

HOUSE JOURNAL

EIGHTY-FIRST LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SIXTY-FIFTH DAY — WEDNESDAY, MAY 6, 2009

The house met at 10 a.m. and, at the request of the speaker, was called to order by Representative Farabee.

The roll of the house was called and a quorum was announced present (Record 569).

Present — Mr. Speaker; Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; 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; 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; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Absent — Dunnam; Naishtat; Thibaut.

The invocation was offered by Randy Weaver, senior pastor, Lone Star Cowboy Church, Montgomery, as follows:

Thank you for loving us. Thank you, Lord, for the honor of living in this great State of Texas and this great nation. Today, may we understand what King Solomon understood, that the greatest gift afforded to man is godly wisdom. As legislation is passed or rejected, we realize only your wisdom and truth will bring continued success to this great state, that the only things that really last forever are you, your word, and our souls, and that the truth is a gift to us from your written and spoken word.

Speak to and through our elected officials as they take on issues that will ultimately impact people's lives for generations to come. May we also understand that all that we are or ever hope to be, we owe all to thee. You

deserve the glory, you deserve the honor, you deserve the praise for all that is good. Help us to trust in you with all our hearts, not to lean on our own understanding, but to acknowledge you in all of our ways, so that you and only you will direct our paths. May we understand that our ways are weak at best without your wisdom. May these great servants of our state who have made a commitment not only to walk with the footman, but also to run with the horses. Help them to run as people of integrity, people of character, and people of passion in a land where it is so easy for cultural pressure, political correctness, and moral relativity to trump the truth with compromise and convenience.

Help us not to marginalize your truth with a flawed perspective as a result of unsolicited pressures. May we never make the mistake of other nations that have fallen and become weak because they put their stock in reason rather than the law of God. Help us to live our lives according to the things that matter most to you, that it really is all about the people, that they are your greatest treasure, that if we honor you in this great state that you will make this state greater by honoring us. Also, that the church is the only hope for Texas, the only hope for America, for it is in the message of the cross that we find the answers that time cannot contain or erase.

You are the beginning and the end, and the only legacy of value that we can leave to our loved ones is a legacy that will last for eternity, a relationship with our Creator. Lord, we understand that Texas is our state, but heaven is our home and that you still rule in the kingdoms of men, and for that we will be eternally grateful. May your rule and your blessing continue to illuminate your people, for it is still "In God We Trust."

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

(Dunnam and Naishtat now present)

CAPITOL PHYSICIAN

The chair recognized Representative Naishtat who presented Dr. Ajay Gupta of Austin as the "Doctor for the Day."

The house welcomed Dr. Gupta and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

(Thibaut now present)

REGULAR ORDER OF BUSINESS SUSPENDED

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

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, House List No. 25).

HR 1476 - ADOPTED
(by Kuempel)

Representative Kuempel moved to suspend all necessary rules to take up and consider at this time **HR 1476**.

The motion prevailed.

The following resolution was laid before the house:

HR 1476, Commemorating the 100th anniversary of the Texas Department of Licensing and Regulation.

HR 1476 was adopted.

On motion of Representative Hamilton, the names of all the members of the house were added to **HR 1476** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Kuempel who introduced representatives of the Texas Department of Licensing and Regulation.

HR 1725 - ADOPTED
(by Martinez Fischer)

Representative Martinez Fischer moved to suspend all necessary rules to take up and consider at this time **HR 1725**.

The motion prevailed.

The following resolution was laid before the house:

HR 1725, Recognizing May 16 to 22, 2009, as National Safe Boating Week.

HR 1725 was adopted.

On motion of Representative Martinez, the names of all the members of the house were added to **HR 1725** as signers thereof.

LEAVE OF ABSENCE GRANTED

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

Bolton on motion of Farrar.

HR 147 - PREVIOUSLY ADOPTED
(by Pierson)

The chair laid out the following previously adopted resolution:

HR 147, Honoring Ron Hall and Denver Moore for their efforts in behalf of the homeless community in Fort Worth and across the country.

On motion of Representative Hancock, the names of all the members of the house were added to **HR 147** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Pierson who introduced Ron Hall and Denver Moore.

HR 1623 - ADOPTED
(by Coleman)

Representative Coleman moved to suspend all necessary rules to take up and consider at this time **HR 1623**.

The motion prevailed.

The following resolution was laid before the house:

HR 1623, Recognizing May 6, 2009, as County Government Day at the State Capitol.

HR 1623 was adopted.

INTRODUCTION OF GUESTS

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

HR 1762 - ADOPTED
(by S. King)

Representative S. King moved to suspend all necessary rules to take up and consider at this time **HR 1762**.

The motion prevailed.

The following resolution was laid before the house:

HR 1762, Congratulating the Roscoe High School Plowboys basketball team on winning the 2009 UIL 1A Division 1 state championship.

HR 1762 was adopted.

HR 1616 - ADOPTED
(by Maldonado)

Representative Maldonado moved to suspend all necessary rules to take up and consider at this time **HR 1616**.

The motion prevailed.

The following resolution was laid before the house:

HR 1616, Honoring First Lieutenant John David Magri of the U.S. Army for his service in Iraq.

HR 1616 was adopted.

GENERAL STATE CALENDAR
SENATE BILLS
THIRD READING

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

SB 1071 ON THIRD 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 passed by (Record 570): 138 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Tourelles; Guillen; Gutierrez; Hamilton; Hancock; Harcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hunter; Isett; 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, S.; Moody; Morrison; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; 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; Vo; Walle; Weber; Woolley; Zerwas.

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

Absent, Excused — Bolton.

Absent — Button; Christian; Hughes; King, S.; Miller, D.; Naishtat; Paxton; Pierson; Villarreal.

STATEMENTS OF VOTE

When Record No. 570 was taken, I was temporarily out of the house chamber. I would have voted yes.

Button

When Record No. 570 was taken, I was temporarily out of the house chamber. I would have voted yes.

Hughes

When Record No. 570 was taken, I was in the house but away from my desk. I would have voted yes.

D. Miller

When Record No. 570 was taken, I was in the house but away from my desk. I would have voted yes.

Pierson

SB 543 ON THIRD READING
(Harless - House Sponsor)

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

SB 543 was passed by (Record 571): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Gonzales; 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; 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; 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; Zerwas.

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

Absent, Excused — Bolton.

Absent — Brown, F.; Corte; Edwards; Giddings; King, S.

STATEMENT OF VOTE

I was shown voting yes on Record No. 571. I intended to vote no.

Christian

SB 1811 ON THIRD READING
(Hardcastle - House Sponsor)

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

SB 1811 was passed by (Record 572): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eissler; Elkins; England; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; 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, 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; Zerwas.

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

Absent, Excused — Bolton.

Absent — Eiland; Giddings; King, S.

SB 2163 ON THIRD 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 passed by (Record 573): 146 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; 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; Zerwas.

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

Absent, Excused — Bolton.

Absent — Driver.

SB 1371 ON THIRD READING
(Lucio - House Sponsor)

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

SB 1371 was passed by (Record 574): 96 Yeas, 48 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Branch; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Cohen; Coleman; Corte; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farias; Farrar; Flores; Flynn; Frost; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hardcastle; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, D.; Hunter; Jackson; Keffer; Kent; King, P.; King, T.; Kuempel; Leibowitz; Lucio; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Moody; Morrison; Naishtat; Oliveira; Olivo; Ortiz; Patrick; Peña; Pickett; Pierson; Pitts; Quintanilla; Raymond; Rios Ybarra; Ritter; Rodriguez; Rose; Smith, W.; Solomons; Strama; Swinford; Thibaut; Thompson; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Zerwas.

Nays — Anderson; Aycock; Berman; Bohac; Bonnen; Brown, B.; Chisum; Christian; Cook; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Fletcher; Gattis; Geren; Hamilton; Hancock; Harless; Harper-Brown; Hartnett; Howard, C.; Hughes; Isett; Jones; Kleinschmidt; Kolkhorst; Laubenberg; Legler; Lewis; Madden; McCall; Miller, S.; Orr; Otto; Parker; Paxton; Phillips; Riddle; Sheffield; Shelton; Smith, T.; Smithee; Truitt; Weber; Woolley.

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

Absent, Excused — Bolton.

Absent — Driver; King, S.; Taylor.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 574. I intended to vote no.

Branch

I was shown voting yes on Record No. 574. I intended to vote no.

Button

I was shown voting yes on Record No. 574. I intended to vote no.

Kuempel

I was shown voting yes on Record No. 574. I intended to vote no.

D. Miller

SB 1711 ON THIRD 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 passed by (Record 575): 146 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; 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, 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; Zerwas.

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

Absent, Excused — Bolton.

Absent — King, S.

SB 1253 ON THIRD 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 passed by (Record 576): 144 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam;

Dutton; Edwards; Eiland; Eissler; Elkins; England; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; 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; 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; 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; Zerwas.

Nays — Craddick.

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

Absent, Excused — Bolton.

Absent — Callegari; King, S.

POSTPONED BUSINESS

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

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.

SB 1495 was read third time on May 5 and was postponed until 10 a.m. today.

Representative McReynolds moved to postpone consideration of **SB 1495** until 2 p.m. tomorrow.

The motion prevailed.

(Homer in the chair)

GENERAL STATE CALENDAR HOUSE BILLS THIRD READING

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

HB 2820 ON THIRD READING (by Chisum and Chavez)

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

Representative Chisum moved to postpone consideration of **HB 2820** until 10 a.m. Monday, May 11.

The motion prevailed.

HB 2564 ON THIRD READING
(by McClendon)

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

Amendment No. 1

Representative Hartnett offered the following amendment to **HB 2564**:

Amend **HB 2564** on third reading, in Article 1, SECTION 1.001, in added Section 107.001(2), Business & Commerce Code, after the underlined period, by inserting the following:

The term does not include a person who is an attorney or a person who is working under the direct supervision of an attorney.

Amendment No. 1 was adopted.

HB 2564, as amended, was passed by (Record 577): 145 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; 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; 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; 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.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Nays — Phillips.

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

Absent, Excused — Bolton.

Absent — Smith, W.

HB 3671 ON THIRD 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 by (Record 578): 145 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; 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; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; 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; Zerwas.

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

Absent, Excused — Bolton.

Absent — Legler; Naishtat.

HB 3128 ON THIRD 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.

HB 3128 was passed by (Record 579): 144 Yeas, 2 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; 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; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; 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; 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; Zerwas.

Nays — Christian; Phillips.

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

Absent, Excused — Bolton.

Absent — King, S.

HB 3717 ON THIRD READING

(by S. King)

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

HB 3717 was passed by (Record 580): 146 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bonnen; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; 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; 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; Zerwas.

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

Absent, Excused — Bolton.

Absent — Branch.

HB 3502 ON THIRD READING
(by Pickett, Solomons, Orr, and Deshotel)

HB 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.

Amendment No. 1

Representative Pickett offered the following amendment to **HB 3502**:

Amend **HB 3502** by inserting the following appropriately numbered SECTIONS and renumbering existing SECTIONS of the bill accordingly:

SECTION _____. Chapter 51, Property Code, is amended by adding Section 51.0051 to read as follows:

Sec. 51.0051. CERTAIN WAIVERS PROHIBITED. (a) A person's right to bring an action for a determination of a property's fair market value under Section 51.003, 51.004, or 51.005 may not be waived by contract. A contract provision that violates this section is void.

SECTION _____. Section 51.0051, Property Code, as added by this Act, applies only to a contract entered into on or after the effective date of this Act. A contract entered into before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

Amendment No. 1 was adopted.

HB 3502, as amended, was passed by (Record 581): 145 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddock; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; 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; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; 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; 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; Zerwas.

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

Absent, Excused — Bolton.

Absent — Burnam; King, S.

HB 3951 ON THIRD READING
(by C. Turner, Leibowitz, and Moody)

HB 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.

HB 3951 was passed by (Record 582): 109 Yeas, 36 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Bohac; Branch; Button; Castro; Chavez; Cohen; Coleman; Cook; Corte; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; England; Farabee; Farias; Farrar; Fletcher; Flores; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hancock; Hardcastle; Harless; Harper-Brown; Heflin; Hernandez; Herrero; Hochberg; Hodge; Hopson; Howard, D.; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, T.; Kolkhorst; Kuempel; Leibowitz; Lewis; Lucio; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Patrick; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Smith, W.; Smithee; Strama; Swinford; Thibaut; Thompson; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle.

Nays — Berman; Bonnen; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Crabb; Craddick; Creighton; Crownover; Darby; Elkins; Flynn; Gattis; Hamilton; Hartnett; Hilderbran; Howard, C.; Hughes; Kleinschmidt; Laubenberg; Legler; Madden; Morrison; Parker; Paxton; Sheffield; Shelton; Smith, T.; Solomons; Taylor; Truitt; Weber; Woolley; Zerwas.

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

Absent, Excused — Bolton.

Absent — Burnam; King, S.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 582. I intended to vote no.

Button

I was shown voting no on Record No. 582. I intended to vote yes.

Crownover

I was shown voting yes on Record No. 582. I intended to vote no.

Hancock

I was shown voting no on Record No. 582. I intended to vote yes.

Hilderbran

I was shown voting yes on Record No. 582. I intended to vote no.

D. Miller

I was shown voting no on Record No. 582. I intended to vote yes.

Taylor

HB 4068 ON THIRD READING
(by Gonzales)

HB 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.

HB 4068 was passed by (Record 583): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Tourelles; 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; 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; Zerwas.

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

Absent, Excused — Bolton.

Absent — Davis, Y.; Flynn; Merritt.

(Speaker in the chair)

HB 3137 ON THIRD READING
(by Gallego)

HB 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.

Representative Farrar moved to postpone consideration of **HB 3137** until 1 p.m. today.

The motion prevailed.

HB 1031 ON THIRD READING
(by S. Miller)

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

HB 1031 was passed by (Record 584): 146 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; 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; 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; 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; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bolton.

Absent — Hardcastle; Martinez Fischer.

HB 636 ON THIRD READING
(by Guillen, Marquez, Gonzales, Chavez, and Flores)

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

HB 636 was passed by (Record 585): 93 Yeas, 49 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Bohac; Branch; Burnam; Button; Castro; Chavez; Cohen; Coleman; Corte; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; England; Farabee; Farias; Farrar; Flores; Frost; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hardcastle; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer;

Hopson; Howard, D.; Hughes; Hunter; 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; Orr; Ortiz; Otto; Peña; Pickett; Pierson; Pitts; Quintanilla; Raymond; Rios Ybarra; Ritter; Rodriguez; Rose; Shelton; Smithee; Solomons; Strama; Swinford; Thibaut; Thompson; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle.

Nays — Anderson; Aycock; Berman; Bonnen; Brown, B.; Brown, F.; Callegari; Chisum; Cook; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Eissler; Elkins; Fletcher; Gattis; Geren; Hamilton; Hancock; Harless; Harper-Brown; Hartnett; Howard, C.; Isett; Jackson; King, P.; Kleinschmidt; Kuempel; Laubenberg; Legler; Lewis; Madden; Miller, D.; Miller, S.; Parker; Patrick; Paxton; Phillips; Riddle; Sheffield; Smith, T.; Smith, W.; Taylor; Truitt; Weber; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bolton.

Absent — Christian; Flynn; Kolkhorst; Merritt; Morrison; Woolley.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 585. I intended to vote no.

Button

When Record No. 585 was taken, I was in the house but away from my desk. I would have voted no.

Flynn

When Record No. 585 was taken, I was in the house but away from my desk. I would have voted no.

Kolkhorst

When Record No. 585 was taken, I was in the house but away from my desk. I would have voted yes.

Morrison

HB 1905 ON THIRD READING

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

HB 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.

