTICLE 1. COMPUTER DATA ANALYSIS

(2) On page 1, line 4, strike "SECTION 1." and substitute "SECTION 1.001."

(3) On page 3, line 4, strike "SECTION 2." and substitute "SECTION 1.002."

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

ARTICLE 2. LICENSING OF CERTAIN COMPUTER DATA ANALYSTS

SECTION 2.001. The Occupations Code is amended by adding Title 16 to read as follows:

TITLE 16. OCCUPATIONS RELATED TO COMPUTER TECHNOLOGY

CHAPTER 2601. COMPUTER DATA ANALYSIS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 2601.001. DEFINITIONS. (a) In this chapter:

(1) "Commission" means the Texas Commission of Licensing and Regulation.

(2) "Department" means the Texas Department of Licensing and Regulation.

(b) In this chapter, the terms "computer data recovery specialist" and "computer forensic analyst" have the meanings assigned by Chapter 107, Business & Commerce Code.

Sec. 2601.002. RULEMAKING. The commission shall adopt rules as necessary to implement this chapter.

Sec. 2601.003. FEES. (a) The commission shall adopt license application fees, license renewal fees, and other fees as necessary to cover the costs of administering this chapter.

(b) The commission shall set fees under this chapter in amounts reasonable and necessary to cover the costs to implement this chapter.

[Sections 2601.004-2601.050 reserved for expansion]

SUBCHAPTER B. LICENSE

Sec. 2601.051. LICENSE REQUIRED. A person may not operate or engage in business as a computer data recovery specialist or computer forensic analyst in this state unless the person holds a license issued under this chapter.

Sec. 2601.052. LICENSE APPLICATION. To obtain a license under this chapter, a license applicant must file an application with the department, on a form prescribed by the commission, accompanied by the license application fee.

Sec. 2601.053. CRIMINAL BACKGROUND CHECKS. (a) On receipt of an application for a license under this chapter, the department shall conduct a criminal background check on the applicant.

(b) An applicant is not eligible for a license under this chapter if the applicant, in the five years preceding the date of the application, has been finally convicted of a misdemeanor involving moral turpitude or a felony.

Sec. 2601.054. SECURITY REQUIRED. (a) The department may not issue a license to an applicant unless the applicant files a surety bond, or posts other security as prescribed by the commission, in the amount prescribed by the commission under Subsection (b).

(b) The commission shall prescribe the amount of security required for an applicant in the amount determined sufficient by the commission to protect any party who suffers damages caused by the failure of the applicant or license holder to fulfill obligations related to the performance of activities described by Chapter 107, Business & Commerce Code. The amount may not be less than \$20,000 or more than \$50,000.

(c) If a surety bond is filed under Subsection (a), the bond must:

- (1) remain in effect until canceled by the surety company;
- (2) be issued by a company authorized to do business in this state; and
- (3) conform to the requirements of the Insurance Code.

Sec. 2601.055. ISSUANCE OF LICENSE; RENEWAL. (a) The department shall issue a license under this chapter to an applicant who complies with the license application requirements and pays the required fees.

(b) A license issued under this section is valid for one year from the date of issuance or for another period set by the commission by rule. A license holder may renew the license as provided by rules adopted by the commission.

[Sections 2601.056-2601.100 reserved for expansion]

SUBCHAPTER C. ENFORCEMENT

Sec. 2601.101. ENFORCEMENT. The department shall enforce this chapter and may investigate a license holder as necessary to enforce this chapter.

Sec. 2601.102. SANCTIONS. If, after a hearing described by Section 51.354, the commission or executive director of the department determines that a license holder has violated this chapter or a rule or order adopted under this chapter, the commission or executive director may, as appropriate, impose a sanction authorized by Section 51.353 or an administrative penalty under Subchapter F, Chapter 51.

SECTION 2.002. The Texas Commission of Licensing and Regulation shall adopt rules as required by Chapter 2601, Occupations Code, as added by this Act, not later than December 1, 2009.

SECTION 2.003. A person is not required to hold a license under Chapter 2601, Occupations Code, as added by this Act, to operate or engage in business as a computer data recovery specialist or computer forensic analyst in this state until March 1, 2010.

SECTION 2.004. (a) Except as provided by Subsection (b) of this section, this article takes effect September 1, 2009.

(b) Sections 2601.051 and 2601.101, Occupations Code, as added by this article, take effect March 1, 2010.

(5) On page 4, strike line 4 and substitute the following:

ARTICLE 3. EFFECTIVE DATE

SECTION 3.001. Except as otherwise provided by this Act, this Act takes effect September 1, 2009.

Amendment No. 1 was adopted. (Phillips recorded voting no.)

Amendment No. 2

Representative C. Turner offered the following amendment to **CSHB 2564**:

Amend **CSHB 2564** by adding the following appropriately numbered SECTION to the bill and by renumbering subsequent SECTIONS accordingly:

SECTION _____. Subtitle C, Title 5, Business & Commerce Code, is amended by adding Chapter 108 to read as follows:

CHAPTER 108. COMPUTER TECHNICIANS REQUIRED TO REPORT
CHILD PORNOGRAPHY

Sec. 108.001. DEFINITIONS. In this chapter:

(1) "Child pornography" means an image of a child engaging in sexual conduct or sexual performance.

(2) "Computer technician" means an individual who, in the course and scope of employment or business, installs, repairs, or otherwise services a computer for a fee.

(3) "Sexual conduct" and "sexual performance" have the meanings assigned by Section 43.25, Penal Code.

Sec. 108.002. REPORTING OF IMAGES OF CHILD PORNOGRAPHY.

(a) A computer technician who, in the course and scope of employment or business, views an image on a computer that is or appears to be child pornography shall immediately report the discovery of the image to a local or state law enforcement agency or the Cyber Tipline at the National Center for Missing and Exploited Children. The report must include the name and address of the owner or person claiming a right to possession of the computer, if known.

(b) A computer technician may not be held liable on account of any action taken in good faith to comply with this section.

Sec. 108.003. CRIMINAL PENALTY. (a) A person who violates this chapter commits an offense. An offense under this subsection is a Class B misdemeanor.

(b) It is a defense to prosecution under this section that the actor did not report the discovery of an image of child pornography because the child in the image appeared to be at least 18 years of age.

Amendment No. 2 was adopted.

CSHB 2564, as amended, was passed to engrossment. (Phillips recorded voting no.)

HB 3610 ON SECOND READING**(by D. Miller)**

HB 3610, A bill to be entitled An Act relating to rates and methods of depreciation applied to a retired class of property for regulated water utilities.

Representative D. Miller moved to postpone consideration of **HB 3610** until 10 a.m. Friday, May 8.

The motion prevailed.

HB 3637 ON SECOND READING**(by Hughes)**

HB 3637, A bill to be entitled An Act relating to filing fees for civil actions or proceedings in a district, county, justice, or small claims court.

Amendment No. 1

On behalf of Representative Eiland, Representative Leibowitz offered the following amendment to **HB 3637**:

Amend **HB 3637** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS accordingly:

SECTION _____. Subchapter H, Chapter 51, Government Code, is amended by adding Section 51.708 to read as follows:

Sec. 51.708. ADDITIONAL FILING FEE FOR CIVIL CASES IN CERTAIN COURTS. (a) In addition to all other fees authorized or required by other law, the clerk of a county court, statutory county court, or district court shall collect a filing fee of not more than \$10 in each civil case filed in the court to be used for court record preservation for the courts in the county.

(b) Court fees due under this section shall be collected in the same manner as other fees, fines, or costs are collected in the case.

(c) The clerk at least monthly shall send the fees collected under this section to the county treasurer or to any other official who discharges the duties commonly assigned to the county treasurer. The treasurer or other official shall deposit the fees in a court record preservation account in the county treasury. The money in the account may be used only to digitize court records and preserve the records from natural disasters.

(d) The court record preservation account shall be administered by or under the direction of the commissioners court of the county.

SECTION _____. Subchapter D, Chapter 101, Government Code, is amended by adding Section 101.06117 to read as follows:

Sec. 101.06117. ADDITIONAL DISTRICT COURT FEES: GOVERNMENT CODE. The clerk of a district court shall collect an additional filing fee not to exceed \$10 under Section 51.708, Government Code, in certain civil cases to fund the preservation of court records.

SECTION _____. Subchapter E, Chapter 101, Government Code, is amended by adding Section 101.08115 to read as follows:

Sec. 101.08115. ADDITIONAL STATUTORY COUNTY COURT FEES: GOVERNMENT CODE. The clerk of a statutory county court shall collect an additional filing fee not to exceed \$10 under Section 51.708, Government Code, in certain civil cases to fund the preservation of court records.

SECTION _____. Subchapter G, Chapter 101, Government Code, is amended by adding Section 101.12124 to read as follows:

Sec. 101.12124. ADDITIONAL COUNTY COURT FEES: GOVERNMENT CODE. The clerk of a county court shall collect an additional filing fee not to exceed \$10 under Section 51.708, Government Code, in certain civil cases to fund the preservation of court records.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Gonzalez Toureilles offered the following amendment to **HB 3637**:

Amend **HB 3637** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS accordingly:

SECTION _____. Subchapter A, Chapter 102, Code of Criminal Procedure, is amended by adding Article 102.0169 to read as follows:

Art. 102.0169. COURT COSTS; COUNTY AND DISTRICT COURT TECHNOLOGY FUND. (a) A defendant convicted of a criminal offense in a county court, statutory county court, or district court shall pay a \$4 county and district court technology fee as a cost of court.

(b) In this article, a person is considered convicted if:

(1) a sentence is imposed on the person;

(2) the person receives community supervision, including deferred adjudication; or

(3) the court defers final disposition of the person's case.

(c) The clerks of the courts described by Subsection (a) shall collect the costs and pay them to the county treasurer or to any other official who discharges the duties commonly delegated to the county treasurer, as appropriate, for deposit in a fund to be known as the county and district court technology fund.

(d) A fund designated by this article may be used only to finance:

(1) the cost of continuing education and training for county court, statutory county court, or district court judges and clerks regarding technological enhancements for those courts; and

(2) the purchase and maintenance of technological enhancements for a county court, statutory county court, or district court, including:

(A) computer systems;

(B) computer networks;

(C) computer hardware;

(D) computer software;

(E) imaging systems;

(F) electronic kiosks; and

(G) docket management systems.

(e) The county and district court technology fund shall be administered by or under the direction of the commissioners court of the county.

SECTION _____. (a) Section 102.041, Government Code, as amended by Chapter 921 (**HB 3167**), Acts of the 80th Legislature, Regular Session, 2007, is amended to conform to the amendments made by Chapter 1053 (**HB 2151**), Acts of the 80th Legislature, Regular Session, 2007, to Section 102.041, Government Code, and is further amended to read as follows:

Sec. 102.041. ADDITIONAL COURT COSTS ON CONVICTION IN DISTRICT COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a district court shall collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:

(1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$20;

(2) a fee for clerk of the court services (Art. 102.005, Code of Criminal Procedure) . . . \$40;

(3) a records management and preservation services fee (Art. 102.005, Code of Criminal Procedure) . . . \$25;

(4) a county and district court technology fee (Art. 102.0169, Code of Criminal Procedure) . . . \$4;

(5) a security fee on a felony offense (Art. 102.017, Code of Criminal Procedure) . . . \$5;

(6) [~~6~~] a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$3; and

(7) [~~6~~] a juvenile delinquency prevention and graffiti eradication fee (Art. 102.0171, Code of Criminal Procedure) . . . \$50 [~~5~~].

(b) Section 102.041, Government Code, as amended by Chapter 1053 (**HB 2151**), Acts of the 80th Legislature, Regular Session, 2007, is repealed. Section 102.041, Government Code, as amended by Chapter 921 (**HB 3167**), Acts of the 80th Legislature, Regular Session, 2007, to reorganize and renumber that section, continues in effect as further amended by this section.

SECTION _____. (a) Section 102.061, Government Code, as reenacted and amended by Chapter 921 (**HB 3167**), Acts of the 80th Legislature, Regular Session, 2007, is amended to conform to the amendments made to Section 102.061, Government Code, by Chapter 1053 (**HB 2151**), Acts of the 80th Legislature, Regular Session, 2007, and is further amended to read as follows:

Sec. 102.061. ADDITIONAL COURT COSTS ON CONVICTION IN STATUTORY COUNTY COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a statutory county court shall collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:

(1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$20;

(2) a fee for services of the clerk of the court (Art. 102.005, Code of Criminal Procedure) . . . \$40;

(3) a records management and preservation services fee (Art. 102.005, Code of Criminal Procedure) . . . \$25;

(4) a county and district court technology fee (Art. 102.0169, Code of Criminal Procedure) . . . \$4;

(5) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$3;

(6) [~~(\$)~~] a juvenile delinquency prevention and graffiti eradication fee (Art. 102.0171, Code of Criminal Procedure) . . . \$50 [~~(\$\$)~~]; and

(7) [~~(€)~~] a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed \$5.

(b) Section 102.061, Government Code, as amended by Chapter 1053, Acts of the 80th Legislature, Regular Session, 2007, is repealed. Section 102.061, Government Code, as reenacted and amended by Chapter 921, Acts of the 80th Legislature, Regular Session, 2007, to reorganize and renumber that section, continues in effect as further amended by this section.

SECTION _____. (a) Section 102.081, Government Code, as amended by Chapter 921 (**HB 3167**), Acts of the 80th Legislature, Regular Session, 2007, is amended to conform to the amendments made to Section 102.081, Government Code, by Chapter 1053 (**HB 2151**), Acts of the 80th Legislature, Regular Session, 2007, and is further amended to read as follows:

Sec. 102.081. ADDITIONAL COURT COSTS ON CONVICTION IN COUNTY COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a county court shall collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:

(1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$20;

(2) a fee for clerk of the court services (Art. 102.005, Code of Criminal Procedure) . . . \$40;

(3) a records management and preservation services fee (Art. 102.005, Code of Criminal Procedure) . . . \$25;

(4) a county and district court technology fee (Art. 102.0169, Code of Criminal Procedure) . . . \$4;

(5) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$3;

(6) [~~(\$)~~] a juvenile delinquency prevention and graffiti eradication fee (Art. 102.0171, Code of Criminal Procedure) . . . \$50 [~~(\$\$)~~]; and

(7) [~~(€)~~] a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed \$5.

(b) Section 102.081, Government Code, as amended by Chapter 1053 (**HB 2151**), Acts of the 80th Legislature, Regular Session, 2007, is repealed. Section 102.081, Government Code, as amended by Chapter 921 (**HB 3167**), Acts of the 80th Legislature, Regular Session, 2007, to reorganize and renumber that section, continues in effect as further amended by this section.

SECTION _____. The change in law made by this Act applies only to a cost on conviction for an offense committed on or after the effective date of this Act. A cost on conviction for an offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today to attend a meeting of the Conference Committee on **SB 1**:

Pitts on motion of Farabee.

The following member was granted leave of absence temporarily for today to attend a meeting of the Conference Committee on **SB 1**:

Villarreal on motion of Farabee.

HB 3637 - (consideration continued)

Representative Hughes moved to postpone consideration of **HB 3637** until 3:30 p.m. today.

The motion prevailed.

HB 3005 ON SECOND READING

(by Coleman)

HB 3005, A bill to be entitled An Act relating to the mandatory testing of persons suspected of exposing employees of a juvenile probation department to certain diseases.

Representative Burnam moved to postpone consideration of **HB 3005** until 10 a.m. tomorrow.

The motion prevailed.

HB 3671 ON SECOND READING

(by Sheffield)

HB 3671, A bill to be entitled An Act relating to the documents that are required for the transfer of a defendant from a county to the Texas Department of Criminal Justice.

HB 3671 was passed to engrossment.

HB 3128 ON SECOND READING

(by S. Turner)

HB 3128, A bill to be entitled An Act relating to service of process or notices by a municipality with a population of more than 1.9 million on certain condominiums.

Amendment No. 1

Representative S. Turner offered the following amendment to **HB 3128**:

Amend **HB 3128** (committee printing) as follows:

(1) On page 1, line 2, after "service of process", strike "or notices by a municipality with a population of more than 1.9 million on certain condominiums" and substitute "on condominium unit owners and condominium unit owners' associations in certain municipalities".