HB 1905 was passed by (Record 586): 147 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver;

Dukes; 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; 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; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bolton.

Absent — Morrison.

STATEMENT OF VOTE

When Record No. 586 was taken, I was in the house but away from my desk. I would have voted yes.

Morrison

HB 3097 ON THIRD READING

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

HB 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 Burnam offered the following amendment to **HB 3097**:

Amend Floor Amendment 7 by Phillips to **CSHB 3097** as follows:

(1) On page 1, line 7, following "CHOOSE ADOPTION LICENSE PLATES" insert "and PRO-FAMILY, PRO-CHOICE license plates.

(2) On page 1, line 9, strike "CHOOSE LIFE AND CHOOSE ADOPTION," and substitute "CHOOSE LIFE, CHOOSE ADOPTION AND PRO-FAMILY, PRO-CHOICE before the word "license."

(3) On page 1, following line 15, add section "(c) After deduction of the department's administrative costs, the department shall deposit the remainder of the fee for issuance of license plates that include the words "Pro-Family, Pro-Choice" under this section in the state treasury to the credit of the Pro-Family, Pro-Choice account established by Section 402.037, Government Code."

(4) On page 3 following line 5, insert the following words:

"Sec. 402.037. PRO-FAMILY, PRO-CHOICE ACCOUNT. (a) The Pro-Family, Pro-Choice 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 Pro-Family, Pro-Choice account. The attorney general may spend money credited to the account only to:

(1) make grants to any eligible organizations; 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 or because it offers abortion services.

(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 Pro-Family, Pro-Choice 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 to provide contraceptive education, counseling, and supplies; pregnancy testing and non-directive pregnancy options counseling and referrals; and screening for, and treatment of, sexually transmitted infections.

(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; and

(2) provides reproductive health care and counseling to women.

Sec. 402.038. PRO-FAMILY, PRO-CHOICE ADVISORY COMMITTEE.

(a) The attorney general shall appoint a seven-member Pro-Family, Pro-Choice 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 402.037(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 Pro-Family, Pro-Choice 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. 1 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE FARRAR: Mr. Burnam, yesterday I offered an amendment to the amendment to change the language to choose adoption, to take it away from the political realm. You're aware of that?

REPRESENTATIVE BURNAM: Yes.

FARRAR: And I said, my thinking was, that political statements were best left to bumper stickers.

BURNAM: Well, yes, I think it's a private sector activity as opposed to a public sector activity, and if we're going to politicize one perspective on the license plate, I appreciate your effort to move it to the center to provide a neutral option, but I felt compelled to make sure that everybody understood what they did yesterday, which is to politicize our license plates. I think that's totally inappropriate, and to just even the balance of the scales of justice, I offer this amendment.

FARRAR: And the neutral option was voted down by this body, correct?

BURNAM: Yes.

FARRAR: And so today you're trying to offer the ability to have one or the other because we can't just have one, correct?

BURNAM: That's correct.

FARRAR: Alright, Mr. Speaker, I move that the comments made between Mr. Burnam and I be entered into the record.

BURNAM: Mr. Speaker, before we do that, could we have a discussion about first amendment rights, Ms. Farrar?

FARRAR: Sure. I think we already had it, but maybe it needs to be more explicit.

BURNAM: Okay, just as long as we're clear that in the record there's extensive conversation about first amendment rights, I think we're in great shape.

FARRAR: Right, because a government has to be able to give both sides the opportunity for expression, and yesterday we failed to give both sides opportunity, we only gave one side the opportunity, and you're asking to give both sides, correct?

BURNAM: You're absolutely correct, and I think now that we've had that part of the conversation, including your comments and my comments in the record, is adequate.

REMARKS ORDERED PRINTED

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

The motion prevailed.

Amendment No. 1 - Point of Order

Representative Taylor raised a point of order against further consideration of Amendment No. 1 under Rule 11, Section 6 of the House Rules on the grounds that the amendment was improperly filed.

The point of order was withdrawn.

Representative McClendon moved to postpone consideration of **HB 3097** until 1 p.m. today.

The motion prevailed.

HB 3637 ON THIRD 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

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

Amend **HB 3637** on third reading 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. 1 was adopted.

HB 3637, as amended, was passed by (Record 587): 133 Yeas, 9 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Craddick; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Hartnett; 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; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller,

D.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Patrick; Peña; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Nays — Crabb; Creighton; Flynn; Harper-Brown; Madden; Miller, S.; Parker; Paxton; Phillips.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bolton.

Absent — Anderson; Heflin; Maldonado; Shelton; Thompson; Truitt.

STATEMENTS OF VOTE

When Record No. 587 was taken, I was in the house but away from my desk. I would have voted no.

Anderson

When Record No. 587 was taken, I was temporarily out of the house chamber. I would have voted yes.

Maldonado

When Record No. 587 was taken, I was temporarily out of the house chamber. I would have voted yes.

Thompson

When Record No. 587 was taken, I was in the house but away from my desk. I would have voted no.

Truitt

HB 710 ON THIRD READING

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

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

LEAVES OF ABSENCE GRANTED

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

Dukes on motion of Moody.

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

Oliveira on motion of Olivo.

HB 710 - (consideration continued)

The vote of the house was taken on the passage of **HB 710** and the vote was announced yeas 71, nays 73.

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 588): 71 Yeas, 73 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Chavez; Cohen; Coleman; Davis, Y.; Deshotel; Dunnam; Dutton; Edwards; Eiland; England; Farabee; Farias; Farrar; Flores; Frost; Gallego; Giddings; Gonzales; Gonzalez Tourelles; Guillen; Gutierrez; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; Kent; King, T.; Leibowitz; Lucio; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Miklos; Moody; Naishtat; Olivo; Ortiz; Peña; Pickett; Pierson; Quintanilla; Raymond; Rios Ybarra; Ritter; Rodriguez; Rose; Strama; Thibaut; 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; Isett; Jackson; Jones; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Lewis; Madden; McCall; Miller, D.; Miller, S.; Morrison; Orr; Otto; Parker; Paxton; Phillips; Pitts; Riddle; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Swinford; Taylor; Truitt; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bolton; Dukes; Oliveira.

Absent — Patrick; Thompson.

The speaker stated that **HB 710** failed to pass by the above vote.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 588. I intended to vote no.

Heflin

I was shown voting yes on Record No. 588. I intended to vote no.

Merritt

When Record No. 588 was taken, I was temporarily out of the house chamber. I would have voted no.

Patrick

**HB 2925 ON THIRD READING
(by Herrero, Cohen, and Creighton)**

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

HB 2925 was passed by (Record 589): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; 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; 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; 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; Strama; Swinford; Taylor; Thibaut; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bolton; Dukes; Oliveira.

Absent — Farrar; Solomons; Thompson.

STATEMENT OF VOTE

When Record No. 589 was taken, I was temporarily out of the house chamber. I would have voted yes.

Thompson

HB 3144 ON THIRD 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.

(Rodriguez in the chair)

Amendment No. 1

Representative Heflin offered the following amendment to **HB 3144**:

Amend **HB 3144** on third reading as follows:

(1) On page 3, line 4, strike "and".

(2) On page 3, line 14, between "business" and the period, insert the following:
; and

(11) machinery and equipment exclusively used in an agricultural aircraft operation, as defined by 14 C.F.R. Section 137.3

Amendment No. 1 was adopted.

HB 3144, as amended, was passed by (Record 590): 136 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; 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; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, D.; Hunter; Isett; Jackson; Jones; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

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

Absent, Excused — Bolton; Dukes; Oliveira.

Absent — Bonnen; Chisum; Gonzales; Hartnett; Howard, C.; Hughes; Keffer; Marquez; Thompson.

STATEMENTS OF VOTE

When Record No. 590 was taken, I was in the house but away from my desk. I would have voted yes.

C. Howard

When Record No. 590 was taken, I was in the house but away from my desk. I would have voted yes.

Marquez

When Record No. 590 was taken, I was temporarily out of the house chamber. I would have voted yes.

Thompson

HB 1959 ON THIRD READING (by Isett and McCall)

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

HB 1959 was passed by (Record 591): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; 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; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

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

Absent, Excused — Bolton; Dukes; Oliveira.

Absent — Marquez; Thompson.

STATEMENTS OF VOTE

When Record No. 591 was taken, I was in the house but away from my desk. I would have voted yes.

Marquez

When Record No. 591 was taken, I was temporarily out of the house chamber. I would have voted yes.

Thompson

HB 3148 ON THIRD 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 T. Smith offered the following amendment to **HB 3148**:

Amend **HB 3148** on third reading by striking SECTION 5 of the bill (page 3, line 25 through page 5, line 24) and renumbering subsequent SECTIONS of the bill accordingly.

Amendment No. 1 was adopted.

Amendment No. 2

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

Amend **HB 3148** on third reading by striking the caption and substituting the following:

relating to exempting certain young persons who are convicted of an offense involving consensual sex from the requirement of registering as a sex offender in this state.

Amendment No. 2 was adopted.

HB 3148 - REMARKS

REPRESENTATIVE GATTIS: Thank you, Mr. Speaker. Members, I voted against this bill yesterday and the reason I voted against this bill was because it's a very complicated thing, and I'll be honest with you, I hadn't taken a lot of time to read and really delve into it. To understand this bill you're gonna have to spend time with it. But what Representative Smith has brought to us is the right thing—it's the moral thing. I don't want there to be any, and I think what Representative Hartnett did just now, so that you understand, is to help those of you that worry that this is a mail piece against you to protect you from that perspective, because he's changed the relating clause to say, "relating to exempting certain young persons who are convicted of an offense involving consensual sex from the requirement of registering as a sex offender in this state". Understand that this bill does not remove them from having to register. It puts it in the hands of the judge for only certain offenses, certain kids.

Today, under our law today, a judge can make this finding for a young girl or a young boy who was 13, who was considered to be the victim, who was 13 years of age—they can make this for a victim who is 14 years of age, but not for someone who is 15 or 16, and you may ask why, and the reason is because if you're within three years of each other, it's a defense and it's not even a crime. I want you to understand that what we're doing here today is, we're not saying that this is not a crime if you're more than three years—it is. You have defendants who are going to be prosecuted for this consensual relationship issue who are greater than three years—this is not absolving them of that. They will still be prosecuted, they still may go to jail, they still may be placed on probation, but what this does is gives the judge the opportunity to look at the full facts of the situation and determine whether or not this person should have to register for the rest of their life as a sex offender, someone who we most often think is a predator.

Many of you have had constituents call you at different times on these issues. Oftentimes these are couples who are married later in life and have kids, but they still are required to register as a sex offender for the rest of their life for a mistake, understandably, a mistake that they made, and it's a criminal penalty, and they will still be prosecuted. This gives the judge the opportunity so that they don't ruin the rest of their lives under this scenario for a consensual act. If it's not a consensual act, it doesn't fall under this. If this is a forced-upon deal, a date rape type of scenario, or anything along those types of deals, it doesn't even fall under this provision. This is a good bill. It fixes something that we've been trying to fix for a long time with regard to these consensual types of relationships and I think you ought to vote for it. If you're worried about this being a mail piece, everything we vote on here is a mail piece. Charlie and I laugh about

it—there's gonna be a mail piece either way, but when you boil it down, I'm willing to take that risk today because it's the right thing to do. And it bothers me a little bit that me and Mr. Madden are actually on the same side of this.

REPRESENTATIVE MADDEN: Mr. Gattis, first of all I want to commend you for getting up and making your statement like you did because this is one that we have seen in the criminal justice field, and we have seen in the correctional field, for some time. Those people coming to us who truly, was obviously a consensual affair, but one of the persons in it was not of the age that they could consent, right? And that's what we basically have and I gotta commend Mr. Smith for having the courage to move this bill forward because this is a tough area.

GATTIS: What it comes down to, it may be a consensual relationship but one of the parents says, "No, it's outside the bounds and I want this person prosecuted," and let me go on record here: if it's one of my children, if it's my daughters, you will be prosecuted to the full extent of the law.

MADDEN: And I accept that for my grandchildren, too.

GATTIS: If the law actually catches you before I do.

MADDEN: And I will also say to you that we didn't change that in the law at all, the ability to prosecute the criminal offense—that's still there. The only thing specifically he's done is he's taken that one year, to the third, to the fourth-year age differential and basically says there's an appeal, is there not, to the judge to at least say, "I don't have to register?"

GATTIS: That's correct.

MADDEN: Because we have a sex offender list, that's a very extensive list, right? It's very difficult.

GATTIS: It is, and it puts in the hands of the judge that can make the determination and look at all of the facts of the case, and we don't just have a rule that's a rule for everyone. Members, I know lots of you changed votes from yesterday because you're concerned and everything else, and you were right to be concerned. I think with the changes we've made today, with the arguments that are here, I think this is a good bill and I think you ought to vote for it. And I applaud Representative Smith for fighting this fight.

REPRESENTATIVE T. SMITH: Mr. Speaker and members, I just want to say that this—now please, I want to say something, it's my bill, let me say something—this is one of the most morally compelling pieces of legislation that I have ever filed as a member of the Texas House of Representatives.

I have read the letters of grandmothers about their grandsons, and I have shed tears while reading the letters about the fact that the lives of 18, 19-year-old, primarily men, have been destroyed who are sinners but who are not predators, and I think what you've heard today is a broad consensus on this floor, and in the HRO report they couldn't find anybody to speak against this bill. There is no opposition to it.

While I wouldn't be worried about the mail piece that says you got soft on sex offenders, I would be worried about the mail piece that says this idiot thinks that you ought to have mandatory registration on the sex offender list for an 18 and a 15-year-old having a consensual relationship. Because the problem with that mail piece is it would be accurate. The other mail piece can be defended, and I want to make this pledge to every person on this floor, the best defense on this legislation is an entirely green board. It is the morally right thing to do.

It protects all of us, and if there is anybody who casts a green light on this board, and anybody, whether you are a republican or a democrat, if your opponent comes and says that you were soft on sexual predators, I make a personal pledge to come to your district and call that person a liar. This is important. It affects people's lives. We rarely have the opportunity to do something that will take people out of a living hell. I ask for your unanimous aye vote.

(Dukes now present)

HB 3148, as amended, was passed by (Record 592): 131 Yeas, 12 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; 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; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hunter; Isett; Jackson; Jones; Keffer; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Leibowitz; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller, D.; Miller, S.; Morrison; Naishtat; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Peña; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Ritter; Rodriguez(C); Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Truitt; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Nays — Craddick; Harper-Brown; Kent; King, P.; Laubenberg; Legler; Lewis; Miklos; Moody; Paxton; Phillips; Turner, C.

Present, not voting — Mr. Speaker.

Absent, Excused — Bolton; Oliveira.

Absent — Hughes; Rios Ybarra; Thompson; Turner, S.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 592. I intended to vote no.

Hopson

I was shown voting no on Record No. 592. I intended to vote yes.

Legler

I was shown voting yes on Record No. 592. I intended to vote no.

Maldonado

I was shown voting yes on Record No. 592. I intended to vote no.

Thibaut

When Record No. 592 was taken, I was temporarily out of the house chamber. I would have voted yes.

Thompson

HB 3314 ON THIRD 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.

HB 3314 was passed by (Record 593): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; 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; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; 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, S.; Moody; Morrison; Naishtat; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

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

Absent, Excused — Bolton; Oliveira.

Absent — Hartnett; Hughes; Miller, D.; Thompson.

STATEMENT OF VOTE

When Record No. 593 was taken, I was temporarily out of the house chamber. I would have voted yes.

Thompson

HB 3481 ON THIRD 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 by (Record 594): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; 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; 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; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

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

Absent, Excused — Bolton; Oliveira.

Absent — Hartnett; McCall; Thompson.

STATEMENT OF VOTE

When Record No. 594 was taken, I was temporarily out of the house chamber. I would have voted yes.

Thompson

REMARKS ORDERED PRINTED

Representative Leibowitz moved to print remarks by Representative Gattis and Representative T. Smith on **HB 3148**.

The motion prevailed.

HB 3547 ON THIRD 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 by (Record 595): 139 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; 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.; Miller, S.; Moody; Naishtat; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

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

Absent, Excused — Bolton; Oliveira.

Absent — Dutton; Edwards; Giddings; Hughes; Kolkhorst; Morrison; Thompson.

STATEMENTS OF VOTE

When Record No. 595 was taken, I was in the house but away from my desk. I would have voted yes.

Giddings

When Record No. 595 was taken, I was in the house but away from my desk. I would have voted yes.

Kolkhorst

When Record No. 595 was taken, I was temporarily out of the house chamber. I would have voted yes.

Thompson

HB 3649 ON THIRD 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.

HB 3649 was passed by (Record 596): 125 Yeas, 19 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Bohac; Branch; Brown, B.; Burnam; Button; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Creighton; Crownover; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Edwards; Eiland; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hardcastle; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hunter; Isett; Jackson; 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; Moody; Morrison; Naishtat; Olivo; Orr; Ortiz; Otto; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Rios Ybarra; Ritter; Rodriguez(C); Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley.

Nays — Aycock; Berman; Bonnen; Brown, F.; Callegari; Craddick; Darby; Eissler; Elkins; Hancock; Harless; Harper-Brown; Lewis; Miller, D.; Miller, S.; Parker; Patrick; Riddle; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused — Bolton; Oliveira.

Absent — Dutton; Hughes; Thompson.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 596. I intended to vote no.

Anderson

I was shown voting yes on Record No. 596. I intended to vote no.

Flynn

When Record No. 596 was taken, I was temporarily out of the house chamber. I would have voted yes.

Thompson

HB 3700 ON THIRD 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.

Representative Jackson moved to postpone consideration of **HB 3700** until 10 a.m. Tuesday, July 6, 2010.

The motion prevailed.

(Chisum in the chair)

HB 3737 ON THIRD 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 by (Record 597): 140 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Edwards; 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.; 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; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Solomons; Strama; Taylor; Thibaut; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

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

Absent, Excused — Bolton; Oliveira.

Absent — Dutton; Eiland; Hughes; Smithee; Swinford; Thompson.

STATEMENTS OF VOTE

When Record No. 597 was taken, my vote failed to register. I would have voted yes.

Swinford

When Record No. 597 was taken, I was temporarily out of the house chamber. I would have voted yes.

Thompson

HB 3795 ON THIRD READING
(by Morrison and Branch)

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

Amendment No. 1

Representative Morrison offered the following amendment to **HB 3795**:

Amend **HB 3795** on third reading (second reading engrossment) on page 1, line 14 of the bill, by striking "7th" and substituting "6th".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Morrison offered the following amendment to **HB 3795**:

Amend **HB 3795** on third reading (second reading engrossment) by striking page 4, lines 5-7 and substituting the following:

(B) have not been convicted of a felony or an offense under Chapter 481, Health and Safety Code (Texas Controlled Substances Act), or under the law of another jurisdiction involving a controlled substance as defined by Chapter 481, Health and Safety Code, unless the student has:

(i) received a certificate of discharge by the Texas Department of Criminal Justice or a correctional facility or completed a period of community supervision ordered by a court, and at least two years have elapsed from the date of the receipt or completion; or

(ii) been pardoned or had the record of the offense expunged from the person's record.

Amendment No. 2 was adopted.

Amendment No. 3

Representative Alonzo offered the following amendment to **HB 3795**:

Amend **HB 3795** on third reading (second reading engrossment) on page 1, between lines 19 and 20, by inserting the following:

(c) The campaign established by the board may target students in elementary grades, including grade six.

Amendment No. 3 was adopted.

HB 3795, as amended, was passed by (Record 598): 140 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Branch; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum(C); Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; 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, 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; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Rios Ybarra; Rodriguez;

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

Nays — Riddle.

Present, not voting — Mr. Speaker.

Absent, Excused — Bolton; Oliveira.

Absent — Bonnen; Brown, B.; Button; Isett; Ritter; Thompson.

STATEMENTS OF VOTE

When Record No. 598 was taken, I was in the house but away from my desk. I would have voted yes.

Button

When Record No. 598 was taken, I was temporarily out of the house chamber. I would have voted yes.

Thompson

HB 3983 ON THIRD READING (by Rodriguez)

HB 3983, A bill to be entitled An Act relating to certain homestead preservation reinvestment zones.

HB 3983 was passed by (Record 599): 136 Yeas, 9 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Branch; Brown, B.; Burnam; Button; Callegari; Castro; Chavez; Chisum(C); Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; 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; Laubenberg; 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; Patrick; Paxton; Peña; Pickett; Pierson; Pitts; Quintanilla; Raymond; Rios Ybarra; Ritter; Rodriguez; Rose; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Nays — Bonnen; Brown, F.; Fletcher; Gattis; Isett; Legler; Phillips; Riddle; Sheffield.

Present, not voting — Mr. Speaker.

Absent, Excused — Bolton; Oliveira.

Absent — Dutton; Thompson.

STATEMENTS OF VOTE

When Record No. 599 was taken, I was in the house but away from my desk. I would have voted yes.

Dutton

When Record No. 599 was taken, I was temporarily out of the house chamber. I would have voted yes.

Thompson

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. 24).

COMMITTEE GRANTED PERMISSION TO MEET

Representative Merritt requested permission for the Committee on Public Safety to meet while the house is in session, at 1:30 p.m. today, in 3W.15, for a formal meeting, to consider pending business.

Permission to meet was granted.

FIVE-DAY POSTING RULE SUSPENDED

Representative Solomons moved to suspend the five-day posting rule and all necessary rules to allow the Committee on State Affairs to consider **SB 921**, **SB 1182**, **SB 1540**, **SB 1969**, and **SB 2298**.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Land and Resource Management, upon lunch recess today, Desk 1, for a formal meeting, to consider pending business.

Public Health, upon lunch recess today, Desk 123, for a formal meeting, to consider pending business.

Corrections, upon lunch recess today, Desk 60, for a formal meeting, to consider pending business.

Transportation, upon lunch recess today, Desk 15, for a formal meeting, to consider pending business.

State Affairs, upon lunch recess today, 3W.9, for a formal meeting, to consider **SB 921**, **SB 1182**, **SB 1540**, **SB 1969**, and **SB 2298**.

Public Safety, 1:30 p.m. today, 3W.15, for a formal meeting, to consider pending business.

RULES SUSPENDED

On motion of Representative McCall and by unanimous consent, all necessary rules were suspended to allow the house to consider Friday's Daily House Calendar on Thursday at the conclusion of Thursday's General State Calendar.

RECESS

At 12:36 p.m., the chair announced that the house would stand recessed until 1:15 p.m. today.

AFTERNOON SESSION

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

HB 4091 ON THIRD READING (by Farrar and Flores)

HB 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.

HB 4091 was passed by (Record 600): 81 Yeas, 46 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Burnam; Callegari; Castro; Chavez; Cohen; Coleman; Cook; Craddick; Davis, Y.; Driver; Dukes; Dunnam; Dutton; Eiland; England; Farabee; Farias; Farrar; Flores; Frost; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hardcastle; Hartnett; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; Hunter; Jones; Kent; Leibowitz; Lewis; Lucio; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Miklos; Moody; Naishtat; Olivo; Ortiz; Parker; Pickett; Pierson; Pitts; Quintanilla; Raymond; Rios Ybarra; Ritter; Rodriguez; Rose; Shelton; Smithee; Strama; Swinford; Thibaut; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle.

Nays — Anderson; Aycock; Bohac; Bonnen; Brown, B.; Brown, F.; Button; Chisum; Crabb; Creighton; Crownover; Darby; Fletcher; Gattis; Geren; Harless; Harper-Brown; Howard, C.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Laubenberg; Legler; Madden; McCall; Miller, S.; Morrison; Orr; Otto; Patrick; Paxton; Phillips; Riddle; Sheffield; Smith, T.; Smith, W.; Solomons; Taylor; Truitt; Weber; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bolton; Oliveira.

Absent — Berman; Branch; Christian; Corte; Davis, J.; Deshotel; Edwards; Eissler; Elkins; Flynn; Hamilton; Hancock; Hilderbran; King, T.; Kuempel; Merritt; Miller, D.; Peña; Thompson; Zerwas.

STATEMENTS OF VOTE

When Record No. 600 was taken, I was in the house but away from my desk. I would have voted no.

Branch

When Record No. 600 was taken, I was in the house but away from my desk. I would have voted yes.

Corte

When Record No. 600 was taken, I was in the house but away from my desk. I would have voted yes.

Deshotel

When Record No. 600 was taken, my vote failed to register. I would have voted no.

Flynn

When Record No. 600 was taken, I was in the house but away from my desk. I would have voted no.

Hancock

When Record No. 600 was taken, I was in the house but away from my desk. I would have voted yes.

Hilderbran

When Record No. 600 was taken, I was in the house but away from my desk. I would have voted yes.

Peña

When Record No. 600 was taken, I was temporarily out of the house chamber. I would have voted yes.

Thompson

HB 4154 ON THIRD READING
(by Rose, Naishtat, and Menendez)

HB 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.

HB 4154 was passed by (Record 601): 90 Yeas, 44 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Burnam; Castro; Chavez; Cohen; Coleman; Cook; Crownover; Darby; Davis, Y.; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Elkins; England; Farabee; Farrar; Flores; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hardcastle; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Keffer; Kent; King, S.; King, T.; Kolkhorst; Kuempel; Leibowitz; Lucio; Maldonado; Mallory Caraway; Marquez;

Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Miklos; Moody; Naishtat; Olivo; Ortiz; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Rios Ybarra; Ritter; Rodriguez; Rose; Smith, W.; Smithee; Strama; Swinford; Thibaut; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Zerwas.

Nays — Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Button; Callegari; Chisum; Christian; Crabb; Craddick; Creighton; Davis, J.; Eissler; Fletcher; Gattis; Hancock; Harless; Hartnett; Hilderbran; Jackson; Kleinschmidt; Legler; Lewis; Madden; McCall; Miller, D.; Miller, S.; Orr; Otto; Parker; Patrick; Riddle; Sheffield; Shelton; Smith, T.; Solomons; Taylor; Truitt; Weber; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bolton; Oliveira.

Absent — Corte; Deshotel; Farias; Flynn; Harper-Brown; Isett; Jones; King, P.; Laubenberg; Morrison; Paxton; Peña; Thompson.

STATEMENTS OF VOTE

I was shown voting no on Record No. 601. I intended to vote yes.

Bohac

When Record No. 601 was taken, I was in the house but away from my desk. I would have voted no.

Corte

When Record No. 601 was taken, I was in the house but away from my desk. I would have voted yes.

Deshotel

When Record No. 601 was taken, I was in the house but away from my desk. I would have voted yes.

Harper-Brown

I was shown voting yes on Record No. 601. I intended to vote no.

C. Howard

When Record No. 601 was taken, I was in the house but away from my desk. I would have voted yes.

Peña

When Record No. 601 was taken, I was temporarily out of the house chamber. I would have voted yes.

Thompson

POSTPONED BUSINESS

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

HB 3137 ON THIRD READING
(by Gallego)

HB 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.

HB 3137 was read third time earlier today and was postponed until this time.

HB 3137 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE TAYLOR: Mr. Gallego, some of the concerns I've heard is that there's already a lot of rules and regulations for foster parents, and there's some concern out there that this would be adding more rules and more regulation, but it's my understanding from talking to you, and is this true, that we're not adding more rules—we're basically taking the rules that are already there and putting them into some type of a handout to give to potential foster parents?

REPRESENTATIVE GALLEGO: We're not adding more rules. In fact, foster parents have asked for this because many times, when you go to the department, you don't exactly know what your rights are and so the laws are already there, the rules are already there, but people don't necessarily know what the rules are. What this does is this asks the department to put together essentially a fact sheet. For example, we have a crime victim's bill of rights, we had a bill here on the calendar about a landowner's bill of rights the other day. What this does is essentially ask the Department of Family and Protective Services to put together a document to hand out to prospective foster parents so they'll understand the process, and they'll know what their rights and responsibilities are.

TAYLOR: And there will be no additional things added in the process?

GALLEGO: Right, and if you'll notice, the fiscal note is zero, because we're not going out and doing anything new. We're essentially re-codifying, or putting everything together in one place, so that foster parents will know what their rights and what their responsibilities are.

REMARKS ORDERED PRINTED

Representative Taylor moved to print remarks between Representative Gallego and Representative Taylor.

The motion prevailed.

HB 3137 was passed by (Record 602): 136 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez

Tourelles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hochberg; Hodge; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Jackson; 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.; Miller, S.; Moody; Morrison; Naishtat; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Nays — Sheffield.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bolton; Oliveira.

Absent — Alvarado; Callegari; Corte; Farabee; Hilderbran; Homer; Isett; Lewis; Pitts; Thompson.

STATEMENTS OF VOTE

When Record No. 602 was taken, I was in the house but away from my desk. I would have voted yes.

Alvarado

I was shown voting yes on Record No. 602. I intended to vote no.

Berman

When Record No. 602 was taken, I was in the house but away from my desk. I would have voted yes.

Corte

When Record No. 602 was taken, I was in the house but away from my desk. I would have voted yes.

Farabee

When Record No. 602 was taken, I was in the house but away from my desk. I would have voted yes.

Hilderbran

When Record No. 602 was taken, I was temporarily out of the house chamber. I would have voted yes.

Thompson

GENERAL STATE CALENDAR
(consideration continued)

HB 4265 ON THIRD 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.

HB 4265 was passed by (Record 603): 140 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Tourelles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Hartnett; Heflin; Hernandez; Herrero; 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; Patrick; 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; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bolton; Oliveira.

Absent — Alonzo; Corte; Davis, Y.; Harper-Brown; Hilderbran; Paxton; Thompson.

STATEMENTS OF VOTE

When Record No. 603 was taken, I was in the house but away from my desk. I would have voted yes.

Corte

When Record No. 603 was taken, I was in the house but away from my desk. I would have voted yes.

Harper-Brown

When Record No. 603 was taken, I was in the house but away from my desk. I would have voted yes.

Hilderbran

When Record No. 603 was taken, I was temporarily out of the house chamber. I would have voted yes.

Thompson

HB 4300 ON THIRD READING
(by Herrero)

HB 4300, A bill to be entitled An Act relating to safety rules for gas pipeline facilities and public awareness.

HB 4300 was passed by (Record 604): 140 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; 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; 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; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bolton; Oliveira.

Absent — Alonzo; Corte; Davis, Y.; Gonzalez Toureilles; Hilderbran; King, P.; Thompson.

STATEMENTS OF VOTE

When Record No. 604 was taken, I was in the house but away from my desk. I would have voted yes.

Corte

When Record No. 604 was taken, I was in the house but away from my desk. I would have voted yes.

Hilderbran

When Record No. 604 was taken, I was temporarily out of the house chamber. I would have voted yes.

Thompson

HB 4328 ON THIRD READING**(by Strama, et al.)**

HB 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.

HB 4328 was passed by (Record 605): 123 Yeas, 21 Nays, 1 Present, not voting.

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

Nays — Anderson; Berman; Brown, B.; Brown, F.; Button; Callegari; Chisum; Christian; Fletcher; Hancock; Harper-Brown; Kleinschmidt; Kolkhorst; Laubenberg; Legler; Miller, D.; Miller, S.; Phillips; Riddle; Sheffield; Shelton.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bolton; Oliveira.