(2) On page 1, strike all below the enacting clause and substitute the following:

SECTION 1. Section 82.002(c), Property Code, is amended to read as follows:

(c) This section and the following sections apply to a condominium in this state for which the declaration was recorded before January 1, 1994: Sections 82.005, 82.006, 82.007, 82.053, 82.054, 82.102(a)(1)-(7) and (12)-(22), 82.108, 82.111, 82.113, 82.114, 82.116, 82.118, 82.157, and 82.161. The definitions prescribed by Section 82.003 apply to a condominium in this state for which the declaration was recorded before January 1, 1994, to the extent the definitions do not conflict with the declaration. The sections listed in this subsection apply only with respect to events and circumstances occurring on or after January 1, 1994, and do not invalidate existing provisions of the declaration, bylaws, or plats or plans of a condominium for which the declaration was recorded before January 1, 1994.

SECTION 2. Subchapter C, Chapter 82, Property Code, is amended by adding Section 82.118 to read as follows:

Sec. 82.118. SERVICE OF PROCESS ON UNIT OWNERS. (a) A unit owner of a condominium located wholly or partly in a municipality with a population of more than 1.9 million may be served with process by the municipality or the municipality's agent for a judicial or administrative proceeding initiated by the municipality and directly related to the unit owner's property interest in the condominium by serving the unit owner at the unit owner's last known address, according to the records of the appraisal district in which the condominium is located, by any means permitted by Rule 21a, Texas Rules of Civil Procedure.

(b) Notwithstanding Subsection (a), a unit owner may not offer proof in the judicial or administrative proceeding, or in a subsequent related proceeding, that otherwise proper service by mail of the notice was not received not later than three days after the date the notice was deposited in a post office or official depository under the care and custody of the United States Postal Service.

SECTION 3. Section 82.153(a), Property Code, is amended to read as follows:

(a) A condominium information statement must contain or accurately disclose:

(1) the name and principal address of the declarant and of the condominium;

(2) a general description of the condominium that includes the types of units and the maximum number of units;

(3) the minimum and maximum number of additional units, if any, that may be included in the condominium;

(4) a brief narrative description of any development rights reserved by a declarant and of any conditions relating to or limitations upon the exercise of development rights;

(5) copies of the declaration, articles of incorporation of the association, the bylaws, any rules of the association, and amendments to any of them, and copies of leases and contracts, other than loan documents, that are required by the declarant to be signed by purchasers at closing;

(6) a projected or pro forma budget for the association that complies with Subsection (b) for the first fiscal year of the association following the date of the first conveyance to a purchaser, identification of the person who prepared the budget, and a statement of the budget's assumptions concerning occupancy and inflation factors;

(7) a general description of each lien, lease, or encumbrance on or affecting the title to the condominium after conveyance by the declarant;

(8) a copy of each written warranty provided by the declarant;

(9) a description of any unsatisfied judgments against the association and any pending suits to which the association is a party or which are material to the land title and construction of the condominium of which a declarant has actual knowledge;

(10) a general description of the insurance coverage provided for the benefit of unit owners; ~~and~~

(11) current or expected fees or charges to be paid by unit owners for the use of the common elements and other facilities related to the condominium; and

(12) for a condominium located wholly or partly in a municipality with a population of more than 1.9 million a statement that a unit owner:

(A) as an alternative to personal service, may be served with process by the municipality or the municipality's agent for a judicial or administrative proceeding initiated by the municipality and directly related to the unit owner's property interest in the condominium by serving the unit owner at the unit owner's last known address, according to the records of the appraisal district in which the condominium is located, by any means permitted by Rule 21a, Texas Rules of Civil Procedure;

(B) shall promptly notify the appraisal district of a change in the unit owner's mailing address; and

(C) may not offer proof in the judicial or administrative proceeding, or in a subsequent related proceeding, that otherwise proper service by mail of the notice was not received not later than three days after the date the notice was deposited in a post office or official depository under the care and custody of the United States Postal Service.

SECTION 4. Section 54.035, Local Government Code, is amended by amending Subsections (a), (d), (e), and (f) and adding Subsections (a-1) and (a-2) to read as follows:

(a) Except as provided by Subsections (a-1) and (a-2), notice ~~Notice~~ of all proceedings before the commission panels must be given:

(1) by personal delivery, by certified mail with return receipt requested, or by delivery by the United States Postal Service using signature confirmation service, to the record owners of the affected property, and each holder of a recorded lien against the affected property, as shown by the records in the office of the county clerk of the county in which the affected property is located if the address of the lienholder can be ascertained from the deed of trust establishing the lien or ~~and/or~~ other applicable instruments on file in the office of the county clerk; and

(2) to all unknown owners, by posting a copy of the notice on the front door of each improvement situated on the affected property or as close to the front door as practicable.

(a-1) Notice to a condominium association of a proceeding before a commission panel relating to a condominium, as defined by Section 81.002 or 82.003, Property Code, located wholly or partly in a municipality with a population of more than 1.9 million must be served by personal service, by certified mail, return receipt requested, or by the United States Postal Service using signature confirmation service, to the registered agent of the unit owners' association.

(a-2) Notice to an owner of a unit of a condominium, as defined by Section 81.002 or 82.003, Property Code, located wholly or partly in a municipality with a population of more than 1.9 million must be given in accordance with Section 82.118, Property Code.

(d) A municipality must exercise due diligence to determine the identity and address of a property owner, ~~or~~ lienholder, or registered agent to whom the municipality is required to give notice.

(e) A municipality exercises due diligence in determining the identity and address of a property owner, ~~or~~ lienholder, or registered agent when it follows the procedures for service under Section 82.118, Property Code, or searches the following records:

(1) county real property records of the county in which the property is located;

(2) appraisal district records of the appraisal district in which the property is located;

(3) records of the secretary of state, if the property owner, ~~or~~ lienholder, or registered agent is a corporation, partnership, or other business association;

(4) assumed name records of the county in which the property is located;

(5) tax records of the municipality; and

(6) utility records of the municipality.

(f) When a municipality mails a notice in accordance with this section to a property owner, ~~or~~ lienholder, or registered agent and the United States Postal Service returns the notice as "refused" or "unclaimed," the validity of the notice is not affected, and the notice is considered delivered.

SECTION 5. Section 214.001, Local Government Code, is amended by amending Subsections (b) and (r) and adding Subsection (b-1) to read as follows:

(b) The ordinance must:

(1) establish minimum standards for the continued use and occupancy of all buildings regardless of the date of their construction;

(2) provide for giving proper notice, subject to Subsection (b-1), to the owner of a building; and

(3) provide for a public hearing to determine whether a building complies with the standards set out in the ordinance.

(b-1) For a condominium, as defined by Section 81.002 or 82.003, Property Code, located wholly or partly in a municipality with a population of more than 1.9 million, notice to a unit owner in accordance with Section 82.118, Property Code, and notice to the registered agent for the unit owners' association in the manner provided for service of process to a condominium association under Section 54.035(a-1) satisfy the notice requirements under this section.

(r) When a municipality mails a notice in accordance with this section to a property owner, lienholder, [or] mortgagee, or registered agent and the United States Postal Service returns the notice as "refused" or "unclaimed," the validity of the notice is not affected, and the notice is considered delivered.

SECTION 6. This Act takes effect September 1, 2009.

Amendment No. 1 was adopted.

HB 3128, as amended, was passed to engrossment. (Christian and Phillips recorded voting no.)

CSHB 3717 ON SECOND READING
(by S. King)

CSHB 3717, A bill to be entitled An Act relating to exemptions from the requirement to hold a license to practice physical therapy.

CSHB 3717 was passed to engrossment.

SB 1811 ON SECOND READING
(Hardcastle - House Sponsor)

SB 1811, A bill to be entitled An Act relating to the 39th Judicial District Juvenile Board.

SB 1811 was considered in lieu of **HB 4708**.

SB 1811 was passed to third reading.

HB 4708 - LAID ON THE TABLE SUBJECT TO CALL

Representative Hardcastle moved to lay **HB 4708** on the table subject to call.

The motion prevailed.

CSHB 3502 ON SECOND READING
(by Pickett, Solomons, Orr, and Deshotel)

CSHB 3502, A bill to be entitled An Act relating to acknowledgements required of a purchaser of residential real property in connection with the receipt of a seller's disclosure notice regarding the property.

CSHB 3502 was passed to engrossment.

(Dukes now present)

CSHB 3276 ON SECOND READING
(by D. Howard)

CSHB 3276, A bill to be entitled An Act relating to the determination of student priority in awarding TEXAS grants.

CSHB 3276 - POINT OF ORDER

Representative Menendez raised a point of order against further consideration of **CSHB 3276** under Rule 4, Section 18 of the House Rules on the grounds that the committee minutes are incomplete.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence temporarily for today to attend a meeting of the Conference Committee on **SB 1**:

Isett on motion of F. Brown.

Otto on motion of Orr.

CSHB 3276 - (consideration continued)

The point of order was withdrawn.

Representative D. Howard moved to postpone consideration of **CSHB 3276** until 10 a.m. tomorrow.

The motion prevailed.

CSHB 3951 ON SECOND READING

(by C. Turner, Leibowitz, and Moody)

CSHB 3951, A bill to be entitled An Act relating to requiring a public institution of higher education to designate or employ a person trained in student financial assistance programs for military veterans and their families.

Amendment No. 1

Representative Hancock offered the following amendment to **CSHB 3951**:

Amend **CSHB 3951** (house committee printing) on page 1, between lines 22 and 23, by inserting the following:

(c) The legislature shall ensure that each institution receives adequate funding to cover the additional costs attributable to the requirements of this section and may appropriate money for that purpose.

Amendment No. 1 was adopted.

CSHB 3951, as amended, was passed to engrossment. (Christian, Craddick, Laubenberg, and Riddle recorded voting no.)

(Bolton in the chair)

CSHB 4068 ON SECOND READING

(by Gonzales)

CSHB 4068, A bill to be entitled An Act relating to the conduct of judicial proceedings and transaction of other essential judicial functions in the event of a disaster.

CSHB 4068 was passed to engrossment.

SB 2163 ON SECOND READING
(Rios Ybarra - House Sponsor)

SB 2163, A bill to be entitled An Act relating to access to criminal history record information by the Texas Veterans Commission.

SB 2163 was considered in lieu of **HB 4020**.

SB 2163 was passed to third reading.

HB 4020 - LAID ON THE TABLE SUBJECT TO CALL

Representative Rios Ybarra moved to lay **HB 4020** on the table subject to call.

The motion prevailed.

HB 2399 ON SECOND READING
(by Jackson)

HB 2399, A bill to be entitled An Act relating to offering the classroom portion of a driver education course through an alternative method of instruction.

Representative Jackson moved to postpone consideration of **HB 2399** until 10 a.m. Monday, May 11.

The motion prevailed.

CSHB 3137 ON SECOND READING
(by Gallego)

CSHB 3137, A bill to be entitled An Act relating to requiring the Department of Family and Protective Services to develop and provide certain foster parents with a statement regarding the rights and responsibilities of those persons and the agency.

CSHB 3137 was passed to engrossment. (Anderson, Berman, Branch, Button, Christian, Craddick, Flynn, Hunter, Laubenberg, Parker, and Riddle recorded voting no.)

(Phillips in the chair)

CSHB 1031 ON SECOND READING
(by S. Miller)

CSHB 1031, A bill to be entitled An Act relating to maintenance of roads on the property of a perpetual care cemetery.

CSHB 1031 was passed to engrossment.

CSHB 710 ON SECOND READING
(by Rose, D. Howard, Maldonado, Cohen, Bolton, et al.)

CSHB 710, A bill to be entitled An Act relating to placing the State Board of Education under periodic review by the Sunset Advisory Commission.

CSHB 710 - POINT OF ORDER

Representative Riddle raised a point of order against further consideration of **CSHB 710** under Rule 4, Section 32(c)(1) of the House Rules on the grounds that the bill analysis is incorrect.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 3).

CSHB 710 - (consideration continued)

Representative Rose moved to postpone consideration of **CSHB 710** until 5 p.m. today.

The motion prevailed.

(Issett now present)

CSHB 636 ON SECOND READING

(by Guillen, Marquez, Gonzales, and Flores)

CSHB 636, A bill to be entitled An Act relating to allocation of state and federal funds for adult basic education.

Amendment No. 1

Representative Guillen offered the following amendment to **CSHB 636**:

Amend **CSHB 636** as follows:

(1) On page 1, line 6, strike "(c) and (d)" and substitute "(c), (d), (d-1), and (e)".

(2) On page 1, line 10, after the period, insert the following:

Funds available to a service area in which there is no eligible adult basic education service provider providing student contact hours shall be distributed proportionally by the agency to other eligible adult basic education service providers in the county. If there are no other eligible adult basic education service providers in the county, the funds allocated for that county shall be distributed proportionally by the agency throughout the state to eligible adult basic education service providers by service area.

(3) On page 1, line 11, strike "(d) Subsection (c) applies only to the" and substitute the following:

(d) The agency by rule shall establish a method by which adult basic education service providers are paid on a student contact hour and student performance and completion basis. In adopting a method under this subsection, the agency shall require that the total number of eligible student contact hours must be based on the student's level of performance on a designated literacy or basic skills test so that the number of eligible student contact hours funded is increased for a student with a lower performance level.

(d-1) Adult basic education service providers providing student contact hours for the 2008-2009 school year are entitled to at least the same level of student contact hours in the 2009-2010 and 2010-2011 school years as the service provider provided in the 2008-2009 school year. This subsection expires September 1, 2011.

(e) The

(4) On page 1, line 17, strike "2008-2009 school year" and substitute the following:

preceding school year shall be allocated to new student contact hours. The agency may not set the student contact hour rate for new student contact hours at a rate higher than the average rate for student contact hours in the preceding school year

Amendment No. 1 was adopted.

CSHB 636, as amended, was passed to engrossment. (Button, Christian, Craddick, Harper-Brown, Hunter, Laubenberg, Parker, and Riddle recorded voting no.)

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Business and Industry, upon recess today, Desk 47, for a formal meeting, to consider pending business.

Public Safety, upon recess today, 3W.9, for a formal meeting, to consider pending business.

RECESS

At 4:34 p.m., the chair announced that the house would stand recessed until 5:05 p.m. today.

NIGHT SESSION

The house met at 5:05 p.m. and was called to order by the speaker.

CSHB 1905 ON SECOND READING

(by Guillen, Naishtat, Lucio, Flores, Leibowitz, et al.)

CSHB 1905, A bill to be entitled An Act relating to studying the costs and benefits of a pilot program for services for adults with autism and other related disabilities with similar support needs.

CSHB 1905 was passed to engrossment. (Christian recorded voting no.)

(Geren in the chair)

CSHB 1231 ON SECOND READING

(by Farabee, Swinford, Smithee, Strama, Crownover, et al.)

CSHB 1231, A bill to be entitled An Act relating to providing that the Railroad Commission of Texas is governed by a single railroad commissioner.

Representative Homer moved to postpone consideration of **CSHB 1231** until the end of today's calendar.

The motion prevailed.

CSHB 3097 ON SECOND READING

(by McClendon, Y. Davis, Phillips, Harper-Brown, T. Smith, et al.)

CSHB 3097, A bill to be entitled An Act relating to the creation, organization, duties, and functions of the Texas Department of Motor Vehicles; providing penalties.

Amendment No. 1

Representative McClendon offered the following amendment to **CSHB 3097**:

Amend **CSHB 3097** (House committee printing) as follows:

- (1) On page 1, line 21, after the semicolon, strike "and".
- (2) On page 1, line 22, strike "." and substitute "; and".
- (3) On page 1, between lines 22 and 23, insert:
 "(4) Article 4413(37), Revised Statutes."
- (4) Strike PART R of ARTICLE 2 of the bill (page 24, line 1 through page 28, line 25) and substitute the following:

PART R. AUTOMOBILE BURGLARY AND THEFT PREVENTION
 AUTHORITY

SECTION 2R.01. Section 1(3), Article 4413(37), Revised Statutes, is amended to read as follows:

(3) "Department" means the Texas Department of Motor Vehicles [~~Transportation~~].

SECTION 2R.02. Section 2, Article 4413(37), Revised Statutes, is amended to read as follows:

Sec. 2. The Automobile Burglary and Theft Prevention Authority is a division [~~established~~] in the Texas Department of Motor Vehicles [~~Transportation~~]. [~~The authority is not an advisory body to the Texas Department of Transportation.~~]

SECTION 2R.03. Section 6, Article 4413(37), Revised Statutes, is amended by adding Subsections (j) and (k) to read as follows:

(j) In addition to any report required under Subsection (i), each year the authority shall prepare and submit an annual financial report in the form and manner required of a state agency by Section 2101.011, Government Code.

(k) The authority may not make a grant of appropriated funds unless the grant application is submitted to and approved by the governor, or a person in the office of the governor designated by the governor.

SECTION 2R.04. Section 8, Article 4413(37), Revised Statutes, is amended by adding Subsections (d) and (e) to read as follows:

(d) Money received by the authority under this article shall be sent to the comptroller for deposit in a separate account in the treasury.