Absent — Flores; Hughes; Isett.

HB 4341 ON THIRD READING**(by Truitt)**

HB 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.

HB 4341 was passed by (Record 606): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, Y.; Deshotel; Driver; Dukes; 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; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; 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; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bolton; Oliveira.

Absent — Davis, J.; Isett; King, S.; McClendon.

HB 4409 ON THIRD READING
(by Taylor and Eiland)

HB 4409, A bill to be entitled An Act relating to emergency preparation and management.

Amendment No. 1

Representative S. Turner offered the following amendment to **HB 4409**:

Amend **HB 4409** by adding the following language on page 3, line 7:

(16) The Division shall in coordination with the Texas Commission on Environmental Quality adopt rules to require a retail public utility that serves customers in a county any territory of which is located not more than 100 miles from the Gulf of Mexico to adopt and submit to the commission for its approval an emergency preparedness plan that ensures that, in the event of a local power outage during the next year, the retail public utility maintains the ability to provide water to the local distribution system with at least the minimum water pressure required under commission rules; and sewer services to all existing customers.

(a) An emergency preparedness plan must provide for:

(1) the maintenance of automatically starting auxiliary generators for that purpose; If a retail public utility's emergency preparedness plan provides for the maintenance of automatically starting auxiliary generators, the retail public utility must include with the plan a proposed schedule for the regular servicing, testing, and operation of the generators that complies with commission rules. A retail public utility that maintains auxiliary generators shall maintain a log of the regular servicing, testing, and operation of the generators and shall submit a copy of the log to the commission with its yearly emergency preparedness plan. The commission may inspect the log at any time before the retail public utility submits the log to the commission.

(2) or the retail public utility's participation in a recognized statewide mutual aid program, if the commission finds that the utility's participation in the program will provide the utility with access to auxiliary generators and other necessary aid or equipment sufficient for the utility to restore service not later than the 36th hour after the hour the local power outage begins.

(b) The commission may impose an administrative penalty on a person licensed under this chapter who violates this section or a rule or order adopted under this section. The commission by rule shall prescribe standards relating to the servicing, testing, and operation of auxiliary power generators used in the implementation of an emergency preparedness plan.

Amendment No. 1 was adopted.

HB 4409, as amended, was passed by (Record 607): 147 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; 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; 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; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bolton; Oliveira.

HB 4545 ON THIRD READING

(by Raymond)

HB 4545, A bill to be entitled An Act relating to the time for filing a petition for judicial review in certain workers' compensation cases.

Representative Menendez moved to postpone consideration of **HB 4545** until 2 p.m. today.

The motion prevailed.

HB 124 ON THIRD 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 by (Record 608): 146 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; 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; Olivo; Orr; Ortiz; Otto; Parker; Patrick; 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; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bolton; Oliveira.

Absent — Paxton.

HB 339 ON THIRD READING**(by Phillips, Kolkhorst, Ortiz, Menendez, et al.)**

HB 339, A bill to be entitled An Act relating to driver education and driver's licensing requirements for minors.

HB 339 was passed by (Record 609): 139 Yeas, 4 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; 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; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hunter; Isett; Jackson; Jones;

Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; 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; Zerwas.

Nays — Harper-Brown; Laubenberg; Legler; Riddle.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bolton; Oliveira.

Absent — Anderson; Hughes; Merritt; Paxton.

HB 365 ON THIRD READING **(by Flynn)**

HB 365, A bill to be entitled An Act relating to the composition of the Finance Commission of Texas.

Representative Flynn moved to postpone consideration of **HB 365** until 10 a.m. Tuesday, June 30.

The motion prevailed.

HB 472 ON THIRD READING **(by Hilderbran)**

HB 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.

HB 472 was passed by (Record 610): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; 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; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; 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; Ortiz; Otto; Parker; Patrick; 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; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bolton; Oliveira.

Absent — Harper-Brown; Hughes; Orr; Paxton.

STATEMENT OF VOTE

When Record No. 610 was taken, I was in the house but away from my desk. I would have voted yes.

Harper-Brown

HB 643 ON THIRD READING

(by Zerwas)

HB 643, A bill to be entitled An Act relating to the qualifications of surgical technologists; providing penalties.

HB 643 was passed by (Record 611): 141 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; 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; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; 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; 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; Taylor; Thibaut; Thompson; Truitt; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

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

Absent, Excused — Bolton; Oliveira.

Absent — Harper-Brown; Hughes; Isett; King, S.; Swinford.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 611. I intended to vote no.

Christian

When Record No. 611 was taken, I was in the house but away from my desk. I would have voted yes.

Harper-Brown

HB 957 ON THIRD READING
(by Swinford)

HB 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.

Amendment No. 1

Representative Leibowitz offered the following amendment to **HB 957**:

Amend **HB 957** on third reading, in SECTION 1 of the bill, immediately following added Section 307.002, Government Code, by inserting the following:

Sec. 307.003. INAPPLICABILITY TO PEACE OFFICERS, FIREFIGHTERS, AND EMERGENCY SERVICES PERSONNEL. (a) This chapter does not prohibit a member of the legislature from serving in any position, other than an elective office, as a peace officer.

(b) This chapter does not prohibit a member of the legislature from serving in an office, position of employment, or other capacity if the primary duties of the office or position relate to:

- (1) firefighting; or
- (2) the provision of emergency medical services to the public.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Herrero offered the following amendment to **HB 957**:

Amend **HB 957** on third reading as follows:

- (1) On page 1, strike lines 16 through 19.
- (2) On page 1, line 20, strike "(c)" and substitute "(b)".
- (2) On page 1, line 23, strike "(d)" and substitute "(c)".
- (3) On page 2, line 4, strike "(e)" and substitute "(d)".

Representative Swinford moved to table Amendment No. 2.

The motion to table was withdrawn.

Amendment No. 2 was withdrawn.

Amendment No. 1 - Vote Reconsidered

Representative Gattis moved to reconsider the vote by which Amendment No. 1 was adopted.

The motion to reconsider prevailed.

Amendment No. 1 was withdrawn.

Representative Swinford moved to postpone consideration of **HB 957** until 4 p.m. today.

The motion prevailed.

POSTPONED BUSINESS

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

HB 4545 ON THIRD READING (by Raymond)

HB 4545, A bill to be entitled An Act relating to the time for filing a petition for judicial review in certain workers' compensation cases.

HB 4545 was read third time earlier today and was postponed until this time.

HB 4545 was passed by (Record 612): 136 Yeas, 3 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Jackson; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; 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; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Rios Ybarra; Ritter; Rodriguez; Rose; Shelton; Smith, T.; Smith, W.; Smithee; Strama; Swinford; Taylor; Thibaut; Thompson; Turner, C.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Nays — Fletcher; Legler; Riddle.

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

Absent, Excused — Bolton; Oliveira.

Absent — Creighton; Gonzalez Toureilles; Isett; Jones; Sheffield; Solomons; Turner, S.

STATEMENT OF VOTE

When Record No. 612 was taken, I was in the house but away from my desk. I would have voted yes.

Solomons

HB 653 ON SECOND READING
(by Bonnen)

HB 653, A bill to be entitled An Act relating to the inclusion on the exterior of an ad valorem tax bill of a statement directing the United States Postal Service to return the bill if it is not deliverable as addressed.

HB 653 was read second time on April 29, postponed until May 4, and was again postponed until 8:03 a.m. today.

Representative Bonnen moved to postpone consideration of **HB 653** until 7:03 a.m. tomorrow.

The motion prevailed.

CSSB 828 ON SECOND READING
(Madden - House Sponsor)

CSSB 828, A bill to be entitled An Act relating to a determination of value for purposes of punishment of the offense of abuse of official capacity.

CSSB 828 was considered in lieu of **CSHB 1869**.

CSSB 828 was read second time and was passed to third reading.

CSHB 1869 - LAID ON THE TABLE SUBJECT TO CALL

Representative Madden moved to lay **CSHB 1869** on the table subject to call.

The motion prevailed.

(Hochberg in the chair)

SB 405 ON SECOND READING
(McCall - House Sponsor)

SB 405, A bill to be entitled An Act relating to compensation for the use of the public transportation system of a regional transportation authority.

SB 405 was considered in lieu of **HB 2439**.

SB 405 was read second time and was passed to third reading.

HB 2439 - LAID ON THE TABLE SUBJECT TO CALL

Representative McCall moved to lay **HB 2439** on the table subject to call.

The motion prevailed.

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**:

Pitts on motion of Farabee.

HB 4386 ON SECOND READING
(by Vaught, Riddle, Fletcher, Moody, Branch, et al.)

HB 4386, A bill to be entitled An Act relating to the creation of DNA records for the DNA database system.

HB 4386 was read second time on April 28, postponed until April 29, postponed until May 1, and was again postponed until 10 a.m. today.

Representative Vaught moved to postpone consideration of **HB 4386** until 10 a.m. Monday, May 11.

The motion prevailed.

CSHB 3977 ON SECOND READING
(by Hunter)

CSHB 3977, A bill to be entitled An Act relating to the trapping and transport of surplus white-tailed deer.

CSHB 3977 was read second time on May 2 and was postponed until 10 a.m. today.

CSHB 3977 was passed to engrossment.

HB 3097 ON THIRD READING
(by McClendon, Y. Davis, Phillips, Harper-Brown, T. Smith, et al.)

HB 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.

HB 3097 was read third time earlier today and was postponed until this time. Amendment No. 1 was pending at the time of postponement.

Amendment No. 1 was withdrawn.

Amendment No. 2

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

Amend **HB 3097** on third reading as follows:

(1) On page 22, line 21, between "PLATES" and the period insert "AND PRO-FAMILY, PRO-CHOICE LICENSE PLATES".

(2) On page 22, line 23, strike "Choose Adoption." and substitute "Choose Adoption" and "Pro-Family, Pro-Choice."

(3) On page 22, line 27, between "plates" and "under" insert "that include the words "choose life" or "choose adoption"

(4) On page 23, line 4, strike "402.035 and 402.036" and substitute "402.035, 402.036, 402.037, and 402.038".

(5) On page 23, between lines 2 and 3, insert the following:

(c) After deduction of the department's administrative costs, the department shall deposit the remainder of the fee for issuance of license plates that include the words "Pro-Family, Pro-Choice" under this section in the state treasury to the credit of the Pro-Family, Pro-Choice account established by Section 402.037, Government Code.

(6) On page 25, between lines 14 and 15, insert the following:

Sec. 402.037. PRO-FAMILY, PRO-CHOICE ACCOUNT. (a) In this section, "eligible organization" means an organization that:

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

- (2) provides reproductive health care and counseling to women.
- (b) The Pro-Family, Pro-Choice 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.
- (c) The attorney general shall administer the Pro-Family, Pro-Choice account. The attorney general may spend money credited to the account to:
- (1) make grants to any eligible organization; and
- (2) defray the cost of administering the account.
- (d) The attorney general may not discriminate against an eligible organization because it is a religious or nonreligious organization.
- (e) The attorney general may accept gifts, donations, and grants from any source for the benefit of the account.
- (f) The attorney general by rule shall establish:
- (1) guidelines for the expenditure of money credited to the Pro-Family, Pro-Choice account; and
- (2) reporting requirements that ensure that the money is spent as provided by this section.
- (g) Money received by an eligible organization under this section may be spent to provide:
- (1) contraceptive education, counseling, and referrals;
- (2) pregnancy testing and non-directive pregnancy options, counseling, and referrals;
- (3) postpartum depression counseling;
- (4) screening for and treatment of, sexually transmitted infections; and
- (5) maternity homes.

Sec. 402.038. PRO-FAMILY, PRO-CHOICE ADVISORY COMMITTEE.

- (a) The attorney general shall appoint a seven-member Pro-Family, Pro-Choice 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 402.037(f); 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 Pro-Family, Pro-Choice account.
- (c) Members of the committee serve without compensation and are not entitled to reimbursement for expenses. Each member of the committee 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. 2 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE FARRAR: Mr. Burnam, we had this discussion yesterday, but I want to make sure that this discussion gets on your revised amendment. First of all, let me clarify that your amendment removed the language that said that this funding that's provided by this could go to abortion services, correct?

REPRESENTATIVE BURNAM: That's right. I heard Mr. Chisum's criticism this morning.

FARRAR: So if someone had a concern that this went to abortion services, it would not?

BURNAM: That's correct.

FARRAR: Okay. The other thing is, yesterday, I offered an amendment to the amendment to, instead of saying "choose life," it would say "choose adoption," correct?

BURNAM: Correct.

FARRAR: And my purpose for that—perhaps you're aware, perhaps you're not—was to de-politicize a statement. In other words, to make it neutral.

BURNAM: That's right. I wasn't on the floor at the time, but I fully understand what you were trying to do, is take a bad situation, where somebody's trying to politicize license plates, and you were simply trying to neutralize it, and the body decided to not allow you that opportunity. So I decided on this third reading, since I wasn't on the floor most of the discussion yesterday, to give people the opportunity. If you're going to make a bad decision on Tuesday to politicize license plates, at least give equal access, equal opportunity, first amendment rights to all the other people—who, by the way, are an overwhelming majority of the people in this state, who believe that a person should be able to make that choice.

FARRAR: Right. So what we've done then is, you're trying to absolve perhaps what could be a constitutional issue, in that the state has denied the other side of an argument the expression, correct?

BURNAM: I absolutely believe that as the bill is passed into second reading it is constitutionally flawed. It violates my, and everyone else's, first amendment rights to freedom of expression because they have co-opted the state to make a political statement.

FARRAR: Right, because the state denied the possibility to be able to have a neutral licence plate, it chose a political license plate.

BURNAM: You gave them a much more neutral opportunity, but it would have leveled the playing field. Mine is not as neutral as yours, but it levels the playing field, and it is asserting the first amendment rights of many millions of Texans.

REMARKS ORDERED PRINTED

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

The motion prevailed.

Representative Chisum moved to table Amendment No. 2.

The motion to table prevailed by (Record 613): 86 Yeas, 48 Nays, 2 Present, not voting.

Yeas — 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; England; Farabee; Fletcher; Flores; Flynn; Frost; Gattis; Geren; Gonzales; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Homer; Howard, C.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Lewis; Lucio; Madden; Martinez; McCall; McReynolds; Merritt; Miller, D.; Miller, S.; Moody; Morrison; Olivo; Orr; Otto; Parker; Patrick; Paxton; Phillips; Quintanilla; Riddle; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Swinford; Taylor; Truitt; Weber; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Burnam; Chavez; Cohen; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Farias; Farrar; Gallego; Giddings; Gonzalez Tourelles; Guillen; Gutierrez; Hernandez; Herrero; Hodge; Hopson; Howard, D.; Kent; Leibowitz; Mallory Caraway; Martinez Fischer; McClendon; Menendez; Miklos; Naishtat; Pierson; Raymond; Ritter; Rodriguez; Rose; Strama; Thibaut; Thompson; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Woolley.

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

Absent, Excused — Bolton; Oliveira.

Absent, Excused, Committee Meeting — Pitts.

Absent — Castro; Edwards; Eiland; Heflin; Maldonado; Marquez; Ortiz; Peña; Pickett; Rios Ybarra; Turner, C.

STATEMENTS OF VOTE

When Record No. 613 was taken, I was temporarily out of the house chamber. I would have voted no.

Castro

I was shown voting yes on Record No. 613. I intended to vote no.

Flores

When Record No. 613 was taken, I was in the house but away from my desk. I would have voted yes.

Marquez

HB 3097 was passed by (Record 614): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Tourelles; 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; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; 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; Zerwas.

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

Absent, Excused — Bolton; Oliveira.

Absent, Excused, Committee Meeting — Pitts.

Absent — Burnam.

MESSAGE FROM THE SENATE

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

CSSB 687 ON SECOND READING (Driver - House Sponsor)

CSSB 687, A bill to be entitled An Act relating to injury leave and related benefits for certain state peace officers injured in the course of performance of duty.

CSSB 687 was considered in lieu of **CSHB 1490**.

CSSB 687 was read second time and was passed to third reading.

CSHB 1490 - LAID ON THE TABLE SUBJECT TO CALL

Representative Driver moved to lay **CSHB 1490** on the table subject to call.

The motion prevailed.

HB 957 - RULES SUSPENDED

Representative Swinford moved to suspend all necessary rules to consider **HB 957** at this time.

The motion prevailed.

HB 957 ON THIRD READING (by Swinford)

HB 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.

HB 957 was read third time earlier today, amendments were offered and disposed of, and **HB 957** was postponed until 4 p.m. today.

Representative Swinford moved to postpone consideration of **HB 957** until 10 a.m. Saturday, July 4.

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, postponed until May 5, and was again postponed until 10 a.m. today.

Representative Martinez moved to postpone consideration of **CSHB 1169** until 10 a.m. Friday, May 8.

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.

HB 3005 was read second time on May 5 and was postponed until 10 a.m. today.

HB 3005 was passed to engrossment.

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 was read second time on May 5 and was postponed until 10 a.m. today.

(P. King in the chair)

CSHB 3276 - POINT OF ORDER

Representative Thompson raised a point of order against further consideration of **CSHB 3276** under Rule 4, Section 32 of the House Rules on the grounds that the bill analysis is incorrect.

The point of order was withdrawn.

Representative D. Howard moved to postpone consideration of **CSHB 3276** until 4:15 p.m. today.

The motion prevailed.

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.

CSHB 3219 was read second time on May 5 and was postponed until 10 a.m. today.

Representative Chavez moved to postpone consideration of **CSHB 3219** until 10 a.m. Tuesday, May 12.

The motion prevailed.

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.

CSHB 3477 was read second time on May 5 and was postponed until 10 a.m. today.

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

The motion prevailed.

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.

CSHB 3670 was read second time on May 5 and was postponed until 10 a.m. today.

Representative Hopson moved to postpone consideration of **CSHB 3670** until 10 a.m. Friday, May 8.

The motion prevailed.

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.

CSHB 1358 was read second time on May 5 and was postponed until 10 a.m. today.

Amendment No. 1

Representative Laubenberg offered the following amendment to **CSHB 1358**:

Amend **CSHB 1358** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 102.203, Health and Safety Code, is amended by adding Subsection (f) to read as follows:

(f) Money awarded under this subchapter may not be used for research involving cells derived from the destruction of human fetal tissue. This subsection does not prohibit using money awarded under this subchapter for research using adult stem cells or stem cells obtained from an umbilical cord.

CSHB 1358 - REMARKS

REPRESENTATIVE LAUBENBERG: Members, this amendment is designed to limit the funding to adult stem cells and umbilical cord stem cells, and I just want to make a statement that we are all down here for reasons that we believe are very important to us, that we are passionate about. Embryonic stems cells are a passion for me, for the life issue. Each of us has a right to come down here and to speak what we believe is important, and that's why I filed this amendment—because this is not about politics. It's not to grandstand for anyone, either one side or the other, but this is important to me, and this is my passion. But having said that, I'm going to go ahead and pull my amendment down.

Amendment No. 1 was withdrawn.

REMARKS ORDERED PRINTED

Representative Christian moved to print remarks by Representative Laubenberg.

The motion prevailed.

CSHB 1358 was passed to engrossment. (Riddle recorded voting no.)

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**:

Hochberg on motion of Farabee.

HB 1275 - RECOMMITTED

Representative Kolkhorst moved to recommit **HB 1275** to the Committee on Ways and Means.

The motion prevailed.

**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.

CSHB 4525 was read second time on May 5 and was postponed until 2 p.m. today.

HB 4525 - REMARKS

REPRESENTATIVE PARKER: Members, **CSHB 4525** is about creating more jobs in Texas. It's about breathing new life in our manufacturing industry, which is so critical to our overall economy, through a job creation and workforce training incentive program for new large-scale manufacturing projects who locate in Texas. Since 2006, members, at least five large-scale projects, representing a combined \$6.3 billion in facilities investment and over 5,000 new manufacturing jobs, looked at locating in Texas, and then decided to locate their business elsewhere. Make no mistake: we are losing manufacturing jobs in Texas. Between 2001 and 2007, Texas lost over 200,000 manufacturing jobs, more than

any other state except California. For our economy to stabilize and grow, we have to reverse this trend, as manufacturing jobs have 1-to-4 multiplier effect on other new jobs being created. **CSHB 4525** will provide work force development money for manufacturers that invest at least \$200 million in new or expanded facilities in Texas and create at least 300 new full-time, permanent jobs exclusively in Texas. The incentive bill puts that forth in the form of a rebate that can last up to 10 years. The rebate amount would be 50 percent of the new state sales tax revenue derived from the increase in economic activity that the qualified project brings to the host county. This rebate would be capped, members, at the lesser of \$50 million, or five percent of the project's infrastructure investment. Members, this is a great tool for economic development in Texas. It will create jobs and opportunity to restore our manufacturing, industrial base. I would not have brought it before you if I didn't believe in it wholeheartedly. Each of us, when we go back to our respective districts in June, will be asked by our constituents: what have we done to create jobs in this economy here in Texas, to reverse the trend that we are seeing nationally and that is now impacting us here in Texas, and I say to you, my friends, that we can be proud to go back to our various districts and tell them that we passed **CSHB 4525**. I do have a couple of clarifying amendments, as well.

Amendment No. 1

Representative Parker offered the following amendment to **CSHB 4525**:

Amend **CSHB 4525** (house committee printing) as follows:

(1) On page 1, strike lines 5-8 and substitute "a qualified manufacturing project, as defined in this Act, and the enhancement of manufacturing workforce development serve the public purposes of development and diversification of the employment of this state, elimination of unemployment or".

(2) On page 1, line 9, strike "the".

(3) On page 1, line 13, strike "CHAPTER 399. QUALIFIED" and substitute "CHAPTER 399. QUALIFIED".

(4) On page 1, line 16, strike "section 399.002" and substitute "Section 399.002".

(5) On page 2, strike lines 3-7 and substitute the following:

(4) the owner of which is:

(A) considering at least one alternative site for the facility that is not located in this state; or

(B) competing against similar projects located outside this state for federal funds or financial support, including loan guarantees, that would benefit the project.

(6) On page 2, strike lines 16 and 17 and substitute "not later than the 120th day after the date the owner files an election for that designation under Section 399.002."

(7) On page 2, line 24, strike "10 year".

(8) On page 3, line 1, strike "and/or" and substitute "or".

(9) On page 3, strike lines 12 and 13 and substitute the following:
determines that:

(1) the study accurately estimates the information required by Sections 399.003(b)(2)-(4); or

(2) the study:

(A) was conducted by an independent third party;

(B) was conducted using generally accepted economic impact forecasting methods; and

(C) contains the information required by Section 399.003(b).

(10) On page 3, lines 16 and 17, strike "Section 399.003(b)(2-4)" and substitute "Sections 399.003(b)(2)-(4) or that the study does not meet the requirements of Subsection (a)(2), as applicable".

(11) On page 3, lines 17 and 18, strike "after receiving the study" and substitute "after the date of receiving the study".

(12) On page 3, strike lines 24-27.

(13) On page 4, line 3, between "study" and "may", insert "in accordance with Section 399.004".

(14) On page 4, line 6, strike "upon" and substitute "on".

(15) On page 4, lines 9 and 10, strike "date of approval of a request for designation as a qualified manufacturing project zone" and substitute "date of approval of an application for designation of the county as a qualified manufacturing project zone".

(16) On page 4, lines 16 and 17, strike "the qualified request or requests" and substitute "the qualified application".

(17) On page 4, line 26, strike "benefits" and substitute "state benefits".

(18) Strike page 4, line 27, through page 5, line 5, and substitute the following:

project in a qualified manufacturing project zone must make the following applicable annual certification to the comptroller, as of the last day of the state fiscal year for each year of the zone's designation:

(1) if the qualified manufacturing project zone designation has been in effect for three years or less and the qualified manufacturing project has not commenced commercial operation, the owner

(19) On page 5, line 7, strike "commence" and substitute "begin".

(20) On page 5, strike lines 9-20 and substitute the following:

(2) if the qualified manufacturing project zone designation has been in effect for more than three years and the qualified manufacturing project has not started commercial operation, the owner must certify:

(A) the creation of at least 300 full-time equivalent employment positions; or

(B) all of the following:

(i) the expenditure of at least \$1 billion on the new or expanded facility has occurred;

(ii) the year in which the facility will begin commercial operation; and

(iii) the forecast of at least 300 full-time equivalent employment positions that will be created not later than the eighth anniversary of the date of the zone's designation; or

(3) if the qualified manufacturing project has started

(21) On page 5, strike lines 24-26 and substitute the following:

(b) If the owner of a qualified manufacturing project fails to make the applicable certification required under Subsection (a), the owner forfeits the right to receive future benefits under this chapter and shall pay to the

(22) On page 6, strike lines 2-4 and substitute the following:

(c) For purposes of this section, "commercial operation," with respect to a facility, means that the facility has begun to operate for the facility's intended purpose.

(23) On page 6, line 8, strike "Section 151.429(h-1), Tax Code" and substitute "Section 151.4292, Tax Code".

(24) On page 6, lines 11-13, strike "taxable proceeds generated, paid, or collected by a qualified manufacturing project zone that are a direct or indirect result of" and substitute "taxable proceeds collected in a qualified manufacturing project zone by a local governmental entity that are a direct or indirect result of".

(25) On page 6, between lines 26 and 27, insert the following:

Sec. 399.009. COMPTROLLER DUTIES. The comptroller shall adopt rules and forms necessary to perform the comptroller's duties under this chapter.

(26) Strike page 6, line 27, through page 8, line 27, and substitute the following:

SECTION 3. Subchapter I, Chapter 151, Tax Code, is amended by adding Section 151.4292 to read as follows:

Sec. 151.4292. TAX REFUNDS FOR QUALIFIED MANUFACTURING PROJECTS. (a) In this section:

(1) "Additional sales and use tax" means the total amount of sales and use taxes collected under this chapter on purchases of all taxable items purchased within a qualified manufacturing project zone for each state fiscal year for the duration of the qualified manufacturing project zone designation less the sales tax base, not otherwise due as a rebate or refund under any other applicable law.

(2) "Manufacturing workforce development" means any expenditures incurred in the state by the owner, or a contractor or subcontractor of the owner, of a qualified manufacturing project for recruiting or training present, prospective, or potential employees for jobs in this state presently available or expected to be available for the planning, designing, construction, fabrication, or operation of a qualified manufacturing project, and the salaries, wages, and benefits of those employees through the first two years of commercial operation of the qualified manufacturing project.

(3) "Qualified manufacturing project" has the meaning assigned that term by Section 399.001, Local Government Code.

(4) "Sales tax base" means the amount of the sales and use taxes collected under this chapter on purchases of all taxable items purchased within the boundaries of a qualified manufacturing project zone for the state fiscal year ending before the date the zone is designated.

(b) The owner of a qualified manufacturing project in a qualified manufacturing project zone is entitled to receive a payment of a refund of 50 percent of the additional sales and use tax for the preceding state fiscal year

provided the owner has made the applicable employment certification to the comptroller required under Section 399.006, Local Government Code. For the duration of a qualified manufacturing project zone designation, but not to exceed 10 years, the comptroller shall pay the refund not later than the 60th day after the later of the date of receipt of the employment certification or the last day of the state fiscal year.

(c) The total amount of refunds that a qualified manufacturing project may receive over the course of the designation of the county in which it is located as a qualified manufacturing project zone may not exceed an amount equal to the lesser of \$50 million or five percent of the qualified manufacturing project's investments in the facility under Chapter 399, Local Government Code.

(d) A refund received under this section shall be used to pay for or to refund eligible expenses incurred before or after designation of the county in which the project is located as a qualified manufacturing project zone for manufacturing workforce development for the project.

(e) If the owner of a qualified manufacturing project fails to make the applicable certification required by Section 399.006, Local Government Code, the owner forfeits the right to receive all future benefits under this section and shall pay to the comptroller, not later than the 60th calendar day after the date the certification is due, the entire amount of all refunds previously received under this section.

(27) On page 9, line 1, strike "SECTION 5" and substitute "SECTION 4".

PARKER: Mr. Speaker, the first amendment I bring mainly makes the committee-adopted version of **CSHB 4525** a legislative council version. The small changes in that, aside from making a legislative council version, also give the comptroller role-making authority—rule-making authority, rather—and also moves the tax sections of the bill out of the enterprise fund and into their own section.

Amendment No. 2

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

Amend Amendment No. 1 by Parker to **CSHB 4525** as follows:

(1) On page 4, between "means" and "any", insert ", solely for purposes of this section,".

(2) On page 5, line 4, between "employees" and "for", insert "not employed in a "bona fide executive, administrative, or professional capacity," as that phrase is used for purposes of establishing an exemption to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.), excluding operating staff, maintenance staff, and engineering staff,".

PARKER: Members, this amendment very simply says that all the dollars that are being rebated for workforce development are exclusively used for manufacturing jobs—not for executive jobs or any type of executive compensation—exclusively for manufacturing jobs, and it is acceptable.

Amendment No. 2 was adopted.

Amendment No. 3

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

Amend Amendment No. 1 by Parker to **CSHB 4525** by striking Item (24) of the amendment (page 4, lines 7-12) and substituting the following:

(24) On page 6, strike lines 9-26.

REPRESENTATIVE THIBAUT: Members, this amendment simply strikes out the local government benefit section, and I believe it's acceptable to the author.

Amendment No. 3 was adopted.

PARKER: Members, I really went through my opening layout and accepted, obviously, this last amendment a moment ago from Ms. Thibaut, and I'm more than happy, Mr. Burnam, to answer your questions at this time.

REPRESENTATIVE BURNAM: Thank you. Could you explain—on your first amendment, you said it was a legislative council draft, and the original bill was not a legislative council draft?

PARKER: Yeah, actually, what we did—we've made some changes that were done by us, and then we ultimately put forth the legislative council cleanup that had the same content as what we put through committee.

BURNAM: That you put through when, now?

PARKER: That came through committee, just a legislative council cleanup.

BURNAM: So you're saying Amendment No. 1 changes nothing substantive from what went through the committee?

PARKER: That's correct. These are things we went through—again, it gives the comptroller the rule-making authority and allows the comptroller's office to basically determine, if you will, be the gatekeeper, over the project and make sure that various entities that would try to go after the program. It would make sure that they have to get an economic development assessment completed. It would make sure that they are actually in a competitive bidding situation against another state—a project we are trying to land here in Texas, we'd be competing against perhaps Ohio, or Michigan, or Florida, or what have you—all those various criteria we give to the discretion of the comptroller. Yes, sir?

BURNAM: And in your second amendment, did you say that amendment was much more substantive and addressed the issue of whether or not the jobs creations applied to strictly manufacturing jobs, as opposed to executive jobs?

PARKER: I believe that the bill originally did so, Mr. Burnam, but I accepted an amendment that actually came from folks that wanted to be absolutely more clarifying that this would be—in no way, shape, or form—any of these workforce development rebates would go towards executive compensation, and would be exclusively geared towards manufacturing workers here in Texas. That is correct.