(e) As part of the appropriation process the legislature shall determine and in the General Appropriations Act the legislature shall specify the amount of money the authority may use to make grants or provide financial assistance under this article during each of the state fiscal years covered by the General Appropriations Act.

(5) Strike SECTION 4.02 of the bill (page 80, line 13 through page 81, line 2) and substitute the following:

SECTION 4.02. (a) All powers, duties, obligations, and rights of action of the Automobile Burglary and Theft Prevention Authority Office of the Texas Department of Transportation under Article 4413(37), Revised Statutes, are transferred to the Automobile Burglary and Theft Prevention Authority Division of the Texas Department of Motor Vehicles, and all powers, duties, obligations, and rights of action of the Texas Transportation Commission in connection or associated with the Automobile Burglary and Theft Prevention Authority Office of the Texas Department of Transportation are transferred to the board of the Texas Department of Motor Vehicles on November 1, 2009.

(b) In connection with the transfers required by Subsection (a) of this section, the personnel, furniture, computers, other property and equipment, files, and related materials used by the Automobile Burglary and Theft Prevention Authority Office of the Texas Department of Transportation are transferred to the Automobile Burglary and Theft Prevention Authority Division of the Texas Department of Motor Vehicles.

(c) The Automobile Burglary and Theft Prevention Authority Division of the Texas Department of Motor Vehicles shall continue any proceeding involving the Automobile Burglary and Theft Prevention Authority Office of the Texas Department of Transportation that was brought before the effective date of this Act in accordance with the law in effect on the date the proceeding was brought, and the former law is continued in effect for that purpose.

(d) A certificate, license, document, permit, registration, or other authorization issued by the Automobile Burglary and Theft Prevention Authority Office of the Texas Department of Transportation that is in effect on the effective date of this Act remains valid for the period for which it was issued unless suspended or revoked by the Automobile Burglary and Theft Prevention Authority Division of the Texas Department of Motor Vehicles.

(e) A rule adopted by the Automobile Burglary and Theft Prevention Authority Office of the Texas Department of Transportation, the Texas Transportation Commission, or the director of the Texas Department of Transportation in connection with or relating to the Automobile Burglary and Theft Prevention Authority Office of that department continues in effect until it is amended or repealed by the board of the Texas Department of Motor Vehicles or the Automobile Burglary and Theft Prevention Authority Division of the Texas Department of Motor Vehicles, as applicable.

(f) The unobligated and unexpended balance of any appropriations made to the Texas Department of Transportation in connection with or relating to the Automobile Burglary and Theft Prevention Authority Office of that department for the state fiscal biennium ending August 31, 2009, is transferred and

reappropriated to the Texas Department of Motor Vehicles for the purpose of implementing the powers, duties, obligations, and rights of action transferred to that department under Subsection (a) of this section.

Amendment No. 1 was adopted.

Amendment No. 2

Representative McClendon offered the following amendment to **CSHB 3097**:

Amend **CSHB 3097** (House committee printing) by striking page 2, line 24 through page 3, line 5, and substituting the following:

(b) Three members shall be appointed to represent motor vehicle dealers, one of whom must be a recreational vehicle dealer or a heavy-duty truck dealer; one member shall be appointed to represent county tax assessor-collectors; one member shall be appointed to represent the motor carrier industry; one member shall be appointed to represent law enforcement agencies; and three members shall be appointed to represent the general public. The member appointed to represent law enforcement agencies may not be a state employee.

Amendment No. 2 was adopted.

Amendment No. 3

Representative McClendon offered the following amendment to **CSHB 3097**:

Amend **CSHB 3097** (House committee printing) by striking page 2, line 24 through page 3, line 5, and substituting the following:

(b) Three members shall be appointed to represent motor vehicle dealers, one of whom must be a recreational vehicle dealer or a heavy-duty truck dealer; one member shall be appointed to represent county tax assessor-collectors; one member shall be appointed to represent the motor carrier industry; one member shall be appointed to represent law enforcement agencies; and three members shall be appointed to represent the general public. The member appointed to represent law enforcement agencies may not be a state employee.

Amendment No. 3 was withdrawn.

Amendment No. 4

Representative Harper-Brown offered the following amendment to **CSHB 3097**:

Amend **CSHB 3097** (House committee printing) by adding the following ARTICLE to the bill, appropriately numbered, and renumbering subsequent ARTICLES accordingly:

ARTICLE _____. FINANCIAL AUDIT

SECTION _____.01. (a) As soon as practicable after the effective date of this Act, the office of the state auditor shall conduct an initial financial audit to establish financial benchmarks for the Texas Department of Motor Vehicles on its

overall status and condition in relation to funds on hand, equipment and other assets, pending matters, and other issues considered appropriate by the office of the state auditor.

(b) As soon as practicable after the completion of the audit required by Subsection (a) of this section, the results of the audit shall be reported by the office of the state auditor to the board of the Texas Department of Motor Vehicles and to the Texas Transportation Commission. The office of the state auditor shall also provide a copy of the audit to the board and the commission.

Amendment No. 4 was adopted.

Amendment No. 5

Representative Homer offered the following amendment to **CSHB 3097**:

Amend **CSHB 3097** (House committee printing) by adding the following Section to Part E, Article 2, of the bill and renumbering subsequent Sections of Part E accordingly:

SECTION 2E. _____. Section 504.401(c), Transportation Code, is amended to read as follows:

(c) The license plates remain valid until December 31 of the [each] year in which the person to whom the plates were issued ceases to be a state official.

Amendment No. 5 was adopted.

Amendment No. 6

Representatives Homer, Hopson, Farabee, Frost, and Hardcastle offered the following amendment to **CSHB 3097**:

Amend **CSHB 3097** (House committee printing) by adding the following Articles to the bill, appropriately numbered, and renumbering subsequent Articles accordingly:

ARTICLE _____. AD VALOREM TAXATION OF HEAVY EQUIPMENT

SECTION _____.01. (a) Section 23.1242(i), Tax Code, is amended to read as follows:

(i) If the amount in the escrow account is not sufficient to pay the taxes in full, the collector shall apply the money to the taxes and deliver to the owner a tax receipt for the partial payment and a tax bill for the amount of the deficiency together with a statement that the owner must remit to the collector the balance of the total tax due. If the amount in the escrow account exceeds the amount of the taxes due, the owner, at the owner's election, is entitled to receive:

(1) a refund of the excess amount; or

(2) a credit in the amount of the excess amount to be credited to the owner's escrow account for prepayment of taxes imposed in the following tax year.

(b) Subsection (a) of this section applies only to the payment of ad valorem taxes imposed in 2009 or a subsequent tax year.

ARTICLE _____. TAXATION OF SALES OF OFF-ROAD VEHICLES

SECTION _____.01. Section 152.001, Tax Code, is amended by amending Subdivision (3) and adding Subdivisions (20) and (21) to read as follows:

(3) "Motor vehicle [~~Vehicle~~]" includes:

(A) a self-propelled vehicle designed to transport persons or property on a public highway;

(B) a trailer and semitrailer, including a van, flatbed, tank, dumpster, dolly, jeep, stinger, auxiliary axle, or converter gear; ~~and~~

(C) a house trailer as defined by Chapter 501, Transportation Code; and

(D) an off-road vehicle that is not required to be registered under Chapter 502, Transportation Code.

(20) "Off-road vehicle" means:

(A) an all-terrain vehicle, as defined by Section 502.001, Transportation Code;

(B) a recreational off-highway vehicle; or

(C) a motorcycle designed by the manufacturer for off-highway use.

(21) "Recreational off-highway vehicle" means a vehicle that is:

(A) equipped with a non-straddle seat for the use of:

(i) the operator; and

(ii) a passenger, if the vehicle is designed by the manufacturer to transport a passenger;

(B) designed to propel itself with four or more tires in contact with the ground;

(C) designed by the manufacturer for off-highway use by the operator only; and

(D) not designed by the manufacturer primarily for farming or lawn care.

(b) Subchapter B, Chapter 501, Transportation Code, is amended by adding Section 501.0225 to read as follows:

Sec. 501.0225. CERTIFICATE OF TITLE REQUIRED FOR OFF-ROAD VEHICLE. A person who purchases, imports, or otherwise acquires an off-road vehicle, as defined by Section 152.001, Tax Code, that is not required to be registered under Chapter 502 may not operate or permit the operation of the vehicle in this state, or sell or dispose of the vehicle in this state, until the person obtains a certificate of title for the vehicle.

(c) Section 501.0225, Transportation Code, as added by this section, applies only to a person who purchases, imports, or otherwise acquires an off-road vehicle on or after the effective date of this Act. A person who purchases, imports, or otherwise acquires an off-road vehicle before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

(d) The change in law made by this section does not affect tax liability accruing before the effective date of this Act. That liability continues in effect as if this Act had not been enacted, and the former law is continued in effect for the collection of taxes due and for civil and criminal enforcement of the liability for those taxes.

Amendment No. 6 was withdrawn.

Amendment No. 7

Representative Phillips offered the following amendment to **CSHB 3097**:

Amend **CSHB 3097** by adding the following SECTION to Part E, Article 2, of the bill, appropriately numbered, and renumbering existing SECTIONS accordingly:

SECTION 2E. _____. (a) Subchapter G, Chapter 504, Transportation Code, is amended by adding Section 504.659 to read as follows:

Sec. 504.659. CHOOSE LIFE LICENSE PLATES. (a) The department shall issue specially designed license plates that include the words "Choose Life." The department shall design the license plates in consultation with the attorney general.

(b) After deduction of the department's administrative costs, the department shall deposit the remainder of the fee for issuance of license plates under this section in the state treasury to the credit of the Choose Life account established by Section 402.035, Government Code.

(b) Subchapter B, Chapter 402, Government Code, is amended by adding Sections 402.035 and 402.036 to read as follows:

Sec. 402.035. CHOOSE LIFE ACCOUNT. (a) The Choose Life account is a separate account in the general revenue fund. The account is composed of:

(1) money deposited to the credit of the account under Section 504.659, Transportation Code; and

(2) gifts, grants, donations, and legislative appropriations.

(b) The attorney general administers the Choose Life account. The attorney general may spend money credited to the account only to:

(1) make grants to an eligible organization; and

(2) defray the cost of administering the account.

(c) The attorney general may not discriminate against an eligible organization because it is a religious or nonreligious organization.

(d) The attorney general may accept gifts, donations, and grants from any source for the benefit of the account.

(e) The attorney general by rule shall establish:

(1) guidelines for the expenditure of money credited to the Choose Life account; and

(2) reporting and other mechanisms necessary to ensure that the money is spent in accordance with this section.

(f) Money received by an eligible organization under this section may be spent only to provide for the material needs of pregnant women who are considering placing their children for adoption, including the provision of clothing, housing, prenatal care, food, utilities, and transportation, to provide for the needs of infants who are awaiting placement with adoptive parents, to provide training and advertising relating to adoption, and to provide pregnancy testing or preadoption or postadoption counseling, but may not be used to pay an administrative, legal, or capital expense.

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

(1) qualifies as a charitable organization under Section 501(c)(3), Internal Revenue Code of 1986;

(2) provides counseling and material assistance to pregnant women who are considering placing their children for adoption;

(3) does not charge for services provided;

(4) does not provide abortions or abortion-related services or make referrals to abortion providers;

(5) is not affiliated with an organization that provides abortions or abortion-related services or makes referrals to abortion providers; and

(6) does not contract with an organization that provides abortions or abortion-related services or makes referrals to abortion providers.

Sec. 402.036. CHOOSE LIFE ADVISORY COMMITTEE. (a) The attorney general shall appoint a seven-member Choose Life advisory committee.

(b) The committee shall:

(1) meet at least twice a year or as called by the attorney general;

(2) assist the attorney general in developing rules under Section 402.035(e); and

(3) review and make recommendations to the attorney general on applications submitted to the attorney general for grants funded with money credited to the Choose Life account.

(c) Members of the committee serve without compensation and are not entitled to reimbursement for expenses. Each member serves a term of four years, with the terms of three or four members expiring on January 31 of each odd-numbered year.

Amendment No. 8

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

Amend Floor Amendment No. 7 by Phillips to **CSHB 3097** as follows:

(1) On page 1, line 7, strike "LIFE" AND SUBSTITUTE "ADOPTION".

(2) On page 1, line 9, strike "Life" and substitute "Adoption".

(3) On page 1, line 14, strike "Life" and substitute "Adoption".

(4) On page 1, line 18, strike "LIFE" AND SUBSTITUTE "ADOPTION".

(5) On page 1, line 18, strike "Life" and substitute "Adoption".

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

(7) On page 2, line 8, strike "Life" and substitute "Adoption".

(8) On page 3, line 6, strike "LIFE" AND SUBSTITUTE "ADOPTION".

(9) On page 3, line 7, strike "Life" and substitute "Adoption".

(10) On page 3, page 16, strike "Life" and substitute "Adoption".

(Villarreal now present)

Representative Phillips moved to table Amendment No. 8.

The motion to table prevailed by (Record 563): 76 Yeas, 67 Nays, 2 Present, not voting.

Yeas — Anderson; Aycocock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Button; Callegari; Chisum; Christian; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Driver; Eissler; Elkins; Farabee; Fletcher; Flynn; Gattis; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Howard, C.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Lewis; Madden; McCall; McReynolds; Merritt; Miller, D.; Miller, S.; Morrison; Olivo; Orr; Parker; Patrick; Paxton; Peña; Phillips; Riddle; Ritter; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Swinford; Taylor; Truitt; Weber.

Nays — Allen; Alonzo; Alvarado; Anchia; Bolton; Burnam; Castro; Cohen; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; England; Farias; Farrar; Flores; Frost; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Gutierrez; Heflin; Hernandez; Herrero; Hodge; Homer; Hopson; Howard, D.; Kent; King, T.; Leibowitz; Lucio; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miklos; Moody; Naishtat; Oliveira; Ortiz; Pickett; Pierson; Quintanilla; Raymond; Rios Ybarra; Rodriguez; Rose; Strama; Thibaut; Thompson; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Woolley.

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

Absent, Excused — Chavez.

Absent, Excused, Committee Meeting — Hochberg; Otto; Pitts; Zerwas.

Amendment No. 9

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

Amend the Phillips amendment to **CSHB 3097** by striking page 2, line 21, through page 3, line 5, and substituting the following:

(g) In this section, "eligible organization" means the Department of Family and Protective Services.

Representative Phillips moved to table Amendment No. 9.

The motion to table prevailed by (Record 564): 75 Yeas, 65 Nays, 2 Present, not voting.

Yeas — Anderson; Aycocock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Button; Callegari; Chisum; Christian; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Driver; Eissler; Elkins; Farabee; Fletcher; Flynn; Gattis; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Homer; Hopson; Howard, C.; Hunter; Isett; Jackson; Jones; Keffer; King, P.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Lewis; Madden; McCall; McReynolds; Merritt; Miller, D.; Miller, S.; Morrison; Orr; Parker; Patrick; Paxton; Phillips; Riddle; Rios Ybarra; Ritter; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Swinford; Taylor; Truitt; Weber; Woolley.

Nays — Allen; Alonzo; Alvarado; Anchia; Bolton; Burnam; Castro; Cohen; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; England; Farias; Farrar; Flores; Frost; Gallego; Giddings; Gonzales; Gonzalez Tourelles; Guillen; Gutierrez; Heflin; Hernandez; Herrero; Hodge; Howard, D.; Kent; King, T.; Leibowitz; Lucio; Maldonado; Mallory Caraway; Marquez; Martinez Fischer; McClendon; Menendez; Miklos; Moody; Naishtat; Oliveira; Olivo; Ortiz; Peña; Pickett; Pierson; Quintanilla; Raymond; Rodriguez; Rose; Strama; Thibaut; Thompson; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle.

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

Absent, Excused — Chavez.

Absent, Excused, Committee Meeting — Hochberg; Otto; Pitts; Zerwas.

Absent — Hughes; King, S.; Martinez.

STATEMENT OF VOTE

When Record No. 564 was taken, my vote failed to register. I would have voted yes.

S. King

Amendment No. 10

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

Amend Floor Amendment No. 7 by Phillips to **CSHB 3097** as follows:

(1) On page 1, line 7, following "CHOOSE LIFE LICENSE PLATES" insert "AND CHOOSE ADOPTION LICENSE PLATES".

(2) On page 1, line 9, strike "Choose Life." and substitute "Choose Life" and "Choose Adoption.".

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

(4) On page 1, line 18, following "CHOOSE LIFE", INSERT "AND CHOOSE ADOPTION".

(5) On page 1, line 18, following "Life", insert "and Choose Adoption".

(6) On page 1, line 25, following "Life", insert "and Choose Adoption".

(7) On page 2, line 8, following "Life", insert "and Choose Adoption".

(8) On page 3, line 6, following "LIFE", insert "AND CHOOSE ADOPTION".

(9) On page 3, line 7, following "Life", insert "and Choose Adoption".

(10) On page 3, page 16, following "Life", insert "and Choose Adoption".

Amendment No. 10 was adopted.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today to attend a meeting of the Conference Committee on **SB 1**:

Raymond on motion of Guillen.

CSHB 3097 - (consideration continued)

Amendment No. 7, as amended, was adopted.

Amendment No. 11

Representative Guillen offered the following amendment to **CSHB 3097**:

Amend **CSHB 3097** by adding the following appropriately numbered Article to the bill and renumbering existing Articles accordingly:

ARTICLE ____ . SPECIALTY LICENSE PLATES

SECTION ____ . Subchapter E, Chapter 504, Transportation Code, is amended by adding Section 504.415 to read as follows:

Sec. 504.415. SECURITY OFFICERS. (a) The department shall issue specialty license plates for security officers registered under Chapter 1702, Occupations Code, with the Texas Private Security Board.

(b) The fee for the license plates is \$40.

(c) After deduction of \$8 to reimburse the department for its administrative costs, the remainder of the fee for issuance of the license plates shall be deposited to the credit of the general revenue fund and may be appropriated only to the Department of Public Safety to fund the private security bureau.

Representative McClendon moved to table Amendment No. 11.

The motion to table prevailed.

Amendment No. 12

Representative Leibowitz offered the following amendment to **CSHB 3097**:

Amend **CSHB 3097** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION ____ . Section 504.615(e), Transportation Code, is amended to read as follows:

(e) In this section, "college" means:

(1) an institution of higher education as defined by Section 61.003, Education Code; ~~or~~

(2) a private college or university described by Section 61.222, Education Code; or

(3) the University of Notre Dame.

Representative McClendon moved to table Amendment No. 12.

The motion to table prevailed by (Record 565): 80 Yeas, 54 Nays, 4 Present, not voting.

Yeas — Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Branch; Brown, B.; Brown, F.; Burnam; Button; Chisum; Christian; Cook; Corte; Crabb; Crownover; Darby; Davis, J.; Driver; Edwards; Eissler; Elkins; Farias; Fletcher; Flynn; Gattis; Giddings; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Heflin; Hilderbran; Hodge; Hopson; Howard, C.; Howard, D.; Isett; Jackson; Jones; Keffer; King, P.; Kleinschmidt; Kolkhorst; Kuempel; Legler; Maldonado; Mallory Caraway; McClendon; McReynolds; Merritt; Miller, D.; Morrison;

Oliveira; Orr; Patrick; Paxton; Phillips; Quintanilla; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Strama; Swinford; Taylor; Truitt; Turner, C.; Turner, S.; Villarreal; Weber; Woolley.

Nays — Allen; Alonzo; Bolton; Callegari; Cohen; Coleman; Craddick; Creighton; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; England; Farabee; Farrar; Flores; Frost; Gallego; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hartnett; Hernandez; Herrero; Hughes; Hunter; Kent; King, S.; Laubenberg; Leibowitz; Lewis; Lucio; Madden; Marquez; Martinez; Martinez Fischer; McCall; Menendez; Miklos; Miller, S.; Moody; Naishtat; Olivo; Ortiz; Parker; Peña; Pierson; Solomons; Thibaut; Vaught; Veasey; Walle.

Present, not voting — Mr. Speaker; Geren(C); Homer; King, T.

Absent, Excused — Chavez.

Absent, Excused, Committee Meeting — Hochberg; Otto; Pitts; Raymond; Zerwas.

Absent — Bonnen; Castro; Eiland; Pickett; Thompson; Vo.

Amendment No. 13

Representative Gallego offered the following amendment to **CSHB 3097**:

Amend **CSHB 3097** by adding the following appropriately numbered SECTIONS to the bill and renumbering the remaining 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 _____. The heading to Section 504.402, Transportation Code, is amended to read as follows:

Sec. 504.402. FEDERAL OFFICIALS: LEGISLATIVE BRANCH
~~[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 _____. The heading to Section 504.403, Transportation Code, is amended to read as follows:

Sec. 504.403. STATE OFFICIALS: JUDICIAL BRANCH ~~[AND FEDERAL JUDGES].~~

SECTION _____. Sections 504.403(a) and (d), Transportation Code, are amended to read as follows:

(a) The department shall issue without charge specialty license plates for a current ~~[or visiting]~~ state ~~[or federal]~~ judge. The license plates must include the words "State Judge" ~~[or "U.S. Judge," as appropriate].~~

(d) In this section, ~~[~~

~~(1) "Federal judge" means:~~

~~[(A) a judge of the Fifth Circuit Court of Appeals;~~

~~[(B) a judge or magistrate of a United States district court; or~~

~~[(C) a judge of a United States bankruptcy court.~~

~~(2) "state [State] judge" means:~~

~~(1) [(A)] a justice of the supreme court;~~

~~(2) [(B)] a judge of the court of criminal appeals;~~

~~(3) [(C)] a judge of a court of appeals;~~

~~(4) [(D)] a district court judge;~~

~~(5) [(E)] a presiding judge of an administrative judicial district; or~~

~~(6) [(F)] a statutory county court judge.~~

SECTION _____. Subchapter E, Chapter 504, Transportation Code, is amended by adding Section 504.4031 to read as follows:

Sec. 504.4031. 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 person may be issued three sets of 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 Texas;

(2) a judge of the Fifth Circuit Court of Appeals; or

(3) a judge of a United States District Court.

(Zerwas now present)

Representative McClendon moved to table Amendment No. 13.

The motion to table was lost.

Amendment No. 13 was adopted. (Hartnett recorded voting no.)

Amendment No. 14

Representative Burnam offered the following amendment to **CSHB 3097**:

Amend the Phillips amendment to **CSHB 3097** (House Committee printing) by adding the appropriately numbered section:

"Section ____ The Attorney General shall establish policies and procedures to ensure that any money appropriated from the account to the commission that is allocated to an organization or initiative that receives a grant or assistance under this chapter may not discriminate against an employee or volunteer of such organization or initiative, or a recipient of services provided by such organization or initiative, on the basis of race, religion, color, national origin, sex, age, sexual orientation, political affiliation, or on the basis of disability."

Amendment No. 14 was withdrawn.

CSHB 3097, as amended, was passed to engrossment.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Merritt requested permission for the Committee on Public Safety to meet while the house is in session, at 6:30 p.m. today, in 3W.9, for a formal meeting.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Public Safety, 6:30 p.m. today, 3W.9, for a formal meeting, to consider pending business.

POSTPONED BUSINESS

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

**HB 3637 ON SECOND READING
(by Hughes)**

HB 3637, A bill to be entitled An Act relating to filing fees for civil actions or proceedings in a district, county, justice, or small claims court.

HB 3637 was read second time earlier today, amendments were offered and disposed of, and **HB 3637** was postponed until this time. Amendment No. 2 was pending at the time of postponement.

Amendment No. 2 was adopted.

Amendment No. 3

Representative Gutierrez offered the following amendment to **HB 3637**:

Amend **HB 3637** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____ . Article 102.0178(a), Code of Criminal Procedure, is amended to read as follows:

(a) In addition to other costs on conviction imposed by this chapter, a person shall pay \$60 [~~\$50~~] as a court cost on conviction of an offense punishable as a Class B misdemeanor or any higher category of offense under:

- (1) Chapter 49, Penal Code; or
- (2) Chapter 481, Health and Safety Code.

SECTION _____. The change in law made by Article 102.0178(a), Code of Criminal Procedure, as amended by this Act, applies only to a cost imposed for an offense committed on or after the effective date of this Act. A cost imposed for an offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense was committed before that date.

Amendment No. 3 was withdrawn.

Amendment No. 4

Representative Naishtat offered the following amendment to **HB 3637**:

Amend **HB 3637** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Chapter 25, Government Code, is amended by adding Section 25.0020 to read as follows:

Sec. 25.0020. APPOINTMENT OF COUNSEL IN CERTAIN APPEALS.

(a) On a written application of any party to an eviction suit, the county court or county court at law in which an appeal of the suit is filed may appoint any qualified attorney who is willing to provide pro bono services in the matter or counsel from a list provided by a pro bono legal services program of counsel willing to be appointed to handle appeals under this section to attend to the cause of a party who:

(1) was in possession of the residence at the time the eviction suit was filed in the justice court; and

(2) has perfected the appeal on a pauper's affidavit approved in accordance with Rule 749a, Texas Rules of Civil Procedure.

(b) The appointed counsel shall represent the individual in the proceedings of the suit in the county court or county court at law. At the conclusion of those proceedings, the appointment terminates.

(c) The court may terminate representation appointed under this section for cause.

(d) Appointed counsel may not receive attorney's fees unless the recovery of attorney's fees is provided for by contract, statute, common law, court rules, or other regulations. The county is not responsible for payment of attorney's fees to appointed counsel.

(e) The court shall provide for a method of service of written notice on the parties to an eviction suit of the right to request an appointment of counsel on perfection of appeal on approval of a pauper's affidavit.

SECTION _____. Chapter 26, Government Code, is amended by adding Section 26.010 to read as follows:

Sec. 26.010. APPOINTMENT OF COUNSEL IN CERTAIN APPEALS.

(a) On a written application of any party to an eviction suit, the county court or county court at law in which an appeal of the suit is filed may appoint any qualified attorney who is willing to provide pro bono services in the matter or counsel from a list provided by a pro bono legal services program of counsel willing to be appointed to handle appeals under this section to attend to the cause of a party who:

(1) was in possession of the residence at the time the eviction suit was filed in the justice court; and

(2) has perfected the appeal on a pauper's affidavit approved in accordance with Rule 749a, Texas Rules of Civil Procedure.

(b) The appointed counsel shall represent the individual in the proceedings of the suit in the county court or county court at law. At the conclusion of those proceedings, the appointment terminates.

(c) The court may terminate representation appointed under this section for cause.

(d) Appointed counsel may not receive attorney's fees unless the recovery of attorney's fees is provided for by contract, statute, common law, court rules, or other regulations. The county is not responsible for payment of attorney's fees to appointed counsel.

(e) The court shall provide for a method of service of written notice on the parties to an eviction suit of the right to request an appointment of counsel on perfection of appeal on approval of a pauper's affidavit.

SECTION _____. The change in law made by this Act in adding Sections 25.0020 and 26.010, Government Code, as added by this Act applies only to an eviction suit filed on or after the effective date of this Act. A suit filed before the effective date of this Act is governed by the law in effect immediately before that date, and that law is continued in effect for that purpose.

Amendment No. 4 - Point of Order

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

The chair sustained the point of order.

The ruling precluded further consideration of Amendment No. 4.

Amendment No. 5

Representative Vaught offered the following amendment to **HB 3637**:

Amend **HB 3637** by adding the following appropriately numbered SECTIONS to the bill and renumbering the remaining SECTIONS accordingly:

SECTION _____. Section 117.111, Local Government Code, is amended to read as follows:

Sec. 117.111. SUBCHAPTER APPLICABLE TO COUNTY WITH POPULATION OF 1.3 [~~2.4~~] MILLION OR MORE. This subchapter applies only to a county with a population of 1.3 [~~2.4~~] million or more.

SECTION _____. The heading to Subchapter E, Chapter 117, Local Government Code, is amended to read as follows:

SUBCHAPTER E. SPECIAL PROVISIONS APPLYING TO FUNDS PAID INTO COURT REGISTRY IN COUNTY WITH POPULATION OF MORE THAN 1.3 [~~2.4~~] MILLION

Amendment No. 5 was adopted.

HB 3637, as amended, was passed to engrossment. (Phillips recorded voting no.)

(Speaker in the chair)

CSHB 710 ON SECOND READING

(by **Rose, D. Howard, Maldonado, Cohen, Bolton, et al.**)

CSHB 710, A bill to be entitled An Act relating to placing the State Board of Education under periodic review by the Sunset Advisory Commission.

CSHB 710 was read second time earlier today and was postponed until this time. A point of order was pending at the time of postponement.

The speaker overruled the point of order.

The vote of the house was taken on the passage to engrossment of **CSHB 710** and the vote was announced yeas 67, nays 72.

A verification of the vote was requested and was granted.

The roll of those voting yea and nay was again called and the verified vote resulted, as follows (Record 566): 74 Yeas, 68 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Bolton; Burnam; Castro; Cohen; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; England; Farabee; Farias; Farrar; Flores; Frost; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Heflin; Hernandez; Herrero; Hodge; Homer; Hopson; Howard, D.; Kent; King, T.; Leibowitz; Lucio; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Moody; Naishtat; Oliveira; Olivo; Ortiz; Peña; Pickett; Pierson; Quintanilla; Rios Ybarra; Ritter; Rodriguez; Rose; Strama; Thibaut; Thompson; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle.

Nays — Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Button; Callegari; Chisum; Christian; Cook; Corte; Craddick; Creighton; Crownover; Darby; Davis, J.; Driver; Elkins; Fletcher; Flynn; Gattis; Geren; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Howard, C.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Lewis;

Madden; Miller, D.; Miller, S.; Morrison; Orr; Parker; Paxton; Phillips; Riddle; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Swinford; Taylor; Truitt; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Chavez.

Absent, Excused, Committee Meeting — Hochberg; Otto; Pitts; Raymond.

Absent — Crabb; Patrick.

The speaker stated that **CSHB 710** was passed to engrossment by the above vote.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 566. I intended to vote no.

Eissler

I was shown voting yes on Record No. 566. I intended to vote no.

McCall

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 4).

(Otto now present)

LEAVE OF ABSENCE GRANTED

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

Crabb on motion of Riddle.

LOCAL, CONSENT, AND RESOLUTIONS CALENDAR ADDENDUM

On motion of Representative Thompson and by unanimous consent, the Committee on Local and Consent Calendars was granted permission to add **HB 1425**, **HB 1968**, **HB 2548**, **HB 2888**, **HB 3181**, and **HB 3674** in an addendum to the local, consent, and resolutions calendar set for Thursday, May 7.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Thompson requested permission for the Committee on Local and Consent Calendars to meet while the house is in session, at 6:45 p.m. today, in 2W.6, for a formal meeting, to consider an addendum to the calendar.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Local and Consent Calendars, 6:45 p.m. today, 2W.6, for a formal meeting, to consider an addendum to the calendar.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Merritt requested permission for the Committee on Public Safety to meet while the house is in session, at 7 p.m. today, in 3W.9, for a formal meeting, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Public Safety, 7 p.m. today, 3W.9, for a formal meeting, to consider pending business.

**GENERAL STATE CALENDAR
(consideration continued)****CSHB 2864 ON SECOND READING
(by Moody)**

CSHB 2864, A bill to be entitled An Act relating to a waiver of fees imposed for certain expunctions.

Representative Moody moved to postpone consideration of **CSHB 2864** until 10 a.m. Friday, May 8.

The motion prevailed.

**CSHB 2925 ON SECOND READING
(by Herrero, Cohen, and Creighton)**

CSHB 2925, A bill to be entitled An Act relating to protections provided by the Department of Agriculture for certain consumers; providing penalties.

Amendment No. 1

Representative Herrero offered the following amendment to **CSHB 2925**:

Amend **CSHB 2925** (house committee printing) as follows:

(1) On page 15, line 2, between "2009," and "for", insert "other than the standard vapor to liquid ratio specification".

(2) On page 17, strike line 11 and substitute the following:

SECTION 29. (a) Except as provided by Subsection (b) of this section, this Act takes effect September 1, 2009.

(b) Subchapter B-1, Chapter 17, Agriculture Code, as added by this Act, takes effect January 1, 2010.

Amendment No. 1 was adopted.

CSHB 2925, as amended, was passed to engrossment.

**HB 3144 ON SECOND READING
(by Gonzalez Toureilles)**

HB 3144, A bill to be entitled An Act relating to an exemption from the sales and use tax for parts for certain machinery and equipment used in agricultural operations.