BURNAM: And why have we heard three amendments, but not the two that I've offered?

PARKER: Well, Mr. Burnam, you've shared with me a couple of amendments. Respectfully, I disagree with those amendments, and I would be happy to talk to you about why.

BURNAM: Okay, let's talk about the one that explicitly talks about power plants. It says, "is not an electric generating facility."

PARKER: Absolutely. First of all, I want to make it very clear to all the members here in the chamber today, this bill is about restoring our manufacturing industrial base in Texas. It's about creating high-paying, high-quality manufacturing jobs so that families have the opportunity to support themselves at a wage beyond minimum wage. Specifically, I do not think that we should isolate or remove any particular industry from consideration of this great program that will be a tremendous tool for economic development in Texas. With more specificity to your comment, Mr. Burnam, I will tell you that your amendment, specifically, would remove the ability for any type of renewable energies in Texas that would generate electricity.

BURNAM: Why do you say that? I don't interpret it that way.

PARKER: You're striking reference to electric-generating facilities, which would be any type of renewable energies—it could be anything from wind, to solar, to coal, to nuclear.

BURNAM: But it wouldn't exclude the manufacturing facilities that are needed to have those wind and solar power facilities, is that correct?

PARKER: Respectfully, I disagree. I believe that your amendment is excluding a whole class, a whole range, of energy related companies that would be—

BURNAM: Is it energy-related companies, or is it electric-generating facilities that you're concerned about?

PARKER: I am concerned broadly about any specific classification, be it trying to limit electric generation broadly or energy companies broadly. I want to have the opportunity in Texas for this program to work for automobile manufacturers that want to come to South Texas or North Texas. I want this bill to work to help semiconductor companies that want to come and invest \$200 million and a commitment to 300 jobs in rubber products, and chemical products, and agricultural manufacturing, as well as with regard to energy. So it is not specific to energy, Mr. Burnam. This bill, specifically, will be great for Texas in creating jobs for all of our manufacturing sector, across industries.

BURNAM: But you can understand and appreciate the issues and concerns that have been raised by people in the legislative process, including the legislative study group, including some of the comments that were prepared for the fiscal note for the bill, is that not correct?

PARKER: I understand, certainly, people's comments—I think it really requires further understanding of what's taking place. With regard to the fiscal note, I will take that head-on, and I'll tell you that only government could calculate a fiscal note in the manner that this has been calculated, respectfully. I will tell you that this fiscal note, in my mind, should be positive to Texas, and the reason being is

this, members: if you look at the bill, you'll actually see there is specific language that, in order for a company coming to Texas to have the opportunity to access this program, it has to be deemed as a competitive pursuit, meaning Texas would be in jeopardy of losing business, losing valuable jobs to Texas to another state or another country. What that means to me, specifically, and I think should be for all of our members, is that these are opportunities that would not otherwise come to Texas unless we aggressively engage companies to come to Texas. If we close our eyes and think, because of the inherent goodness of the Texas economy, that companies will come with us doing nothing, we are misinformed, in my opinion, and I think the data clearly shows that we need to be economically minded and very aggressive when it comes to courting corporations from all over the world to Texas.

BURNAM: So, Mr. Parker, is it your contention that things that are already online, that are already in the planning process, that in fact might not be able to be built any place else, would they be eligible for this? Specifically, power plants in Glen Rose and in South Texas?

PARKER: Well, the reality is, there are a number of different things that have to happen. First and foremost, in terms of the process, you have to be granted either a Chapter 312 or a Chapter 313 agreement, respectively, which is obviously local input on that taking place. Once that were to occur, a company would then petition directly to the comptroller's office; they'd have to go through a formal economic feasibility study that shows exactly the economic benefit that would be achieved as a result of this project, one. Two, they would have to show, beyond a shadow of a doubt, that this is a truly competitive environment in which we're competing, and thirdly, they have to acknowledge that if they don't honor their commitment to Texas, meaning a commitment to a minimum of 300 jobs on a permanent basis to exclusively reside in Texas, then what would happen is there's a strong fallback provision. So once all those things are understood by an entity, they'd have the opportunity, if the comptroller, setting up the rule-making authority, deems them to be accessible to the program, worthy of getting this benefit that's offered to one particular county.

BURNAM: Mr. Parker, I'm well aware that you've prepared extensively on this bill, but I'm wondering if you've had an opportunity to read the House Research Organization witness list, a majority of whom are representatives of the nuclear power industry: Association of Electric Companies, Exelon Power, NRG. The list is pretty daunting as far as who may have the most economic interest in pursuing that, and while I admire your efforts and your attempt with many aspects of this bill, I'm going to have to call a point of order.

CSHB 4525 - POINT OF ORDER

Representative Burnam raised a point of order against further consideration of **CSHB 4525** under Rule 8, Section 1 of the House Rules on the grounds that the caption does not give the legislature and the public reasonable notice of the subject of the bill.

The chair overruled the point of order and submitted the following statement:

Representative Burnam raises a point of order against further consideration of **CSHB 4525** under Rule 8, Sec. 1 of the House Rules on the grounds that the caption does not give the Legislature and the public reasonable notice of the subject of the bill.

The bill caption reads "relating to qualified manufacturing project zones." Representative Burnam argues that the caption assumes that the zones are currently existing, and, therefore, does not give reasonable notice of the creation of a new program for qualified manufacturing project zones.

Rule 8, Section 1 requires that the caption of a bill give reasonable notice of the subject of the bill. Under house precedent, it is well-established that the caption of the bill need not detail the elements of the bill. (78th Legislature, Regular Session, House Journal, p. 1676). In the opinion of the chair, the caption is sufficient.

Accordingly, the point of order is respectfully overruled.

CSHB 4525 - POINT OF ORDER

Representative Burnam raised a point of order against further consideration of **CSHB 4525** under Rule 4, Section 34 of the House Rules on the grounds that the committee chairman did not request a tax equity note.

The chair overruled the point of order and submitted the following statement:

Representative Burnam raises a point of order against further consideration of **CSHB 4525** under Rule 4, Sec. 34 of the House Rules on the grounds that the committee chairman did not request a tax equity note.

The bill would amend Chapter 2303 of the Government Code, regarding Enterprise Zones to allow a governmental body, including a municipality, county or political subdivision, to agree to rebate, refund, or pay eligible taxable proceeds to the owner of a qualified manufacturing project at which the eligible taxable proceeds were generated.

Representative Burnam argued that the bill on its face impacted the state sales and use tax and, therefore, required a tax equity note.

The house has consistently held that Rule 4, Section 32(b) places a burden of determining whether an impact statement is required on the chair of the committee and allows a bill to proceed through the process without a requested impact statement being attached to the bill. Therefore, if the chair of the committee determined that an impact statement was not necessary, it could not be considered a violation of the rules if an impact statement was not requested or attached to the committee report. For example, see the House Journal for the 74th Regular Session at pages 3038, 3229, and 3309.

Accordingly, the point of order is respectfully overruled.

REPRESENTATIVE LEGLER: Yes, Mr. Parker, you know, I'm a manufacturer myself and I understand. Manufacturing jobs normally, for every job created, usually create 10 other jobs, at least, in the economy.

PARKER: Absolutely, Representative Legler, it's a huge multiplying effect, downstream, which is absolutely beneficial to Texas. If we look at what's happened, like I said earlier during my layout, we have lost just a very high number of manufacturing jobs, not just in Texas but across this country, and I think it's very, very important that this body act and take aggressive action in which to protect and preserve and grow our manufacturing, industrial base across all industries here in Texas.

LEGLER: Very good. Wouldn't you agree that because of the economy, job losses, and other factors, that Texas should pursue as a public policy priority investment manufacturing?

PARKER: Most definitely, we should.

LEGLER: And your bill incentives—job creation, workforce development, and capital investment—by providing another economic development tool for local governments to recoup manufacturers. Manufacturers create jobs, which creates more other jobs, is that correct?

PARKER: Absolutely correct. That rebate flows directly to Texas, to Texans, and will benefit us tremendously.

LEGLER: Manufacturing jobs, one of the items that creates wealth, and I think you've got a good bill.

REPRESENTATIVE HEFLIN: Tan, now in your bill here, if a manufacturing company comes here and says they're going to create 300 jobs, and they don't create 300 jobs, they have to pay back the amount that they're going to receive in any economic incentive, is that correct?

PARKER: Representative, that's absolutely correct. I was very insistent on the fact in drafting this that I wanted to have very strong claw-back protection. If anyone does not honor their commitment to Texas, and that number, that minimum commitment of 300 permanent jobs above and beyond the construction for a facility, the reality is that yes, we will go after them very hard, and by the terms of this program, they will have to completely repay every penny that Texas gave them.

HEFLIN: And are you aware that actually, in the last two years, major manufacturing jobs were lost to other states because we did not have this opportunity available?

PARKER: Representative, absolutely, I am very familiar. We've lost billions, literally billions upon billions of dollars, and manufacturing equipment, and facilities, and thousands of jobs. And so this bill is very much focused on addressing that. You know, actually to be very precise with you, in terms of the companies that we've lost, I'll share a few very briefly to give everybody a flavor for it. We lost here in the last three years a company by the name of SCHOTT Solar Equipment. This is a roughly recent one that would have brought \$585 million of investment and would have created over 1,550 jobs. It was going to Round Rock and Austin. We also lost a Volkswagen facility that would have had over \$1 billion in investment and would have created over 2,000 jobs. It was

looking at the city of Arlington. We lost a project with Fits and Krupp which would have been a steel mill here in Texas with a \$2.4 billion capital investment. We lost that and 1,800 jobs to Alabama. And recently we lost, here in the Austin area—excuse me Arlington—we lost 500 jobs to New Mexico with a company called SoyTech—a \$420 million investment—so you're absolutely correct, representative, that this is all about stopping these kinds of things from happening in the future, creating jobs for Texans who need them.

HEFLIN: Now, on those jobs in the manufacturing facilities that went elsewhere, how much did we get off of those to reduce our property taxes for our Texas citizens? That'd be zero?

PARKER: That's correct.

HEFLIN: And that's otherwise, we're looking at zero dollars and our goal is where we've taxed on property taxes, so any of these programs we can do will eventually reduce our property taxes on all of our citizens, is that correct?

PARKER: No question at all, because we are growing the base. That's exactly right. These are all—these are net new. Because of those competitive provisions, these are not projects that would otherwise come. These are projects that are going to be designated by the comptroller as being competitive. And so you're absolutely correct, representative.

HEFLIN: And this is my final question for you.

PARKER: Sure.

HEFLIN: Is Texas open for business?

PARKER: Texas is open for business. Let's send a resounding message all across this country and around the world that Texas is open for business, representative.

REPRESENTATIVE LEWIS: Representative Parker, one of the things that's most disturbing to me over my lifetime to watch is how manufacturing based in Texas has declined. We used to see lots of plants with lots of blue collar workers.

CSHB 4525 - POINT OF ORDER

Representative Burnam raised a point of order against further consideration of **CSHB 4525** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

The chair overruled the point of order.

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**:

Zerwas on motion of Craddick.

CSHB 4525 - (consideration continued)

Amendment No. 1, as amended, was adopted.

Amendment No. 4

Representative Burnam offered the following amendment to **CSHB 4525**:

Amend **CSHB 4525** (House committee printing) as follows:

(1) On page 1, lines 22-23, strike "as that term is defined by Section 151.318, Tax Code", and substitute "as described in sector codes 31-33 of the North American Industry Classification System."

BURNAM: Members, this is the first of two amendments I offered, but Tan wouldn't accept them. The reason I'm offering it is because it is very unclear, and it's brought up over and over again in the materials that have been produced concerning this bill, that there's some question as to whether or not all of the facilities would really represent manufacturing facilities. In fact, if you look at the report on the committee, a majority of the people that testified on behalf of the bill do not represent manufacturing facilities. They represent power-generating facilities, which is essentially, as far as the large number of jobs, a construction project, and during this economy, you might want to subsidize with your tax dollars. The Burnam amendment, which I was previously discussing, addresses the issue of how to define a manufacturing facility. It's clearly my objective, that if we're going to pass this bill, that it really be about manufacturing facilities and not just another subsidy to the nuclear power-generating facilities, and the reason I concluded that that's what the bill, maybe unintentionally as far as Mr. Parker is concerned, but the reason I concluded that's what the bill is really about is who testified about the bill and all the materials that have been prepared independently about this bill testified to that fact. So I'm asking you to add this amendment as described in sector codes blah blah of the North American Industry Classification System, which will clearly specify that this bill is about manufacturing jobs in Texas. I would appreciate your support.

PARKER: Members, I appreciate your patience this afternoon with this process. I'm against Representative Burnam's amendment for a number of reasons. First and foremost, it specifically is hurting one particular industry. It's going after stopping the manufacturing of anything to do with energy or electricity in Texas that would affect alternative energy as well as traditional energy sources. This bill is about manufacturing jobs being created in Texas across all industries. This bill is endorsed and supported by the Texas Association of Business, the Texas Manufacturing Association, and a whole host of others. It is a bipartisan bill and I ask you stick with me.

Representative Parker moved to table Amendment No. 4.

BURNAM: I'm sure Mr. Parker didn't intend to do so, but he's misrepresented this amendment. The second amendment that I will be offering is what he just described. The next amendment that I'm gonna offer says, "is not an electric-generating facility." That's not what the amendment says that you're voting on right now. What the amendment says right now is, we're going to define manufacturing facilities and we're gonna restrict this bill to manufacturing facilities, and that's what has been represented throughout the process. So I'm

really hard-pressed to understand why Representative Parker will not accept this amendment, unless they are intended consequences, as opposed to unintended consequences. I ask for you to vote no on the motion to table.

The motion to table prevailed by (Record 615): 107 Yeas, 25 Nays, 2 Present, not voting.

Yeas — Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Button; Chavez; Chisum; Christian; Cohen; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Deshotel; Driver; Dukes; Eiland; Eissler; Elkins; England; Farabee; Fletcher; Flynn; Frost; Gattis; Geren; Gonzales; Gonzalez Toureilles; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hilderbran; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Lucio; Madden; Mallory Caraway; Martinez Fischer; McCall; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Morrison; Naishtat; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Truitt; Turner, C.; Vaught; Villarreal; Vo; Weber; Woolley.

Nays — Allen; Alonzo; Alvarado; Burnam; Coleman; Davis, Y.; Farias; Farrar; Flores; Gallego; Giddings; Hernandez; Herrero; Hodge; Kent; Leibowitz; Maldonado; Martinez; McClendon; Moody; Olivo; Pierson; Thompson; Veasey; Walle.

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

Absent, Excused — Bolton; Oliveira.

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

Absent — Anchia; Callegari; Castro; Dunnam; Dutton; Edwards; Gutierrez; Lewis; Marquez; Pickett; Turner, S.

STATEMENTS OF VOTE

When Record No. 615 was taken, I was in the house but away from my desk. I would have voted present, not voting.

Anchia

When Record No. 615 was taken, I was temporarily out of the house chamber. I would have voted yes.

Castro

When Record No. 615 was taken, I was in the house but away from my desk. I would have voted yes.

Marquez

BURNAM: I haven't offered 107 resolutions this session, Mr. Bonnen. I'm simply gonna have to vote against this bill as crafted. I tried to improve the bill. I'm gonna ask that the dialogue be reduced in writing, in the journal, because I

think there was some excellent commentary from the back mic by supporters of the bill. I want to make sure that this bill does what it purports to do, as opposed to what I'm afraid it's gonna do, and that's the reason I'm gonna vote against it because I have so little trust that it's going to do that, but I will be speaking from the back mic asking that the comments be reduced in writing.