Amendment No. 1

Representative Gonzalez Toureilles offered the following amendment to **HB 3144**:

Amend **HB 3144** (house committee report) as follows:

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

SECTION _____. Section 151.328, Tax Code, is amended by amending Subsections (a) and (b) and adding Subsection (h) to read as follows:

(a) Aircraft are exempted from the taxes imposed by this chapter if:

(1) sold to a person using the aircraft as a certificated or licensed carrier of persons or property;

(2) sold to a person who:

(A) has a sales tax permit issued under this chapter; and

(B) uses the aircraft for the purpose of providing flight instruction

that is:

(i) recognized by the Federal Aviation Administration;

(ii) under the direct or general supervision of a flight instructor certified by the Federal Aviation Administration; and

(iii) designed to lead to a pilot certificate or rating issued by the Federal Aviation Administration or otherwise required by a rule or regulation of the Federal Aviation Administration;

(3) sold to a foreign government; ~~or~~

(4) sold in this state to a person for use and registration in another state or nation before any use in this state other than flight training in the aircraft and the transportation of the aircraft out of this state; or

(5) sold in this state to a person for use exclusively in connection with an agricultural use, as defined by Section 23.51, and used for:

(A) predator control;

(B) wildlife or livestock capture;

(C) wildlife or livestock surveys;

(D) census counts of wildlife or livestock;

(E) animal or plant health inspection services; or

(F) crop dusting, pollination, or seeding.

(b) Repair, remodeling, and maintenance services to aircraft, including an engine or other component part of aircraft, operated by a person described by Subsection (a)(1), ~~or~~ (a)(2), or (a)(5) are exempted from the taxes imposed by this chapter.

(h) For purposes of the exemption under Subsection (a)(5), an aircraft is considered to be for use exclusively in connection with an agricultural use if 95 percent of the use of the aircraft is for a purpose described by Subsections (a)(5)(A) through (F). Travel of less than 30 miles each way to a location to perform a service described by Subsections (a)(5)(A) through (F) does not disqualify an aircraft from the exemption under Subsection (a)(5). A person who claims an exemption under Subsection (a)(5) must maintain and make available to the comptroller flight records for all uses of the aircraft.

SECTION _____. The changes in law made by this Act to Section 151.328, Tax Code, are a clarification of existing law and do not imply that former law may be construed as inconsistent with the law as amended by this Act.

(2) On page 3, line 14, between "Act" and "does", insert "by the amendment of Section 151.316(a), Tax Code,".

Amendment No. 1 was adopted.

HB 3144, as amended, was passed to engrossment.

CSHB 1959 ON SECOND READING
(by Isett and McCall)

CSHB 1959, A bill to be entitled An Act relating to the governmental entities subject to the sunset review process.

Amendment No. 1

Representative Eiland offered the following amendment to **CSHB 1959**:

Amend **CSHB 1959** by inserting the following appropriately-numbered SECTION and renumbering any subsequent SECTIONS accordingly:

SECTION 1. _____. TEXAS DEPARTMENT OF INSURANCE. Section 31.004(a), Insurance Code, is amended to read as follows:

Sec. 31.004. SUNSET PROVISION. (a) The Texas Department of Insurance is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the department is abolished September 1, 2011 [~~2009~~].

Amendment No. 1 failed of adoption by (Record 567): 0 Yeas, 131 Nays, 1 Present, not voting.

Nays — Alonzo; Alvarado; Anchia; Anderson; Aycoc; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Castro; Chisum; Christian; Cohen; Coleman; Cook; Corte; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dunnam; Dutton; Edwards; Eiland; Eissler; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Herrero; Hilderbran; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Moody; Morrison; Naishtat; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Pickett; Pierson; Quintanilla; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Chavez; Crabb.

Absent, Excused, Committee Meeting — Hochberg; Pitts; Raymond.

Absent — Allen; Callegari; Dukes; Elkins; Geren; Hernandez; Jackson; Jones; Maldonado; Miller, S.; Oliveira; Phillips; Thibaut.

LEAVE OF ABSENCE GRANTED

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

Eiland on motion of Homer.

CSHB 1959 - (consideration continued)

CSHB 1959 was passed to engrossment.

COMMITTEE GRANTED PERMISSION TO MEET

Representative McCall requested permission for the Committee on Calendars to meet while the house is in session, at 7:45 p.m. today, in 3W.15, for a formal meeting, to consider the calendar.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Calendars, 7:45 p.m. today, 3W.15, for a formal meeting, to consider the calendar.

HB 3148 ON SECOND READING

(by T. Smith)

HB 3148, A bill to be entitled An Act relating to exempting certain persons from the duty to register as a sex offender in this state.

Amendment No. 1

Representative Berman offered the following amendment to **HB 3148**:

Amend **HB 3148** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Article 62.001(5), Code of Criminal Procedure, is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

(K) a violation of Section 21.12 (Improper relationship between educator and student), Penal Code.

Amendment No. 1 was adopted. (Gallego, Geren, Giddings, Homer, McClendon, Riddle, and Solomons recorded voting no.)

HB 3148, as amended, was passed to engrossment by (Record 568): 76 Yeas, 45 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Aycock; Berman; Brown, B.; Brown, F.; Castro; Cohen; Corte; Crownover; Darby; Davis, Y.; Deshotel; Dukes; Dunnam; Edwards; Eissler; England; Farabee; Farias; Farrar; Flores; Frost; Giddings; Gonzales; Guillen; Hamilton; Hardcastle; Hartnett; Hernandez; Herrero; Hodge; Homer; Hopson; Howard, D.; Kent; King, T.; Kuempel; Laubenberg; Leibowitz; Lucio; Madden; Maldonado; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt;

Miklos; Naishtat; Oliveira; Olivo; Ortiz; Pickett; Quintanilla; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Smith, T.; Solomons; Strama; Taylor; Thibaut; Vaught; Veasey; Villarreal; Vo; Walle; Woolley.

Nays — Bohac; Bonnen; Branch; Button; Callegari; Chisum; Christian; Cook; Craddick; Creighton; Davis, J.; Dutton; Elkins; Fletcher; Flynn; Gattis; Geren; Hancock; Harless; Heflin; Howard, C.; Hunter; Isett; Jones; Keffer; Kolkhorst; Legler; Miller, D.; Miller, S.; Orr; Otto; Parker; Patrick; Paxton; Peña; Phillips; Sheffield; Shelton; Smith, W.; Smithee; Swinford; Truitt; Turner, C.; Weber; Zerwas.

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

Absent, Excused — Chavez; Crabb; Eiland.

Absent, Excused, Committee Meeting — Hochberg; Pitts; Raymond.

Absent — Anderson; Bolton; Burnam; Coleman; Driver; Gallego; Gonzalez Toureilles; Gutierrez; Harper-Brown; Hughes; Jackson; King, P.; King, S.; Kleinschmidt; Lewis; Mallory Caraway; Moody; Morrison; Pierson; Thompson; Turner, S.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 568. I intended to vote no.

Alvarado

I was shown voting yes on Record No. 568. I intended to vote present, not voting.

Anchia

When Record No. 568 was taken, I was in the house but away from my desk. I would have voted no.

Anderson

I was shown voting yes on Record No. 568. I intended to vote no.

Aycock

I was shown voting yes on Record No. 568. I intended to vote no.

B. Brown

I was shown voting yes on Record No. 568. I intended to vote no.

Darby

I was shown voting yes on Record No. 568. I intended to vote no.

Y. Davis

I was shown voting yes on Record No. 568. I intended to vote no.

Dukes

I was shown voting yes on Record No. 568. I intended to vote no.

England

I was shown voting yes on Record No. 568. I intended to vote no.

Farabee

I was shown voting yes on Record No. 568. I intended to vote no.

Farias

I was shown voting yes on Record No. 568. I intended to vote no.

Flores

When Record No. 568 was taken, my vote failed to register. I would have voted yes.

Gallego

When Record No. 568 was taken, I was in the house but away from my desk. I would have voted no.

Harper-Brown

I was shown voting yes on Record No. 568. I intended to vote no.

Hodge

I was shown voting yes on Record No. 568. I intended to vote no.

Hopson

I was shown voting yes on Record No. 568. I intended to vote no.

Kent

When Record No. 568 was taken, I was temporarily out of the house chamber. I would have voted no.

P. King

I was shown voting yes on Record No. 568. I intended to vote no.

Kuempel

I was shown voting yes on Record No. 568. I intended to vote no.

Laubenberg

I was shown voting yes on Record No. 568. I intended to vote no.

Maldonado

I was shown voting yes on Record No. 568. I intended to vote no.

Marquez

I was shown voting yes on Record No. 568. I intended to vote no.

Martinez

I was shown voting yes on Record No. 568. I intended to vote no.

McReynolds

I was shown voting yes on Record No. 568. I intended to vote no.

Merritt

I was shown voting yes on Record No. 568. I intended to vote no.

Miklos

I was shown voting yes on Record No. 568. I intended to vote no.

Taylor

I was shown voting yes on Record No. 568. I intended to vote no.

Thibaut

I was shown voting yes on Record No. 568. I intended to vote no.

Vo

I was shown voting yes on Record No. 568. I intended to vote no.

Woolley

CSHB 3219 ON SECOND READING
(by Chavez)

CSHB 3219, A bill to be entitled An Act relating to the creation and operation of a council to increase state efforts to offer service-enriched housing through increased coordination of housing and health services.

Representative Pickett moved to postpone consideration of **CSHB 3219** until 10 a.m. tomorrow.

The motion prevailed.

HB 3314 ON SECOND READING
(by Gonzales)

HB 3314, A bill to be entitled An Act relating to the transfer of title to a decedent's homestead through a small estate affidavit.

Amendment No. 1

Representative Solomons offered the following amendment to **HB 3314**:

Amend **HB 3314** as follows:

(1) On page 1, line 10, between "distributee" and "who occupied", insert "who is the decedent's child or".

(2) On page 1, line 11, strike "and who" and substitute ", provided that the distributee".

Amendment No. 1 was adopted.

HB 3314, as amended, was passed to engrossment.

CSHB 3477 ON SECOND READING
(by Bolton, et al.)

CSHB 3477, A bill to be entitled An Act relating to authorizing an emergency services district to impose an ad valorem tax for the acquisition of land, equipment, or apparatus or the construction of capital improvements.

Representative Bolton moved to postpone consideration of **CSHB 3477** until 10 a.m. tomorrow.

The motion prevailed.

HB 3481 ON SECOND READING
(by Veasey and Hodge)

HB 3481, A bill to be entitled An Act relating to the right to an expunction of records and files relating to a person's arrest.

HB 3481 was passed to engrossment.

HB 3501 ON SECOND READING
(by D. Miller)

HB 3501, A bill to be entitled An Act relating to the authority of owners and managers of apartment houses to assess a service charge for the submetering of water and wastewater services.

Representative D. Miller moved to postpone consideration of **HB 3501** until 10 a.m. Friday, May 8.

The motion prevailed.

SB 1371 ON SECOND READING
(Lucio - House Sponsor)

SB 1371, A bill to be entitled An Act relating to the colonia self-help program.

SB 1371 was considered in lieu of **HB 3541**.

(Harper-Brown in the chair)

SB 1371 was passed to third reading. (Anderson, Berman, Branch, Button, Christian, Craddick, Fletcher, Harper-Brown, S. King, Laubenberg, D. Miller, Parker, and Riddle recorded voting no.)

HB 3541 - LAID ON THE TABLE SUBJECT TO CALL

Representative Lucio moved to lay **HB 3541** on the table subject to call.

The motion prevailed.

HB 3547 ON SECOND READING
(by Elkins)

HB 3547, A bill to be entitled An Act relating to an order for the closure of unregistered dry cleaning facilities and dry cleaning drop stations by the Texas Commission on Environmental Quality.

HB 3547 was passed to engrossment.

HB 3649 ON SECOND READING
(by Marquez, Hodge, and Madden)

HB 3649, A bill to be entitled An Act relating to a policy regarding the receipt of books by mail by an inmate in the Texas Department of Criminal Justice.

Amendment No. 1

Representative Christian offered the following amendment to **HB 3649**:

Amend **HB 3649** as follows:

On page 1, strike lines 14 through 16 and insert:

"(b) The department may adopt rules as necessary to implement this section, including rules to:

- (1) Provide for screening of packages sent to inmates;
- (2) Prohibit inmates from receiving books that might assist them in committing crimes, such as books on escaping prison; and,
- (3) Define the terms "reference books" and "educational materials".

Amendment No. 1 was adopted.

HB 3649, as amended, was passed to engrossment. (Berman, Harper-Brown, and Laubenberg recorded voting no.)

CSHB 3670 ON SECOND READING
(by Hopson, Marquez, Patrick, and Edwards)

CSHB 3670, A bill to be entitled An Act relating to the regulation of the practice of dental assistants, including the delegation of certain dental acts.

Representative Hopson moved to postpone consideration of **CSHB 3670** until 10 a.m. tomorrow.

The motion prevailed.

HB 3700 ON SECOND READING
(by Jackson and D. Howard)

HB 3700, A bill to be entitled An Act relating to the creation of the Texas Classroom Coaching Program.

Amendment No. 1

Representative Jackson offered the following amendment to **HB 3700**:

Amend **HB 3700** as follows:

(1) On page 1, line 18, following the period insert the following:

A state employee may be granted leave by their immediate supervisor if the employee demonstrates to the supervisor that the employee:

- (1) has knowledge and experience in a subject matter directly beneficial to the students;
- (2) has earned a performance rating of satisfactory or better in their most recent performance evaluation;
- (3) is volunteering at a school with an academic rating of academically acceptable or academically unacceptable; and
- (4) has not been granted a leave of absence to perform volunteer work under another provision of law.

(2) On page 1, between lines 20 and 21, insert the following:

(c) This section does not apply to an employee of the Texas Youth Commission, the Texas Juvenile Probation Commission, or the Texas Department of Criminal Justice.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Isett offered the following amendment to **HB 3700**:

Amend **HB 3700** (house committee report) on page 1 by striking lines 10 through 20 and renumbering the subsequent SECTION of the bill accordingly.

(Speaker in the chair)

Amendment No. 2 was adopted.

HB 3700, as amended, was passed to engrossment. (Button, D. Miller, and Shelton recorded voting no.)

HB 3737 ON SECOND READING
(by Anchia and Moody)

HB 3737, A bill to be entitled An Act relating to criminal history checks for employees of, and applicants for employment at, special care facilities.

HB 3737 was passed to engrossment.

CSHB 3795 ON SECOND READING
(by Morrison and Branch)

CSHB 3795, A bill to be entitled An Act relating to the public awareness campaign promoting higher education.

Amendment No. 1

Representative Villarreal offered the following amendment to **CSHB 3795**:

Amend **CSHB 3795** on page 2, between lines 25 and 26, by inserting into the bill the following appropriately numbered SECTION and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter CC, Chapter 61, Education Code, is amended by adding Section 61.9706 to read as follows:

Sec. 61.9706. EVALUATION. (a) The board shall evaluate the effectiveness of the public awareness campaign.

(b) In evaluating the effectiveness of the public awareness campaign, the board shall:

(1) use appropriate commonly accepted methodologies and evaluation criteria; and

(2) spend existing funds available to the board that may be used for the purpose.

(c) Not later than December 31, 2010, the board shall submit a written report concerning the results of the evaluation to the governor, lieutenant governor, speaker of the house of representatives, and presiding officers of the legislative standing committees with primary jurisdiction over public education and higher education.

(d) This section expires January 31, 2011.

Amendment No. 1 was adopted.

(Hochberg now present)

CSHB 3795, as amended, was passed to engrossment.

**SB 1711 ON SECOND READING
(Frost - House Sponsor)**

SB 1711, A bill to be entitled An Act relating to the use of reservoirs for sediment control or to satisfy certain environmental and safety requirements at surface mining operations.

SB 1711 was considered in lieu of **HB 3805**.

SB 1711 was passed to third reading.

HB 3805 - LAID ON THE TABLE SUBJECT TO CALL

Representative Frost moved to lay **HB 3805** on the table subject to call.

The motion prevailed.

**SB 1253 ON SECOND READING
(Smithee - House Sponsor)**

SB 1253, A bill to be entitled An Act relating to the repeal of the power of certain districts and water supply corporations to allow the use of right-of-way easements for certain energy-related purposes.

SB 1253 was considered in lieu of **HB 3818**.

SB 1253 was passed to third reading. (Craddick recorded voting no.)

HB 3818 - LAID ON THE TABLE SUBJECT TO CALL

Representative Smithee moved to lay **HB 3818** on the table subject to call.

The motion prevailed.

**CSHB 3983 ON SECOND READING
(by Rodriguez)**

CSHB 3983, A bill to be entitled An Act relating to certain homestead preservation reinvestment zones.

CSHB 3983 was passed to engrossment.

**CSHB 4091 ON SECOND READING
(by Farrar and Flores)**

CSHB 4091, A bill to be entitled An Act relating to an intensive reading improvement program that school districts may provide for students of limited English proficiency.

CSHB 4091 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE CHRISTIAN: Ms. Farrar, I appreciate you working with me today on trying to understand this. Am I to understand, after visiting with you, that this does not take additional dollars to fund this reading program? It's

moving it to language programs that currently the funds are already allocated there, we're already spending it, and it's using those dollars in a new method that allows more teaching involvement, is that correct?

REPRESENTATIVE FARRAR: Correct. It provides better guidelines.

CHRISTIAN: Right, and if I understand right this is more of a voluntary program that indeed, we have basically \$10 million out there being used for this, but it's estimated about \$8 million for this one, but being voluntary, not forced, it could even use less dollars than the \$8 million that you've projected in your outline, is that correct?

FARRAR: That's conceivable.

CHRISTIAN: Conceivable, but indeed, this does not produce any new dollars or require any new dollars?

FARRAR: No.

CHRISTIAN: It's shifting from current dollars to a program that is better managed, regulated, and you believe will be a new attempt to make those programs work better.

FARRAR: Right, because there's a lawsuit, U.S. v. Texas, that said that the state has basically failed in our monitoring of LEP, limited English proficiency, programs and so this provides some guidelines and some direction to those programs.

REMARKS ORDERED PRINTED

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

The motion prevailed.

Amendment No. 1

Representative Farrar offered the following amendment to **CSHB 4091**:

Amend **CSHB 4091** (House Committee Printing) as follows:

- (1) On page 2, line 14, strike "in English and in Spanish,".
- (2) On pages 2 through 3, line 25 on page 2 through line 1 on page 3, strike "the student's initial enrollment in a district school at a grade level at which the district provides the program to other students of limited English proficiency." and replace with "receipt of Notice of Grant Award (NOGA)."
- (3) On page 3, line 2, after the phrase "Not later than January 31 and June 1 of each school year," insert the following new language "beginning in June 2010,".
- (4) On page 3, line 20, strike SECTION 3 of the bill and renumber the following sections accordingly.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Villarreal offered the following amendment to **CSHB 4091**:

Amend **CSHB 4091** as follows:

(1) On page 1, between lines 4 and 5, insert the appropriately numbered new SECTION to read as follows:

SECTION _____. Section 29.062, Education Code, is amended to read as follows:

Sec. 29.062. COMPLIANCE. (a) The legislature recognizes that compliance with this subchapter is an imperative public necessity. Therefore, in accordance with the policy of the state, the agency shall evaluate the effectiveness of programs under this subchapter based on the following data, disaggregated by campus and school district or open-enrollment charter school, which each district and open-enrollment charter school shall collect and provide to the agency:

(1) the academic excellence indicators adopted under Section 39.051(a), including the results of assessment instruments;

(2) the difference in grade-level retention rates between students of limited English proficiency and students who are not students of limited English proficiency;

(3) any significant difference in performance on assessment instruments required under Sections 39.023(a), (c), and (l), as applicable, between students of limited English proficiency at the campus or in the district or open-enrollment charter school being evaluated and the state average performance on those assessment instruments of students who are not students of limited English proficiency; and

(4) any significant difference in the dropout rate for grade levels 9 through 12 between students of limited English proficiency at the campus or in the district or open-enrollment charter school being evaluated and the state average dropout rate of students who are not students of limited English proficiency.

(b) Notwithstanding Subsection (a), for a campus with fewer than 30 students enrolled in bilingual education or English as a second language or other special language programs, the agency shall evaluate information specified under Subsection (a) only at the district level.

(b-1) The agency may combine but may not replace evaluations under this section with federal accountability measures concerning students of limited English proficiency.

(b-2) Each person considered by the agency to be the lead monitor evaluating the effectiveness of programs under this subchapter must be appropriately certified by the State Board for Educator Certification as provided for under Section 29.061 for English as a second language. An emergency endorsement issued under Section 29.061(a) is not considered appropriate certification for purposes of this subsection.

~~(b) The areas to be monitored shall include:~~

~~(1) program content and design;~~

~~(2) program coverage;~~

~~(3) identification procedures;~~

~~(4) classification procedures;~~

~~(5) staffing;~~

~~[(6) learning materials;~~
~~[(7) testing materials;~~
~~[(8) reclassification of students for either entry into regular classes conducted exclusively in English or reentry into a bilingual education or special education program; and~~
~~[(9) activities of the language proficiency assessment committees.]~~

(c) ~~If, as a result of an evaluation under Subsection (a), the agency determines that a school district, campus, or open-enrollment charter school program under this chapter is ineffective, the agency shall intervene in the program [Not later than the 30th day after the date of an on-site monitoring inspection, the agency shall report its findings to the school district or open-enrollment charter school and to the division of accreditation].~~

(d) ~~The agency shall notify a school district, and if applicable, a campus, or an open-enrollment charter school [found in noncompliance] in writing of an intervention under Subsection (c)[,] not later than the 30th day after the first day [date] of the intervention [on-site monitoring. The district or open-enrollment charter school shall take immediate corrective action].~~

~~(d-1) The school district, campus, or open-enrollment charter school with a program determined under this section to be ineffective shall immediately review the following to evaluate program effectiveness further:~~

~~(1) procedures for identification of students of limited English proficiency;~~

~~(2) procedures for placement of students in a program under this subchapter;~~

~~(3) student assessment procedures, including assessment of:~~
~~(A) English language proficiency; and~~
~~(B) academic achievement in, as defined by commissioner rule, core content areas;~~

~~(4) provision of instruction under the program, including assessment of the quality of instruction and whether the program is being implemented as designed;~~

~~(5) credentials of instructional staff, including:~~
~~(A) appropriate certification of teachers providing English language development or content area instruction to students of limited English proficiency; and~~

~~(B) the amount of instruction provided by teachers who hold emergency endorsements or who are teaching outside the teacher's area of specialization;~~

~~(6) professional development provided to content area teachers serving students of limited English proficiency;~~

~~(7) curricular materials used in providing instruction;~~

~~(8) district-level program evaluation procedures, including procedures for:~~

~~(A) ongoing district-level monitoring to identify program components needing improvement and implementing identified improvements; and~~

(B) identifying and closing any academic achievement gap between students of limited English proficiency and students who are not students of limited English proficiency;

(9) a rate of parental denial of approval of a student's entry into or placement in a program under this subchapter that is at least 150 percent greater than the state average rate of parental denial;

(10) any variance of greater than 20 percent between the percentage of students identified as students of limited English proficiency and the percentage of students who speak a language other than English at home, as determined by the home language survey administered to all students new to a campus, district, or open-enrollment charter school as provided by Section 29.056(a)(1); and

(11) reclassification of students for either entry into regular classes conducted exclusively in English or reentry into a bilingual education or special education program.

(d-2) On completion of the review under Subsection (d-1), the campus, district, or open-enrollment charter school shall designate annual program improvement goals that:

(1) are designed to improve academic achievement in the core content areas by students of limited English proficiency; and

(2) are based on the extent of any academic achievement gap identified under Subsection (d-1)(8)(B), with incremental improvement goals established according to the size of the achievement gap.

(d-3) The agency shall review annual improvement in a program under this subchapter as measured by the goals designated under Subsection (d-2). The agency shall take appropriate corrective action for a campus, school district, or open-enrollment charter school program that fails to meet one or more annual improvement goals for two or more consecutive school years.

(e) If a campus, school district, or open-enrollment charter school program under this subchapter fails to satisfy appropriate standards adopted by the commissioner for purposes of Subsection (d-3) ~~(e)~~, the agency shall apply sanctions, which may include the removal of accreditation, loss of foundation school funds, or both.

(f) The commissioner shall adopt rules consistent with this section as necessary to administer this section.

(2) On page 3, between lines 19 and 20, insert the appropriately numbered new SECTION to read as follows:

SECTION _____. Section 42.006, Education Code, is amended by adding Subsection (f) to read as follows:

(f) The commissioner shall adopt rules to ensure that, through the Public Education Information Management System, the agency collects and maintains data regarding:

(1) whether a student is or while enrolled in a public school in this state has ever been classified as a student of limited English proficiency;

(2) the school year in which a student first entered ninth grade; and

(3) a student's status as:

(A) a continuing student;

- (B) a high school graduate;
- (C) a recipient of a high school equivalency certificate; or
- (D) a dropout.

(3) Strike the text on page 3, lines 21 and 22, and substitute the appropriately numbered new SECTIONS to read as follows:

SECTION _____. This Act does not make an appropriation. A provision in this Act that creates a new governmental program, creates a new entitlement, or imposes a new duty on a governmental entity is not mandatory during a fiscal period for which the legislature has not made a specific appropriation to implement the provision.

SECTION _____. (a) Except as provided by Subsection (b) of this section, this Act applies beginning with the 2009-2010 school year.

(b) Section 29.062, Education Code, as amended by this Act, and Section 42.006(f), Education Code, as added by this Act, apply beginning with the 2010-2011 school year.

(4) Renumber SECTIONS of the bill accordingly.

Amendment No. 2 was adopted.

CSHB 4091, as amended, was passed to engrossment. (Berman, Button, Fletcher, Harper-Brown, Laubenberg, D. Miller, Parker, and Riddle recorded voting no.)

CSHB 4154 ON SECOND READING (by Rose, Naishtat, and Menendez)

CSHB 4154, A bill to be entitled An Act relating to the creation by the Health and Human Services Commission of a volunteer advocate program for certain elderly individuals.

CSHB 4154 was passed to engrossment. (Berman, Button, Christian, Craddick, Fletcher, Flynn, and D. Miller recorded voting no.)

HB 4265 ON SECOND READING (by C. Howard and Paxton)

HB 4265, A bill to be entitled An Act relating to the definition of controlling interest for purposes of the franchise tax.

Amendment No. 1

Representative Phillips offered the following amendment to **HB 4265**:

Amend **HB 4265** as follows:

(1) On page 1, line 5, strike "Section 171.0001(8), Tax Code, is" and substitute "Sections 171.0001(1), (7), and (8), Tax Code, are".

(2) On page 1, between lines 6 and 7, insert the following:

(1) "Affiliated group" means:

(A) a group of one or more entities in which a controlling interest is owned by a common owner or owners, either corporate or noncorporate, or by one or more of the member entities; or

(B) a group that is composed of one or more entities in which an equal interest is owned by all owners, corporate or noncorporate, or by all member entities, but only if none of the owners or member entities have more than 25 employees.

(7) "Combined group" means taxable entities that are part of an affiliated group engaged in a unitary business and that are required or permitted to file a group report under Section 171.1014.

(3) Add the following appropriately numbered SECTION to read as follows and renumber subsequent SECTIONS accordingly:

SECTION _____. Section 171.1014, Tax Code, is amended by amending Subsection (a) and adding Subsections (a-1) and (a-2) to read as follows:

(a) Except as provided by Subsection (a-1), taxable [~~Taxable~~] entities that are part of an affiliated group engaged in a unitary business shall file a combined group report in lieu of individual reports based on the combined group's business.

(a-1) Taxable entities that are part of an affiliated group described by Section 171.0001(1)(B) that is engaged in a unitary business may elect to file a combined report in lieu of individual reports based on the combined group's business.

(a-2) A [~~The~~] combined group may not include a taxable entity that conducts business outside the United States if 80 percent or more of the taxable entity's property and payroll, as determined by factoring under Chapter 141, are assigned to locations outside the United States. In applying Chapter 141, if either the property factor or the payroll factor is zero, the denominator is one. The combined group may not include a taxable entity that conducts business outside the United States and has no property or payroll if 80 percent or more of the taxable entity's gross receipts, as determined under Sections 171.103, 171.105, and 171.1055, are assigned to locations outside the United States.

Amendment No. 1 was adopted.

HB 4265, as amended, was passed to engrossment.

HB 4300 ON SECOND READING **(by Herrero)**

HB 4300, A bill to be entitled An Act relating to safety rules for gas pipeline facilities and public awareness.

Amendment No. 1

Representative Herrero offered the following amendment to **HB 4300**:

Amend **HB 4300** (house committee printing) by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Sections 117.012(i) and (j), Natural Resources Code, are amended to read as follows:

(i) If the operator or operator's representative cannot arrange a meeting in person after complying with Subsection (h), the operator or the operator's representative may ~~[shall make an effort, by one of the following methods, to]~~ conduct community liaison activities by one of the following methods ~~[means of a telephone conference call with the officials]:~~

(1) holding ~~[mailing a written request for]~~ a telephone conference with ~~[to]~~ the appropriate officials ~~[by certified mail, return receipt requested]; or~~

(2) delivering ~~[sending a request for a telephone conference to the appropriate officials by facsimile transmission; or~~

~~[(3) making one or more telephone calls or e-mail message transmissions to the appropriate officials to request a telephone conference.~~

~~[j) If the operator or the operator's representative has made the efforts required by Subsections (h) and (i) but has not successfully arranged a meeting in person or a telephone conference,] the community liaison information required to be conveyed ~~[may be delivered by mailing the information]~~ by certified mail, return receipt requested.~~

Amendment No. 1 was adopted.

Amendment No. 2

Representative Burnam offered the following amendment to **HB 4300**:

Amend **HB 4300** (House Committee Printing) as follows:

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

SECTION _____. Subchapter E, Chapter 121, Utilities Code, is amended by adding Section 121.2017 to read as follows:

Sec. 121.2017. SAFETY REQUIREMENTS FOR CERTAIN PORTIONS OF PIPELINES IN CERTAIN POPULOUS COUNTIES. (a) This section applies only to that portion of a gas pipeline that is located or proposed to be located in:

(1) a Class 3 or 4 location as defined by 49 C.F.R. Section 192.5; and

(2) a county that is located wholly or partly above a hydrocarbon-producing geological formation in which during the preceding year the railroad commission issued more than 1,500 drilling permits authorizing gas wells to be completed.

(b) A gathering pipeline may not be constructed within 30 feet of an established permanent structure that is used by human beings on a regular basis unless:

(1) the owner of the structure consents in writing to the construction of the pipeline; or

(2) the pipeline meets enhanced safety requirements in its design, construction, and operation as determined by the railroad commission.

(c) A transmission pipeline may not be constructed within 50 feet of an established permanent structure that is used by human beings on a regular basis unless:

(1) the owner of the structure consents in writing to the construction of the pipeline; or

(2) the pipeline meets enhanced safety requirements in its design, construction, and operation as determined by the railroad commission.

(d) A gathering pipeline must use advanced leak detection measures as determined by the railroad commission.

(e) The pipe used in a gathering or transmission pipeline must be constructed of materials that meet the requirements of 49 C.F.R. Part 192.

(f) A gathering or transmission pipeline must be protected from external corrosion in the manner required by 49 C.F.R. Part 192.

(g) A pipeline integrity assessment by in-line inspection, a pressure test, or a direct assessment as defined by railroad commission rules of a gathering pipeline must be conducted every five years.

(h) The railroad commission shall adopt rules to implement this section.

(i) This section and railroad commission rules adopted to implement this section shall be enforced in the same manner as Section 121.201 and safety standards or other rules prescribed or adopted under that section.

SECTION _____. (a) As soon as practicable after January 1, 2010, the Railroad Commission of Texas shall adopt rules to implement Section 121.2017, Utilities Code, as added by this Act.

(b) Sections 121.2017(b)-(e), Utilities Code, as added by this Act, apply only to a pipeline constructed on or after January 1, 2010.

(c) A pipeline subject to this Act that is in existence on January 1, 2010, is not required to be brought into compliance with Sections 121.2017(f) and (g), Utilities Code, as added by this Act, until February 4, 2012.

(2) On page 2, strike line 4 and substitute the following:

SECTION 2. (a) Except as provided by Subsection (b) of this section, this Act takes effect September 1, 2009.

(b) Section 121.2017, Utilities Code, as added by this Act, takes effect January 1, 2010.

Amendment No. 2 was withdrawn.

HB 4300, as amended, was passed to engrossment. (Riddle recorded voting no.)

CSHB 4328 ON SECOND READING

(by Strama, et al.)

CSHB 4328, A bill to be entitled An Act relating to the establishment of the Interagency Literacy Council for the study, promotion, and enhancement of literacy in this state.

CSHB 4328 was passed to engrossment. (Berman, Button, Christian, Fletcher, Harper-Brown, Laubenberg, and Riddle recorded voting no.)

CSHB 4341 ON SECOND READING

(by Truitt)

CSHB 4341, A bill to be entitled An Act relating to the regulation of discount health care programs by the Texas Department of Insurance; providing penalties.

Amendment No. 1

Representative Truitt offered the following amendment to **CSHB 4341**:

Amend **CSHB 4341** (House committee printing) on page 23, line 24, by striking "561" and substituting "562".

Amendment No. 1 was adopted.

CSHB 4341, as amended, was passed to engrossment.

CSHB 4409 ON SECOND READING
(by Taylor and Eiland)

CSHB 4409, A bill to be entitled An Act relating to emergency preparation and management.