HEFLIN: Members, I appreciate this opportunity to talk about this bill. This is an industrial development—it's an economic development bill. Mr. Parker has gone through carefully, he's covered all the hoops and steps that we need to take in this process. He's put all the safeguards in there. There's claw-back provisions if the company doesn't do what they're supposed to do. It's not a free give-away—they have to perform before they get any money; they have to invest in real estate here; they have to invest in dirt and steel and bodies. So this is not just a fly-by-night program—this is a very well-crafted bill. I think it has all the protections in it, all the safeguards we would want as Texans, but it also provides the opportunity for us as Texans to encourage manufacturing facilities to come to Texas—to bring new dollars to Texas. And I assure you this will happen if we don't do these kinds of things, we will get zero new dollars. We will get zero ability to reduce our property taxes. I think this is a good bill and I urge you to vote for the bill.

PARKER: Mr. Speaker and members, again I want to thank you for your patience this afternoon. I think this is an incredible opportunity for this body to send a very strong and resounding message across this state, and across this country, and across this world, that Texas is open for business—that we care about our manufacturing and industrial base and we'll do everything in our power to aggressively court manufacturing jobs for hard-working Texans. It's a bipartisan bill. It's supported by everybody from the AFL-CIO to the Texas Association of Business, and I move passage.

CSHB 4525, as amended, was passed to engrossment. (Kent recorded voting no.)

REMARKS ORDERED PRINTED

Representative Burnam moved to print all remarks on **CSHB 4525**.

The motion prevailed.

MAJOR STATE CALENDAR HOUSE BILLS SECOND READING

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

CSHB 2295 ON SECOND READING

(by McClendon, Isett, Flynn, Deshotel, Harper-Brown, et al.)

CSHB 2295, A bill to be entitled An Act relating to the continuation and functions of the Texas Residential Construction Commission; providing penalties.

CSHB 2295 - POINT OF ORDER

Representative Thompson raised a point of order against further consideration of **CSHB 2295** under Rule 4, Section 32 of the House Rules on the grounds that the bill analysis is incorrect.

The point of order was withdrawn.

Amendment No. 1

Representative Coleman offered the following amendment to **CSHB 2295**:

Amend **CSHB 2295** (house committee printing) as follows:

(1) On page 1, line 17, strike "or 428A.004(b)".

(2) Strike SECTION 49 (page 36, line 16, through page 38, line 17) of the bill and substitute the following:

SECTION 49. Section 426.005, Property Code, is amended to read as follows:

Sec. 426.005. PREREQUISITE TO ACTION. (a) Before [A homeowner or builder must comply with this subtitle before] initiating an action for damages or other relief arising from an alleged construction defect, a homeowner or builder must request either the inspection process under this subtitle or voluntary mediation under Chapter 428A.

(b) If the inspection process is used, an [An] action described by Subsection (a) must be filed:

(1) on or before the expiration of any applicable statute of limitations or by the 45th day after the date the third-party inspector issues the inspector's recommendation, whichever is later; or

(2) if the recommendation is appealed, on or before the expiration of any applicable statute of limitations or by the 45th day after the date the commission issues its ruling on the appeal, whichever is later.

(c) If mediation is requested under Section 428A.004, an action described by Subsection (a) must be filed on or before the later of:

(1) the expiration of any applicable statute of limitations; or

(2) the 45th day after the expiration of the mediation period [Any claim for personal injuries, damages to personal goods, or consequential damages or other relief arising out of an alleged construction defect must be included in any action concerning the construction defect.

~~[(d) This section does not apply to an action that is initiated by a person subrogated to the rights of a claimant if payment was made pursuant to a claim made under an insurance policy.~~

~~[(f) A homeowner is not required to comply with this subtitle if:~~

~~(1) at the time a homeowner and a builder enter into a contract covered by this title the builder was not registered; or~~

~~[(2) the certificate of registration of the builder has been revoked].~~

(3) On page 51, strike lines 5 through 19.

(4) On page 51, line 20, strike "(c)" and substitute "(b)".

(5) On page 51, line 23, strike ", in accordance with Subsection (b),".

(6) On page 51, line 26, strike "(d)" and substitute "(c)".

(7) On page 52, line 3, strike "(e)" and substitute "(d)".

(8) On page 52, line 5, strike "(f)" and substitute "(e)".

(9) On page 58, line 23, between "(a)" and "Section 401.005", insert the following:

Except as otherwise provided by this Act, the changes in law made by this Act to Chapter 27, Property Code, and Section 426.005, Property Code, apply only to an action filed on or after the effective date of this Act. An action filed before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(b)

(10) On page 61, line 2, strike "426.005,".

(11) Reletter subsections of SECTION 74 of the bill appropriately.

Amendment No. 1 was withdrawn.

Amendment No. 2

Representative Gattis offered the following amendment to **CSHB 2295**:

Amend **CSHB 2295** (house committee printing) as follows:

(1) Strike page 3, lines 5 and 6, and substitute the following:

SECTION 3. Sections 27.004(b), (c), (d), and (l), Property Code, are amended to read as follows:

(b) Not later than the 15th day after the date of a final, unappealable determination of a dispute under Subtitle D, Title 16, if applicable, or not later than the 45th day after the date the contractor receives the notice under this section, if Subtitle D, Title 16, does not apply, the contractor may make a written offer of settlement to the claimant. The offer must be sent to the claimant at the claimant's last known address or to the claimant's attorney by certified mail, return receipt requested. The offer may include either an agreement by the contractor to repair or to have repaired by an independent contractor partially or totally at the contractor's expense or at a reduced rate to the claimant any construction defect described in the notice and shall describe in reasonable detail the kind of repairs which will be made. The repairs shall be made not later than the 45th day after the date the contractor receives written notice of acceptance of the settlement offer, unless completion is delayed by the claimant or by other events beyond the control of the contractor. ~~[If a contractor makes a written offer of settlement that the claimant considers to be unreasonable:~~

~~[(1) on or before the 25th day after the date the claimant receives the offer, the claimant shall advise the contractor in writing and in reasonable detail of the reasons why the claimant considers the offer unreasonable; and~~

~~[(2) not later than the 10th day after the date the contractor receives notice under Subdivision (1), the contractor may make a supplemental written offer of settlement to the claimant by sending the offer to the claimant or the claimant's attorney.]~~

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

(d) The court or arbitration tribunal shall abate an action governed by this chapter if Subsection (c) does not apply and the court or tribunal, after a hearing, finds that the contractor is entitled to abatement because the claimant failed to

comply with the requirements of Subtitle D, Title 16, if applicable or ~~[]~~ failed to provide the notice or failed to give the contractor a reasonable opportunity to inspect the property as required by Subsection (a) ~~[]~~ ~~or failed to follow the procedures specified by Subsection (b)]~~. An action is automatically abated without the order of the court or tribunal beginning on the 11th day after the date a motion to abate is filed if the motion:

(1) is verified and alleges that the person against whom the action is pending did not receive the written notice required by Subsection (a), the person against whom the action is pending was not given a reasonable opportunity to inspect the property as required by Subsection (a), or the claimant failed to follow the procedures specified by ~~[Subsection (b) or]~~ Subtitle D, Title 16; and

(2) is not controverted by an affidavit filed by the claimant before the 11th day after the date on which the motion to abate is filed.

Amendment No. 2 was adopted.

(Speaker in the chair)

Amendment No. 3

Representative Farabee offered the following amendment to **CSHB 2295**:

Amend **CSHB 2295** (house committee report) as follows:

(1) On page 6, line 21, strike "Section 401.003(d), Property Code, is amended" and substitute "Section 401.003, Property Code, is amended by amending Subsections (c) and (d) and adding Subsection (e)".

(2) On page 6, between lines 22 and 23, insert the following:

(c) The term does not include a [any] person who:

(1) has been issued a license by this state or an agency of this state to practice a trade or profession related to or affiliated with residential construction if the work being done by the entity or individual to the home is solely for the purpose for which the license was issued; ~~[or]~~

(2) sells a new home and:

(A) does not construct or supervise or manage the construction of the home; and

(B) holds a license issued under Chapter 1101, Occupations Code, or is exempt from that chapter under Section 1101.005, Occupations Code;

(3) guarantees or co-makes a construction loan and is not otherwise a builder under Subsection (a); or

(4) constructs or makes improvements to not more than one home in a 12-month period.

(3) On page 7, between lines 10 and 11, insert the following:

(e) The term does not include a federally insured financial institution or a subsidiary or affiliate of the institution.

(4) On page 35, line 6, strike "Subsection (e)" and substitute "Subsections (e) and (f)".

(5) On page 36, between lines 10 and 11, insert the following:

(f) Notwithstanding Subsections (a) and (b), a builder is not required to comply with this subtitle after completing construction of a partially completed home owned by a mortgagee or a beneficiary under a deed of trust who acquired the partially completed home:

(1) at a sale conducted under a power of sale under a deed of trust or a court-ordered foreclosure; or

(2) by a deed in lieu of foreclosure.

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

SECTION _____. Section 59.011(a), Finance Code, is amended to read as follows:

(a) For purposes of Chapter 27, Property Code, and Title 16, Property Code, a federally insured financial institution, or a subsidiary or affiliate of the institution, regulated under this code is not a builder.

SECTION _____. Sections 5.016(a) and (c), Property Code, as added by Chapter 843 (**HB 1038**), Acts of the 80th Legislature, Regular Session, 2007, are amended to read as follows:

(a) A seller of residential real property that is exempt from Title 16 under Section 401.003(c)(3) or (e) or Section 401.005 shall give to the purchaser of the property a written notice that reads substantially similar to the following:

NOTICE OF NONAPPLICABILITY OF CERTAIN WARRANTIES
AND BUILDING AND PERFORMANCE STANDARDS

The property that is subject to this contract is exempt from Title 16, Property Code, including the provisions of that title that provide statutory warranties and building and performance standards.

(c) This section does not apply to a transfer:

(1) under a court order or foreclosure sale;

(2) by a trustee in bankruptcy;

(3) to a mortgagee by a mortgagor or successor in interest or to a beneficiary of a deed of trust by a trustor or successor in interest;

(4) by a mortgagee or a beneficiary under a deed of trust who has acquired the land at a sale conducted under a power of sale under a deed of trust or a sale under a court-ordered foreclosure or has acquired the land by a deed in lieu of foreclosure unless the property acquired was a partially completed home that was subsequently completed;

(5) by a fiduciary in the course of the administration of a decedent's estate, guardianship, conservatorship, or trust;

(6) from one co-owner to another co-owner of an undivided interest in the real property;

(7) to a spouse or a person in the lineal line of consanguinity of the seller;

(8) to or from a governmental entity; or

(9) of only a mineral interest, leasehold interest, or security interest.

Amendment No. 4

Representative Orr offered the following amendment to Amendment No. 3:

Amend Amendment No. 3 to **CSHB 2295** by Farabee as follows:

(1) On page 2, line 11, strike "SECTIONS" and substitute "SECTION".

(2) Strike page 2, line 19, through page 3, line 21.

(3) Add the following appropriately numbered items to the amendment:

() On page 56, between lines 22 and 23, insert the following:

(1) Section 5.016, as added by Chapter 843, Acts of the 80th Legislature, Regular Session, 2007;

() Renumber Subdivisions of existing SECTION 66 of the bill accordingly.

Amendment No. 4 was adopted.

Amendment No. 5

Representative P. King offered the following amendment to Amendment No. 3:

Amend the Farabee amendment to **CSHB 2295** (house committee report), as follows:

On page 3 line 22 add:

(7) On page 7 line 12 insert "s (a) and" after the first "Subsection" and before "(c)"

On page 7 line 14 before "(c)" insert the following"

(a) This title does not apply to a home that is:

(1) built by the individual who owns the home, alone or with the assistance of the individual's employees ~~or~~ independent contractors, or building consultant who does not supervise or manage the construction of the home; and

(2) used by the individual as the individual's primary residence for at least one year after the completion or substantial completion of construction of the home.

Representative McClendon moved to table Amendment No. 5.

The motion to table prevailed.

Amendment No. 3, as amended, was adopted.

Amendment No. 6

Representative Coleman offered the following amendment to **CSHB 2295**:

Amend **CSHB 2295** (house committee printing) as follows:

(1) On page 8, line 11, strike "2015" and substitute "2013".

(2) On page 57, line 3, strike "84th" and substitute "83rd".

Amendment No. 6 was withdrawn.

Amendment No. 7

Representative Leibowitz offered the following amendment to **CSHB 2295**:

Amend **CSHB 2295** (house committee printing) as follows:

(1) Strike page 11, line 27, through page 12, line 10, and substitute the following:

SECTION 15. Section 408.002, Property Code, is amended by amending Subsections (c) and (d) to read as follows:

(c) The commission may charge a reasonable fee for:

(1) ~~[a homeowner to submit a request for state sponsored inspection under Subtitle D;~~

~~[(2)]~~ providing public information requested under Chapter 552, Government Code, excluding information requested from the commission under Section 409.001; or

~~(2) [(3)]~~ producing, mailing, and distributing special printed materials and publications generated in bulk by the commission for use and distribution by builders.

(d) The commission may not charge ~~[waive or reduce the fee for an inspection under Subtitle D for]~~ a homeowner a ~~[who demonstrates an inability to pay the]~~ fee in connection with a complaint, request, or other proceeding under Chapter 409 or Subtitle D.

(2) On page 15, line 27, strike "418.001(14)-(20)" and substitute "418.001(13)-(19)".

(3) On page 26, strike lines 7 and 8 and substitute the following:

(11) ~~[failure to reimburse a homeowner the amount ordered by the commission as provided by Section 428.004(d);~~

(4) On page 26, line 9, strike "(12)" and substitute "~~[(12)]~~".

(5) On page 28, line 26, strike "418.001(12)" and substitute "418.001(11) [418.001(12)]".

(6) On page 26, lines 12, 15, 17, 19, 21, 23, 27, page 27, lines 2, 6, 13, 15, 18, 22, 24, 26, and page 28, lines 3 and 6, renumber subdivisions of amended Section 418.001, Property Code, appropriately.

(7) On page 36, line 13, strike "party who submits a request" and substitute "builder [party] who is involved in a dispute for which a request is submitted [submits a request]".

(8) On page 41, strike lines 16 and 17 and substitute the following:

SECTION 55. Section 428.001, Property Code, is amended by amending Subsections (a) and (b) to read as follows:

(9) On page 41, between lines 24 and 25, insert the following:

(b) The request must:

(1) specify in reasonable detail each alleged construction defect that is a subject of the request;

(2) state the amount of any known out-of-pocket expenses and engineering or consulting fees incurred by the homeowner in connection with each alleged construction defect;

(3) include any evidence that depicts the nature and cause of each alleged construction defect and the nature and extent of repairs necessary to remedy the construction defect, including, if available, expert reports, photographs, and videotapes, if that evidence would be discoverable under Rule 192, Texas Rules of Civil Procedure;

(4) be accompanied by the fees required under Section 426.004, if applicable; and

(5) state the name of any person who has, on behalf of the requestor, inspected the home in connection with an alleged construction defect.

(10) Strike page 56, line 27, through page 57, line 1, and substitute the following:

- (5) Sections 426.004(b) and (c);
- (6) Section 428.001(c);
- (7) Sections 428.004(d) and (e); and
- (8) Subtitle E, Title 16.

(11) On page 61, strike line 2 and substitute:

(i) Sections 408.002, 426.004, 426.005, 428.002, 428.003, and 428.004,

(12) Add the following appropriately numbered Sections to the bill and renumber existing Sections of the bill accordingly:

SECTION _____. Section 419.002(c), Property Code, is amended to read as follows:

(c) A violation of Section 418.001(2) or (11) [~~(12)~~] is punishable by a penalty not to exceed \$100,000.