CSHB 4409 was passed to engrossment.

CSHB 4525 ON SECOND READING
(by Parker, Button, Legler, Guillen, et al.)

CSHB 4525, A bill to be entitled An Act relating to qualified manufacturing project zones.

Representative Parker moved to postpone consideration of **CSHB 4525** until 2 p.m. tomorrow.

The motion prevailed.

CSHB 4545 ON SECOND READING
(by Raymond)

CSHB 4545, A bill to be entitled An Act relating to the time for filing a petition for judicial review in certain workers' compensation cases.

CSHB 4545 was passed to engrossment.

HB 124 ON SECOND READING
(by Jackson, Harper-Brown, Kent, Anchia, J. Davis, et al.)

HB 124, A bill to be entitled An Act relating to the punishment for the offense of employment harmful to children.

HB 124 was passed to engrossment.

CSHB 339 ON SECOND READING
(by Phillips, Kolkhorst, Ortiz, Menendez, et al.)

CSHB 339, A bill to be entitled An Act relating to driver education and driver's licensing requirements for minors.

Amendment No. 1

Representative Phillips offered the following amendment to **CSHB 339**:

Amend **CSHB 339** (house committee printing) as follows:

(1) On page 2, line 6, between "license" and the semicolon, insert "or who meets the requirements imposed under Section 521.205, Transportation Code".

(2) On page 2, line 8, between "license" and the semicolon, insert "or who meets the requirements imposed under Section 521.205, Transportation Code".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Phillips offered the following amendment to **CSHB 339**:

Amend **CSHB 339** by striking page 5, line 23, through page 6, line 3, and substituting the following:

(a-1) The department and the Texas Education Agency shall enter into a memorandum of understanding under which the department may access the agency's electronic enrollment records to verify a student's enrollment in a public school. The memorandum of understanding must specify that the department may only access information necessary to verify the identity and enrollment status of a license renewal applicant and only if a parent or guardian of the applicant has provided written permission for the department to access that information. Nothing in this subsection may be construed to allow the release of information in violation of the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g).

Amendment No. 2 was adopted.

Amendment No. 3

Representative Phillips offered the following amendment to **CSHB 339**:

Amend **CSHB 339** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 521.204(a), Transportation Code, is amended to read as follows:

(a) The department may issue a Class C driver's license to an applicant under 18 years of age only if the applicant:

(1) is 16 years of age or older;

(2) has submitted to the department a driver education certificate issued under Section 9A, Texas Driver and Traffic Safety Education Act (Article 4413(29c), Vernon's Texas Civil Statutes), that states that the person has completed and passed a driver education course approved by the department under Section 521.205 or by the Texas Education Agency;

(3) has obtained a high school diploma or its equivalent or is a student:

(A) enrolled in a public school, home school, or private school who attended school for at least 80 days in the fall or spring semester preceding the date of the driver's license application; or

(B) who has been enrolled for at least 45 days, and is enrolled as of the date of the application, in a program to prepare persons to pass the high school equivalency exam; ~~and~~

(4) has submitted to the department written parental or guardian permission for the department to access the applicant's school enrollment records maintained by the Texas Education Agency; and

(5) has passed the examination required by Section 521.161.

Amendment No. 3 was adopted.

Amendment No. 4

Representatives Ortiz and Pickett offered the following amendment to **CSHB 339**:

Amend **CSHB 339** (house committee printing) as follows:

(1) On page 6, line 23, between "device" and the period, insert:
unless the device is used to make a communication:

(A) with hands-free operation of a hands-free device; or

(B) in case of an emergency

(2) On page 7, line 8, between "device" and the period, insert:
unless the wireless communications device is used:

(A) with a hands-free device; or

(B) in case of an emergency

(3) On page 7, strike lines 17-19 and substitute:

(f) In this section:

(1) "Hands-free device" means speakerphone capability or a telephone attachment or other piece of equipment, regardless of whether permanently installed in the motor vehicle, that allows use of the wireless communication device without use of either of the operator's hands.

(2) "Wireless communication device" means a handheld or hands-free device that uses commercial mobile service, as defined by 47 U.S.C. Section 332.

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

SECTION _____. Section 543.204, Transportation Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) A justice of the peace or municipal judge may not submit a written record of a conviction under Section 545.424.

Amendment No. 4 was withdrawn.

Amendment No. 5

Representative Ortiz offered the following amendment to **CSHB 339**:

Amend **CSHB 339** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 543.204, Transportation Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) A justice of the peace or municipal judge may not submit a written record of a conviction under Section 545.424.

Amendment No. 5 was adopted.

Amendment No. 6

Representative Ortiz offered the following amendment to **CSHB 339**:

Amend **CSHB 339** (house committee printing) as follows:

(1) On page 6, line 23, between "device" and the period, insert ", except in case of emergency".

(2) On page 7, line 8, between "device" and the period, insert ", except in case of emergency".

Amendment No. 6 was adopted.

CSHB 339, as amended, was passed to engrossment. (Hardcastle, Harper-Brown, Hunter, Jones, Laubenberg, and Swinford recorded voting no.)

COMMITTEE GRANTED PERMISSION TO MEET

Representative Deshotel requested permission for the Committee on Business and Industry to meet while the house is in session, at 8:30 p.m. today, in 3W.9, for a formal meeting, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Business and Industry, 8:30 p.m. today, 3W.9, for a formal meeting, to consider pending business.

CSHB 365 ON SECOND READING

(by Flynn)

CSHB 365, A bill to be entitled An Act relating to the composition of the Finance Commission of Texas.

Amendment No. 1

Representative Solomons offered the following amendment to **CSHB 365**:

Amend **CSHB 365** (house committee printing) as follows:

(1) On page 1, line 6, strike "11" and substitute "13".

(2) On page 1, lines 13 and 14, strike "Sections 11.102(b) and (c), Finance Code, are amended" and substitute "Section 11.102, Finance Code, is amended by amending Subsections (b) and (c) and adding Subsections (c-1) and (c-2)".

(3) On page 1, between lines 22 and 23, insert the following:

(c-1) Two members of the finance commission must be individuals who, because of their background and expertise in areas related to consumer financial product safety, will assist the finance commission develop rules, guidelines, and materials involving stronger protections and better information in connection with consumer financial products offered or available in the state with the following objectives:

(1) to minimize unreasonable consumer risk associated with buying and using consumer financial products;

(2) to prevent and eliminate practices that lead consumers to incur unreasonable, inappropriate, or excessive debt, or make it difficult for consumers to repay existing debt, including practices or product features that may be abusive, fraudulent, unfair, or inconsistent with consumer protection;

(3) to promote practices that assist and encourage consumers to use credit and consumer financial products responsibly, to avoid excessive debt, and to avoid unnecessary or excessive charges derived from or associated with consumer financial products;

(4) to ensure that providers of consumer financial products provide credit based on the ability of a consumer to repay the debt incurred;

(5) to ensure that consumer credit history is maintained, reported, and used fairly and accurately;

(6) to maintain strong privacy protections for consumer transactions, credit history, and other personal information associated with the use of consumer financial products;

(7) to collect, investigate, resolve, and inform the public about consumer complaints regarding consumer financial products;

(8) to ensure a fair resolution of consumer disputes regarding consumer financial products; and

(9) to take other reasonable steps to protect users of consumer financial products.

(c-2) No individual is eligible to serve as a member of the finance commission under Subsection (c-1) if the individual:

(1) is an employee of, holds any official relation to, or is married to a person engaged in selling or devising consumer financial products;

(2) owns stock or bonds of substantial value in a person described by Subdivision (1);

(3) is in any other manner pecuniarily interested in a person described by Subdivision (1); or

(4) engages in any other business, vocation, or employment that may create a conflict of interest with other members of the finance commission.

(4) On page 1, line 24, strike "two" and substitute "four".

(5) On page 2, line 2, strike "one person" and substitute "two persons".

(6) On page 2, line 3, strike "one person" and substitute "two persons".

Amendment No. 1 was adopted.

CSHB 365, as amended, was passed to engrossment.

CSHB 472 ON SECOND READING
(by Hilderbran)

CSHB 472, A bill to be entitled An Act relating to the effect and implementation of the law regarding reporting by a common carrier or pipeline owner or operator of contamination.

CSHB 472 was passed to engrossment.

(Eiland now present)

CSHB 643 ON SECOND READING
(by Zerwas)

CSHB 643, A bill to be entitled An Act relating to the qualifications of surgical technologists; providing penalties.

CSHB 643 was passed to engrossment.

CSHB 957 ON SECOND READING
(by Swinford)

CSHB 957, A bill to be entitled An Act relating to the eligibility of certain public officers to the legislature and prohibiting legislators from other public employment.

CSHB 957 was passed to engrossment. (Herrero and Pierson recorded voting no; Martinez recorded voting present, not voting.)

CSHB 1358 ON SECOND READING
(by Keffer, Rose, Morrison, Kolkhorst, Thompson, et al.)

CSHB 1358, A bill to be entitled An Act relating to the Cancer Prevention and Research Institute of Texas.

Representative Keffer moved to postpone consideration of **CSHB 1358** until 10 a.m. tomorrow.

The motion prevailed.

SB 58 - RECOMMITTED

Representative Vaught moved to recommit **SB 58** to the Committee on Corrections.

The motion prevailed.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Ritter requested permission for the Committee on Natural Resources to meet while the house is in session, during bill referral today, in E2.010, for a public hearing, to consider **HB 4831**, **HB 4832**, and other pending business.

Permission to meet was granted.

FIVE-DAY POSTING RULE SUSPENDED

Representative Ritter moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Natural Resources to consider **HB 4831** and **HB 4832**.

The motion prevailed.

Representative Kuempel moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Licensing and Administrative Procedures to consider **SB 2523**.

The motion prevailed.

Representative Gonzalez Toureilles moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Agriculture and Livestock to consider **SB 212**, **SB 1501**, **SB 1666**, and **SB 1806** at 8:30 a.m. tomorrow.

The motion prevailed.

Representative Smithee moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Insurance to consider **HB 1582**.

The motion prevailed.

Representative Solomons moved to suspend the five-day posting rule and all necessary rules to allow the Committee on State Affairs to consider **HB 4263**.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Insurance, upon final adjournment today, E2.026, for a public hearing, to consider **HB 1582** and posted business.

State Affairs, upon final adjournment today, JHR 140, for a public hearing, to consider **HB 4263** and previously posted business.

Agriculture and Livestock, 8:30 a.m. tomorrow, E1.026, for a public hearing, to consider **SB 212**, **SB 1501**, **SB 1666**, **SB 1806**, and pending business.

Licensing and Administrative Procedures, 8 a.m. tomorrow, E2.016, for a public hearing, to consider **SB 2523** and posted business.

Natural Resources, during bill referral today, E2.010, for a public hearing, to consider **HB 4831**, **HB 4832**, and pending business.

County Affairs, upon final adjournment today, Desk 44, for a formal meeting, to consider pending business.

(Laubenberg in the chair)

PROVIDING FOR ADJOURNMENT

Representative Guillen 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 Eliseo Smith of Rio Grande City.

The motion prevailed.

BILLS AND JOINT RESOLUTIONS ON FIRST READING AND REFERRAL TO COMMITTEES RESOLUTIONS REFERRED TO COMMITTEES

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

(Edwards in the chair)

ADJOURNMENT

In accordance with a previous motion, the house, at 8:53 p.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

HB 4834 (By Chisum), Relating to the issuance of specialty license plates to fund programs supporting victims of sexual assault.

To Licensing and Administrative Procedures.

HB 4835 (By Rios Ybarra), Relating to the governing body of the Willacy County Navigation District.

To Transportation.

HB 4836 (By Jackson), Relating to the creation of a groundwater conservation district in Dallas County.

To Natural Resources.

HCR 210 (By Smithee), In memory of Dr. Steven W. Jones, president of Amarillo College.

To Rules and Resolutions.

HCR 211 (By Sheffield), Congratulating the Blackland Research and Extension Center on its 100th anniversary.

To Rules and Resolutions.

HCR 212 (By Homer), In memory of J. B. Lowry of Paris, Texas.

To Rules and Resolutions.

HR 1719 (By Quintanilla), In memory of J. R. Grijalva of El Paso.

To Rules and Resolutions.

HR 1720 (By Quintanilla), In memory of Elisa A. Flores of El Paso.

To Rules and Resolutions.

HR 1721 (By Quintanilla), In memory of Ricardo "Dicky" Estrada of El Paso.

To Rules and Resolutions.

HR 1725 (By Martinez Fischer), Recognizing May 16 to 22, 2009, as National Safe Boating Week.

To Rules and Resolutions.

HR 1726 (By Martinez Fischer), In memory of Alfredo Bruno Sepulveda.

To Rules and Resolutions.

HR 1727 (By Rios Ybarra), Honoring the legislative interns of State Representative Dr. Tara Rios Ybarra.

To Rules and Resolutions.

HR 1728 (By Button), Honoring Stan Luckie on being named 2009 Alumni of the Year by Leadership Garland.

To Rules and Resolutions.

HR 1729 (By Button), Commemorating the 2009 DFW Dragon Boat, Kite, and Lantern Festival in Irving.

To Rules and Resolutions.

HR 1730 (By Button), Congratulating Officer Mark White of the Garland Police Department on being named Officer of the Month for February 2009 by the Optimist Club and on his departmental commendation.

To Rules and Resolutions.

HR 1731 (By Craddick), Commending Jimmy Stallings of Martin County for his philanthropic work.

To Rules and Resolutions.

HR 1732 (By Flynn), Honoring Mercy Ships for its outstanding contributions to global health.

To Rules and Resolutions.

HR 1733 (By Pickett), Recognizing September 8, 2009, as Major Jefferson Van Horne Remembrance Day in the State of Texas.

To Rules and Resolutions.

HR 1734 (By Shelton), Honoring Dr. Joe Kuban for his exceptional service as a longtime science teacher at Nolan Catholic High School in Fort Worth.

To Rules and Resolutions.

HR 1735 (By Quintanilla), In memory of Maria Sixta Esquivel, the longtime attendant of former state representative Paul Moreno.

To Rules and Resolutions.

HR 1736 (By Maldonado), Congratulating the Honorable Judy Schier Hobbs on being named Judge of the Year by the Central Texas Justices of the Peace and Constables Association.

To Rules and Resolutions.

HR 1737 (By Cook), Honoring the life of Salvation Army Major Charles "Chuck" Anderson of Corsicana.

To Rules and Resolutions.

HR 1738 (By Farrar), Recognizing May 4-8, 2009, as Architecture Week and honoring the Texas Society of Architects.

To Rules and Resolutions.

HR 1740 (By Martinez), Congratulating Virginia Ramirez of Pharr-San Juan-Alamo High School in San Juan on winning the 2009 Texas High School Women's Powerlifting Association 5A state championship in the 123-pound weight class.

To Rules and Resolutions.

HR 1741 (By Hunter), Congratulating San Patricio County Judge Terry Simpson on his election as president of the County Judges and Commissioners Association of Texas.

To Rules and Resolutions.

HR 1742 (By Eissler), Congratulating Jerry and Nadyne Harris of The Woodlands on their 60th wedding anniversary.

To Rules and Resolutions.

HR 1743 (By Hopson), In memory of Lewis Murl "Shorty" Allen of Jacksonville.

To Rules and Resolutions.

HR 1745 (By Y. Davis), Commending Melvin D. Traylor for his service to Dallas ISD on the occasion of the Franklin D. Roosevelt High School auditorium being named in his honor.

To Rules and Resolutions.

HR 1746 (By Hughes), Commending retired jurist Bonnie Leggat Hagan of Marshall for her 20 years of service as judge of the 71st District Court.

To Rules and Resolutions.

HR 1747 (By Bonnen), In memory of Edward L. Cole of Sweeny.

To Rules and Resolutions.

HR 1748 (By Bonnen), Honoring Sergeant Monica Lin Brown of Lake Jackson for her receipt of the Silver Star Medal.

To Rules and Resolutions.

HR 1749 (By McClendon), Commending the San Antonio chapter of the Service Corps of Retired Executives for its many years of service.

To Rules and Resolutions.

HR 1751 (By Dutton), In memory of Ulysses Jones of Houston.

To Rules and Resolutions.

HR 1752 (By Morrison), In memory of Lawrence Dunn O'Leary of Austin.

To Rules and Resolutions.

HR 1753 (By Chavez), Honoring Pat Mora for her exemplary work with the YWCA El Paso del Norte Region.

To Rules and Resolutions.

HR 1754 (By Laubenberg), Honoring the life of Mary Ellen Murphy Hall of Rockwall.

To Rules and Resolutions.

HR 1755 (By Weber), In memory of U.S. Army Corporal David McCormick.

To Rules and Resolutions.

HR 1756 (By Hilderbran), Congratulating the Menard Morning Glories on receiving the 2009 National Junior Master Gardener Group Service and Achievement Award.

To Rules and Resolutions.

HR 1757 (By Hilderbran), In memory of U.S. Army Sergeant First Class Lawrence David Ezell.

To Rules and Resolutions.

HR 1758 (By Kent), Commending the League of Women Voters of Richardson.

To Rules and Resolutions.

HR 1760 (By Eiland), Honoring Dr. Joan Richardson, Michael Megna, and Michael Shriner of The University of Texas Medical Branch for their efforts in developing the institution's preparedness plan for Hurricane Ike.

To Rules and Resolutions.

HR 1762 (By S. King), Congratulating the Roscoe High School Plowboys basketball team on winning the 2009 UIL 1A Division 1 state championship.

To Rules and Resolutions.

HR 1763 (By Frost), Congratulating Barbara Jean Fabrizio Fazio of Texarkana on the occasion of her 70th birthday.

To Rules and Resolutions.

HR 1764 (By B. Brown), Congratulating Jean Ann Ables-Flatt of Terrell on her receipt of a Best of East Texas Award from Best of East Texas Publishers.

To Rules and Resolutions.

HR 1766 (By Martinez), Congratulating Claudia Pena of Alamo on her receipt of a 2008 Milken Family Foundation National Educator Award.

To Rules and Resolutions.

HR 1767 (By Martinez), Commemorating the 15th anniversary of South Texas College.

To Rules and Resolutions.

HR 1768 (By Martinez), Congratulating Oswaldo Castaneda on his receipt of the Mercedes Chamber of Commerce Lifetime Service Award.

To Rules and Resolutions.

HR 1769 (By Martinez), Congratulating Deyanira Castillo on being named a 2009 Student of the Year by the Migrant Student Graduation Enhancement Program of The University of Texas at Austin.

To Rules and Resolutions.

HR 1770 (By Martinez), Congratulating Ismael "Mike" Gonzalez on his receipt of the Mercedes Chamber of Commerce Lifetime Service Award.

To Rules and Resolutions.

HR 1771 (By Craddick), Congratulating the Beal family of Midland on receiving the 2009 Hearst Energy Award for lifetime achievement.

To Rules and Resolutions.

HR 1772 (By Hilderbran), Commending C. J. "Jim" Brisbin of Sonora for his work as a Texas Silver-Haired Legislator and for his other outstanding civic contributions.

To Rules and Resolutions.

HR 1773 (By Hilderbran), Honoring Brigitte Rogers of Sonora for her service as a member of the Texas Silver-Haired Legislature and for her other civic contributions.

To Rules and Resolutions.

HR 1774 (By Gallego), Commemorating the 60th anniversary of the San Felipe Lions Club.

To Rules and Resolutions.

HR 1775 (By Sheffield), Congratulating Dan and Helen Wiley of Temple on their 60th wedding anniversary.

To Rules and Resolutions.

HR 1776 (By Sheffield), Congratulating Charles and Greneta Ordner of Westphalia on their 50th wedding anniversary.

To Rules and Resolutions.

HR 1777 (By Sheffield), Congratulating Bill and Dottie Kyle of Salado on their 50th wedding anniversary.

To Rules and Resolutions.

HR 1778 (By Sheffield), Congratulating Nick and Bertie Gandy of Temple on their 60th wedding anniversary.

To Rules and Resolutions.

HR 1779 (By Marquez), In memory of Ruth Fackler Rutledge of El Paso.

To Rules and Resolutions.

HR 1780 (By Marquez), Honoring Juan Provencio of El Paso for his service to his country.

To Rules and Resolutions.

HR 1781 (By Marquez), Honoring Ramon M. Munoz for his valiant service in the United States Army during World War II.

To Rules and Resolutions.

HR 1782 (By Marquez), Congratulating retired Brigadier General Jose Riojas of El Paso on his nomination as assistant secretary for operations, security and preparedness of the Department of Veterans Affairs.

To Rules and Resolutions.

HR 1783 (By Marquez), In memory of Pablo Salcido of El Paso.

To Rules and Resolutions.

HR 1785 (By Hughes), Recognizing Andy Burnett for his distinguished military service.

To Rules and Resolutions.

HR 1786 (By Gonzales), Congratulating Dr. Jerry L. Polinard on his receipt of the Liberty Bell Award from the Hidalgo County Bar Association.

To Rules and Resolutions.

HR 1787 (By Gonzales), Congratulating Judge Ernest Aliseda on his receipt of the Ethics Award from the Hidalgo County Bar Association.

To Rules and Resolutions.

HR 1788 (By Gonzales), Congratulating Ernesto J. Dominguez on his receipt of the John E. Cook Pro Bono Award from the Hidalgo County Bar Association.

To Rules and Resolutions.

HR 1789 (By Kent), Commending Luke Davis for his service to the Richardson ISD Board of Trustees.

To Rules and Resolutions.

HR 1790 (By Kent), Commending Dallas Area Interfaith for its goals and achievements.

To Rules and Resolutions.

HR 1791 (By Kent), Commending Karen Ellis for her service to the Richardson ISD Board of Trustees.

To Rules and Resolutions.

HR 1792 (By Kent), Congratulating Karen Holburn on her election to the Richardson ISD Board of Trustees.

To Rules and Resolutions.

HR 1793 (By Kent), Commending Kim Caston for her service to the Richardson ISD Board of Trustees.

To Rules and Resolutions.

HR 1795 (By Smithee), Congratulating Teresa Lyons, director of the Hereford Municipal Airport, on being named the 2009 General Aviation Airport Manager of the Year by the Aviation Department of the Texas Department of Transportation.

To Rules and Resolutions.

HR 1796 (By Maldonado), Congratulating Grace Stafford on her graduation from Southwestern University.

To Rules and Resolutions.

HR 1797 (By Anderson), Congratulating Thomas and Francis Turner of Waco on their 65th wedding anniversary.

To Rules and Resolutions.

HR 1798 (By Anderson), Congratulating James and Doris Dean of Waco on their 65th wedding anniversary.

To Rules and Resolutions.

HR 1799 (By Anderson), Congratulating Sidney and Betty Henson of Waco on their 60th wedding anniversary in 2008.

To Rules and Resolutions.

HR 1800 (By Anderson), Congratulating Jack and Frances Chandler of Crawford on their 60th wedding anniversary.

To Rules and Resolutions.

HR 1801 (By Anderson), Congratulating Elton and Esther Manthei of Robinson on their 65th wedding anniversary.

To Rules and Resolutions.

HR 1802 (By Anderson), Congratulating Raymond and Martha Johnson of Waco on their 70th wedding anniversary.

To Rules and Resolutions.

HR 1803 (By Anderson), Congratulating L. D. and Barbara Parsons of Waco on their 65th wedding anniversary.

To Rules and Resolutions.

HR 1804 (By Anderson), Congratulating Edna Bryant of Waco on her 100th birthday.

To Rules and Resolutions.

HR 1805 (By Anderson), Congratulating Leo and Rosalie Mynarcik of West on their 60th wedding anniversary.

To Rules and Resolutions.

HR 1806 (By Anderson), Congratulating Billy and Bobbie Mills of Waco on their 60th wedding anniversary.

To Rules and Resolutions.

HR 1807 (By Anderson), Congratulating Daniel and Betty Carroll of Waco on their 60th wedding anniversary.

To Rules and Resolutions.

HR 1808 (By Anderson), Congratulating Kenneth and Enelda Niles of Waco on their 60th wedding anniversary.

To Rules and Resolutions.

HR 1809 (By Anderson), In memory of Tori Danielle Gordon of Robinson.

To Rules and Resolutions.

HR 1811 (By Craddick), Honoring David and Lisa Doherty of Houston on their 30th wedding anniversary.

To Rules and Resolutions.

HR 1812 (By Craddick), Congratulating Jack and Cheryl Burns of Midland on their 40th wedding anniversary.

To Rules and Resolutions.

HR 1813 (By Craddick), Honoring Horace and Alto West of Houston on their 70th wedding anniversary.

To Rules and Resolutions.

HR 1814 (By Craddick), Congratulating Bert and Mary Cosby of Midland on their 50th wedding anniversary.

To Rules and Resolutions.

HR 1815 (By Leibowitz), Congratulating Derrick Anthony Dunn on becoming an Eagle Scout.

To Rules and Resolutions.

HR 1816 (By Leibowitz), Congratulating Kevin James Needles on becoming an Eagle Scout.

To Rules and Resolutions.

HR 1817 (By Leibowitz), Congratulating David Robinson on his induction into the Naismith Memorial Basketball Hall of Fame.

To Rules and Resolutions.

HR 1818 (By Dunnam), Honoring Chelsea Reilly for her exemplary service as an intern with the Select Committee on Federal Economic Stabilization Funding.

To Rules and Resolutions.

HR 1819 (By Hilderbran), Commemorating the 25th anniversary of the Kerrville Performing Arts Society.

To Rules and Resolutions.

HR 1821 (By Martinez), Honoring the Texas A&M University–Kingsville Citrus Center on the 60th anniversary of its founding and recognizing the center's staff for their outstanding achievements.

To Rules and Resolutions.

HR 1822 (By Cohen), Welcoming students and sponsors from St. Stephen's Episcopal School to the State Capitol.

To Rules and Resolutions.

HR 1823 (By C. Turner), Congratulating Marcus Zinecker on becoming an Eagle Scout.

To Rules and Resolutions.

HR 1824 (By C. Turner), Congratulating Cahal McColgan of Arlington on becoming an Eagle Scout.

To Rules and Resolutions.

HR 1825 (By Eissler), Congratulating the gifted and talented students of Nichols Sawmill Elementary School in Magnolia for winning the Texas Grand Champion award from the TEA for their Future Problem Solving Program International entry.

To Rules and Resolutions.

HR 1826 (By Ortiz), In memory of Dr. David Berlanga, Jr., of Corpus Christi.

To Rules and Resolutions.

SB 3 to Public Education.

SB 1002 to Urban Affairs.

SB 1617 to Licensing and Administrative Procedures.

SB 1929 to Culture, Recreation, and Tourism.

SB 1946 to Public Safety.

SCR 47 to Judiciary and Civil Jurisprudence.

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

Senate List No. 23

SB 187, SCR 55, SCR 61, SCR 66

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 3

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Tuesday, May 5, 2009 - 3

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 2626 Naishtat SPONSOR: Zaffirini
Relating to the forensic medical examination of a sexual assault victim who has not reported the assault to a law enforcement agency.
(Amended)

HB 3456 Branch SPONSOR: Zaffirini
Relating to the education and preparation of resident physicians.

SB 485 Deuell
Relating to medical loss ratios of preferred provider benefit plan issuers.

SB 795 Fraser
Relating to the audit of certain river authorities.

SB 883 Carona
Relating to the use of the state highway fund to participate in the costs associated with a toll facility of a public or private entity.

SB 1120 West
Relating to reports on racial profiling in connection with motor vehicle stops; providing a penalty.

SB 1383

Carona

Relating to the creation and administration of the Texas Local Participation Transportation Program.

SB 1566

Shapleigh

Relating to the acquisition, dissemination, and use of certain geographic information system data.

SB 1730

West

Relating to minimum training standards for employees of certain child-care facilities.

SB 1764

Watson

Relating to the dissemination of information regarding the cost of attending public and private institutions of higher education and regarding the availability of financial aid to assist in paying that cost.

SB 2170

Seliger

Relating to the amount and use of certain fees imposed in connection with oil and gas activities.

SB 2304

Williams

Relating to the amount of hazardous duty pay for certain employees of the Texas Department of Criminal Justice.

THE SENATE HAS CONCURRED IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 347 (29 Yeas, 0 Nays)

SB 778 (29 Yeas, 0 Nays)

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 4

MESSAGE FROM THE SENATE
SENATE CHAMBER

Austin, Texas

Tuesday, May 5, 2009 - 4

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 206

Shapleigh

Relating to the reporting of information concerning the rescission of health benefit plans.

SB 207 Shapleigh
Relating to prohibition of certain business practices related to rescission of coverage under health benefit plans.

SB 1570 Carona
Relating to the facilitation, analysis, and implementation of high-speed passenger rail in this state.

SB 1598 Watson
Relating to an agreement authorizing a nonparent relative of a child to make certain decisions regarding the child; providing a penalty.

SB 1600 Watson
Relating to an interim study on the creation of a data collection to track specialized technology research projects conducted by public universities, public university research facilities, and other state institutions.

SB 1789 Wentworth
Relating to certain proceedings relating to an individual's will.

SB 2351 Ogden
Relating to a student health services fee at component institutions of The Texas A&M University System and to authorizing the financing, construction, maintenance, and improvement of health facilities with the fee at the institutions.

SB 2440 Uresti
Relating to authorizing a dissolution election for the Bexar Metropolitan Water District and providing an oversight mechanism for the district, including enforcement authority.

SB 2501 West
Relating to the creation of the North Oak Cliff Municipal Management District; providing the authority to impose an assessment, impose a tax, and issue bonds.

SB 2554 Hegar
Relating to a bailiff for the 130th District Court.

Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

May 4

Border and Intergovernmental Affairs - **SB 1398**

Corrections - **HB 1481, HB 3880**

County Affairs - **HB 3776**

Criminal Jurisprudence - **HB 176, SB 82, SB 333, SB 359, SB 554, SB 828**

Culture, Recreation, and Tourism - **HB 7, HB 3560, HB 4128, HCR 168, SB 417, SB 1121, SB 1122, SCR 5**

Defense and Veterans' Affairs - **HB 2919, HB 3857, HB 3890, SB 1655, SB 2163**

Elections - **HB 1117, HB 1448, HB 3069**

Energy Resources - **HB 1391, HB 2087**

Higher Education - **SB 629**

Human Services - **HB 744, HB 886, HB 1541, HB 2659, HB 2962, HB 4009, HB 4317**

Insurance - **HB 2967, HB 3221, HB 4095**

Judiciary and Civil Jurisprudence - **HB 119, HB 480, HB 849, HB 1046, HB 1608, HB 1872, HB 1940, HB 1968, HB 1984, HB 2707, HB 3053, HB 3075, HB 3312, HB 3350, HB 3708, HB 3879, HB 4167, SB 407, SB 517, SB 658, SB 659**

Licensing and Administrative Procedures - **HB 3181, HB 3628, SB 1036, SB 1354**

Natural Resources - **HB 1295, HB 1664, HB 1669, HB 1841, HB 2348, HB 4283, HB 4710, HB 4711, HB 4719, HB 4763, HB 4769, HB 4774, HB 4780, HB 4782, HB 4784, HB 4785, HB 4786, HB 4790, HB 4791, HB 4799, HB 4800, HB 4802, HB 4803, HB 4807, HB 4810, HB 4811, HB 4825, SB 794, SB 1371**

Pensions, Investments, and Financial Services - **HB 2694**

Public Education - **HB 1470, HB 2703**

Public Health - **HB 852, HB 2163, HB 2627, HB 3234, HB 3282, HB 3674, HB 3719, HB 3755, HB 3926, HB 4324**

Public Safety - **HB 823, HB 1863, HB 1988, HB 2989, SB 687**

State Affairs - **HB 970, HB 1904, HB 4107, HB 4261**

Technology, Economic Development, and Workforce - **HB 4125**

Transportation - **HB 121, HB 300, HB 1790, HB 1826, HB 1910, HB 2057, HB 2142, HB 2346, HB 2767, HB 3044, HB 3500, HB 3672, HB 4408, HB 4493, HB 4523, HB 4594, SB 161, SB 293, SB 405, SB 502, SB 836, SB 1235, SB 1670**

Urban Affairs - **HB 1052, HB 1142, HB 2296, HB 3065, HB 3215**

Ways and Means - **HB 464, HB 589, HB 1037, HB 1274, HB 1403, HB 2226, HB 2284, HB 2578, HB 2654, HB 2980, HB 3592, HB 4106, HB 4229, HB 4230, HB 4433, HB 4516, HB 4747, SB 1105**

ENGROSSED

May 4 - HB 882, HB 1007, HB 1020, HB 1054, HB 1362, HB 1630, HB 2165, HB 2191, HB 2230, HB 2386, HB 2435, HB 2500, HB 2531, HB 2556, HB 2735, HB 2952, HB 2972, HB 3006, HB 3228, HB 3391, HB 3543, HB 3689, HB 3751, HB 3827, HB 3838, HB 3945, HB 4002, HB 4043, HB 4136, HB 4247, HB 4294, HJR 39

ENROLLED

May 4 - HB 670

SENT TO THE GOVERNOR

May 4 - HB 670