SECTION _____. The heading to Section 426.004, Property Code, is amended to read as follows:

Sec. 426.004. EXPENSES [~~FEES~~].

Amendment No. 7 was adopted.

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**:

Villarreal on motion of Farabee.

CSHB 2295 - (consideration continued)

Amendment No. 8

Representative Solomons offered the following amendment to **CSHB 2295**:

Amend **CSHB 2295** (house committee printing) on page 18, line 23, by striking "September 1, 2011." and substituting "May 1, 2010".

On page 19, line 15, by striking "September 1, 2011." and substituting "May 1, 2010".

Amendment No. 8 was adopted.

Amendment No. 9

Representative Leibowitz offered the following amendment to **CSHB 2295**:

Amend **CSHB 2295** (house committee printing) as follows:

(1) On page 28, line 5, strike "or".

(2) On page 28, line 6, between "(29)" and "otherwise", insert the following:

a failure to use a contract form required by the commission under Section 420.004; or

(30)

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

SECTION _____. Chapter 420, Property Code, is amended by adding Section 420.004 to read as follows:

Sec. 420.004. STANDARD CONTRACT FORMS. (a) The commission shall adopt rules in the public's best interest that require builders to use contract forms prepared with the assistance of the Texas Real Estate Broker-Lawyer Committee and adopted by the commission for the sale or construction of a new home.

(b) The commission may not prohibit a builder from using a contract form for the sale or construction of a new home that is:

(1) prepared by the purchaser; or

(2) prepared by an attorney and required by the purchaser.

(c) A contract form adopted by the commission must comply with this chapter, except that the commission may not adopt a contract form that includes a provision that requires the parties to submit a dispute arising under the contract to binding arbitration.

SECTION _____. The Texas Residential Construction Commission shall adopt contract forms as required by Section 420.004, Property Code, as added by this Act, as soon as practicable after the effective date of this Act.

Amendment No. 10

Representative Solomons offered the following amendment to Amendment No. 9:

Amend Amendment No. 9 to **CSHB 2295** by Leibowitz as follows:

(1) On page 1, line 6, strike "required by" and substitute "adopted or approved by".

(2) On page 1, between lines 27 and 28, insert the following:

(d) A builder may use the builder's own contract form if the builder has submitted the form to the commission and the commission has approved the builder's use of the form. The commission shall approve or disapprove a contract form submitted under this subsection on or before the 30th day after the date the form is submitted.

(e) In considering whether to approve a builder's contract form under Subsection (d), the commission shall approve the form only if the commission determines that the contract form is in the public's best interest and consistent with the criteria used by the commission to adopt standard forms under Subsection (a).

(3) On page 2, lines 1 and 2, strike "as soon as practicable after the effective date of this Act." and substitute "not later than January 1, 2010. A builder is not required to use a form adopted under Section 420.004, Property Code, as added by this Act, before the 91st day after the date on which the forms are adopted under that section."

Amendment No. 10 was adopted.

Amendment No. 9, as amended, was adopted.

Amendment No. 11

Representative Herrero offered the following amendment to **CSHB 2295**:

Amend **CSHB 2295** as follows:

(1) On page 28, line 21, strike "an individual" and replace with "a registrant".

Amendment No. 11 was withdrawn.

Amendment No. 12

Representative Maldonado offered the following amendment to **CSHB 2295**:

Amend **CSHB 2295** (house committee printing) on page 32, line 3, immediately following "agreement", by inserting the following:

A written arbitration agreement must also contain a second statement, immediately following the other statement required by this subsection, that is conspicuously printed or typed in at least 12-point bold-faced type or the computer equivalent and initialed by the homeowner that states that the homeowner knowingly and voluntarily waives the homeowner's right to a trial by jury of all disputes by signing the agreement.

Amendment No. 12 was adopted.

Amendment No. 13

Representative Herrero offered the following amendment to **CSHB 2295**:

Amend **CSHB 2295** (house committee printing) on page 28, line 21, by striking "an individual" and substituting "a person or entity"

Amendment No. 13 was adopted.

(Button in the chair)

Amendment No. 14

Representative Gattis offered the following amendment to **CSHB 2295**:

Amend **CSHB 2295** (house committee printing) as follows:

(1) Strike page 32, lines 4 through 6.

(2) On page 32, line 7, strike "(d)" and substitute "(c)".

Amendment No. 14 was adopted.

Amendment No. 15

Representative Dunnam offered the following amendment to **CSHB 2295**:

Amend **CSHB 2295** as follows:

(1) On page 33, line 7, strike Subsection (d) and renumber the following sections accordingly.

(2) On page 34, line 26, strike "\$75,000" and replace with "\$175,000".

Amendment No. 15 was adopted.

Amendment No. 16

Representative Thompson offered the following amendment to **CSHB 2295**:

Amend **CSHB 2295** (house committee printing) as follows:

(1) Strike SECTION 50 (page 38, line 18, through page 39, line 13) of the bill and substitute the following:

SECTION 50. Section 426.006, Property Code, is amended to read as follows:

Sec. 426.006. TIME FOR REQUESTING INSPECTION OR MEDIATION ~~[AND DISPUTE RESOLUTION]~~. (a) For an alleged defect discovered during an applicable warranty period, a request for the state ~~[the state sponsored]~~ inspection ~~[and dispute resolution]~~ process or mediation under Section 428A.004 must be filed ~~[requested]~~ on or before the fourth ~~[second]~~ anniversary of the date of discovery of the conditions claimed to be evidence of the construction defect ~~[but not later than the 90th day after the date the applicable warranty period expires]~~.

(b) If the alleged defect would violate the statutory warranty of habitability and was not discoverable by a reasonable, prudent inspection or examination of the home or improvement within the applicable warranty period, the voluntary state ~~[state sponsored]~~ inspection ~~[and dispute resolution]~~ process must be requested:

(1) on or before the second anniversary of the date of discovery of the conditions claimed to be evidence of the construction defect; and

(2) not later than the 10th anniversary of the date of the initial transfer of title from the builder to the initial owner of the home or improvement that is the subject of the dispute or, if there is not a closing, the date on which the contract for construction of the improvement is entered into.

(2) On page 61, line 2, between "426.005," and "428.003", insert "426.006,".

Amendment No. 16 was withdrawn.

Amendment No. 17

Representative Leibowitz offered the following amendment to **CSHB 2295**:

Amend **CSHB 2295** (house committee printing) as follows:

(1) On page 41, lines 22 through 24, strike "If the builder files a request under this section, the homeowner may submit a request for mediation as provided by Section 428A.004."

(2) On page 50, line 25, strike "performed" and substitute "requested".

(3) On page 51, line 2, strike "a builder is" and substitute "both parties are".

(4) On page 51, line 4, after the period, insert the following:

The mediation must be completed on or before the expiration of the mediation period prescribed by Subsection (c) and, unless otherwise agreed by the parties, be conducted in the county in which the home is located.

Amendment No. 17 was withdrawn.

Amendment No. 18

Representative Herrero offered the following amendment to **CSHB 2295**:

Amend **CSHB 2295** as follows:

- (1) On page 45, line 16, strike Subsection (h).
- (2) On page 45, line 25, strike Subsection (i).
- (3) On page 45, line 16, insert the following section:
 - (h) A final report made available to the public on the commission's Internet website may not include the name or street address of the homeowner and must indicate:
 - (1) whether the builder has resolved the dispute with the homeowner by:
 - (A) making repairs substantially equivalent to those required by the findings of the final report confirming the defect, as confirmed by the homeowner and a third-party inspector who has inspected the repairs,
 - (B) or has otherwise resolved the dispute with the homeowner, or
 - (2) whether the builder has not resolved the dispute with the homeowner. If the builder has not resolved the dispute with the homeowner, the report shall indicate whether the builder offered to make repairs as recommended by the final report.
 - (i) All final reports and all information contained therein are public records.

Amendment No. 18 was adopted.

Amendment No. 19

Representative Thompson offered the following amendment to **CSHB 2295**:

Amend **CSHB 2295** (house committee printing) as follows:

- (1) On page 1, line 17, strike "or 428A.004(b)".
- (2) On page 51, strike lines 5 through 19.
- (3) On page 51, line 20, strike "(c)" and substitute "(b)".
- (4) On page 51, line 23, strike ", in accordance with Subsection (b),".
- (5) On page 51, line 26, strike "(d)" and substitute "(c)".
- (6) On page 52, line 3, strike "(e)" and substitute "(d)".
- (7) On page 52, strike lines 5 through 16 and substitute the following:
 - (e) For the purposes of determining whether a person may or must act in accordance with a deadline established under this subtitle or Chapter 27:
 - (1) a request for mediation under this section is considered a request for inspection under Section 428.001; and
 - (2) the earlier of completion of good faith mediation under this section or the expiration of the mediation period prescribed by this section is considered a final, nonappealable determination or recommendation under this subtitle.
 - (f) Section 27.004(1) does not apply to a dispute if mediation is requested under this section.

Amendment No. 19 was withdrawn.

Amendment No. 20

Representative Leibowitz offered the following amendment to **CSHB 2295**:

Amend **CSHB 2295** (house committee printing) as follows:

(1) Strike page 56, line 21, through page 57, line 1, and substitute the following:

SECTION 66. The following provisions of the Property Code are repealed:

- (1) Section 401.002(12);
- (2) Section 416.012(b);
- (3) Section 418.002(d); and
- (4) Section 428.001(c).

(2) Strike page 61, line 15, through page 62, line 3.

(3) Strike page 62, line 4, and substitute the following:

SECTION 75. Section 416.011(a), Property Code, is amended to read as follows:

(a) The commission shall establish rules and procedures for a program through which a builder can be designated as a "Texas Star Builder." A builder's participation in the program is voluntary and is not a requirement for the issuance of a license [~~certificate of registration~~] required under this chapter.

Insert the following language on page 62, line 13:

SECTION 76. This act takes effect September 1, 2009.

Amendment No. 20 was adopted.

Amendment No. 21

Representative Ritter offered the following amendment to **CSHB 2295**:

Amend **CSHB 2295** as follows:

(1) On page 52, line 22, strike "four" and substitute "two".

(2) Insert a new SECTION 63 to read as follows and renumber the subsequent sections accordingly:

SECTION 63. Section 430.001, Property Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) A builder shall assign to the homeowner, without recourse, the manufacturer's warranty for all manufactured products that are covered by a manufacturer's warranty. Any rights that inure to the homeowner provided under a manufacturer's warranty are the obligation of the manufacturer. The builder does not assume any of the obligations of the manufacturer resulting from a manufacturer's warranty, but shall coordinate with the manufacturer, suppliers or agents to achieve compliance with the performance standard. If the manufacturer does not comply with the manufacturer's warranty within a reasonable period of time, the builder shall make the affected condition comply with the performance standard and shall be subrogated to the homeowner's claims against the manufacturer.

Amendment No. 21 was adopted.

Amendment No. 22

Representative Dunnam offered the following amendment to **CSHB 2295**:

Amend **CSHB 2295** on line 57 by striking line 1 and renumbering subsequent lines accordingly.

Amendment No. 23

Representative Dunnam offered the following amendment to Amendment No. 22:

Amend Amendment No. 22 by Dunnam to **CSHB 2295** by striking the text of the amendment and substituting the following:

Amend **CSHB 2295** (house committee substitute) as follows:

(1) On page 9, line 22, strike "Section 401.008" and substitute "Sections 401.008 and 401.009".

(2) On page 9, after line 27, insert the following:

Sec. 401.009. VENUE FOR ARBITRATION. (a) An arbitration of a dispute involving a construction defect shall be conducted in the county in which the home alleged to contain the defect is located.

(b) The requirements of this section may not be waived by contract.

Amendment No. 23 was adopted.

Amendment No. 22, as amended, was adopted.

(Bonnen in the chair)

MESSAGES FROM THE SENATE

Messages from the senate were received at this time (see the addendum to the daily journal, Messages from the Senate, Message Nos. 2 and 3).

CSHB 2295 - (consideration continued)**Amendment No. 24**

Representative Leibowitz offered the following amendment to **CSHB 2295**:

Amend **CSHB 2295** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Chapter 420, Property Code, is amended by adding Section 420.005 to read as follows:

Sec. 420.005. FULL DISCLOSURE OF RESALE BY BUILDER. (a) Before a contract may be executed or money exchanged between a builder and a buyer for purchase of a home that, because of one or more construction defects, the builder repurchased from a previous buyer from the builder, the builder must provide to the buyer a document that fully discloses the nature of and the builder's remediation of each of those construction defects.

(b) In addition to a disclosure of the nature of each construction defect and the remediation work performed, the disclosure under Subsection (a) must include information relating to:

- (1) any products installed in the home relating to the remediation;
- (2) care and component warranties of those products;
- (3) building standards used in performing the remediation; and
- (4) any risks and hazards of the home.

SECTION _____. Section 420.005, Property Code, as added by this Act, applies only to a contract executed by a builder and a buyer as described by Section 420.005, Property Code, as added by this Act, on or after the effective date of this Act. A contract executed before the effective date of this Act is covered by the law in effect when the contract was executed, and the former law is continued in effect for that purpose.

Amendment No. 24 was adopted.

Amendment No. 25

Representative Leibowitz offered the following amendment to **CSHB 2295**:

Amend **CSHB 2295** (house committee printing) as follows:

(1) On page 41, lines 22 through 24, strike "If the builder files a request under this section, the homeowner may submit a request for mediation as provided by Section 428A.004."

(2) On page 50, line 25, strike "performed" and substitute "requested".

(3) On page 51, line 2, strike "a builder is" and substitute "both parties are".

(4) On page 51, line 4, after the period, insert the following:

The mediation must be completed on or before the expiration of the mediation period prescribed by Subsection (c) and, unless otherwise agreed by the parties, be conducted in the county in which the home is located.

Amendment No. 26

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

Amend Amendment No. 25 by Leibowitz to **CSHB 2295** by striking Items 1 through 3 of the amendment and renumbering remaining items accordingly.

Amendment No. 26 was adopted.

Amendment No. 25, as amended, was adopted.

Amendment No. 27

Representative Coleman offered the following amendment to **CSHB 2295**:

Amend **CSHB 2295** (house committee printing) as follows:

(1) On page 8, line 11, strike "2015" and substitute "2013".

(2) On page 57, line 3, strike "84th" and substitute "83rd".

Amendment No. 28

Representative Coleman offered the following amendment to Amendment No. 27:

Amend Amendment No. 27 by Coleman to **CSHB 2295** by striking the text of the amendment and substituting the following:

Amend **CSHB 2295** (house committee printing) as follows:

() On page 8, line 7, between "PROVISION." and "The", insert "(a)".

() On page 8, between lines 11 and 12, insert the following:

(b) The Sunset Advisory Commission shall conduct a special-purpose review of the Texas Residential Construction Commission as part of the Sunset Advisory Commission's review of agencies for the 83rd Legislature. The Sunset Advisory Commission's report to the 83rd Legislature regarding the review must include an assessment of the Texas Residential Construction Commission's compliance with the mandates and requirements contained in legislation passed by the 81st and 82nd Legislatures and the agency's management practices and enforcement efforts to implement those changes to the statutes governing the agency enacted by those legislatures. This subsection expires September 1, 2013.

Amendment No. 28 was adopted.

Amendment No. 27, as amended, was adopted.

Amendment No. 29

Representative Leibowitz offered the following amendment to **CSHB 2295**:

Amend **CSHB 2295** (house committee printing) as follows:

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

SECTION _____. The heading to Chapter 420, Property Code, is amended to read as follows:

CHAPTER 420. REGULATION OF BUILDING CONTRACTS AND TRANSFERS OF TITLE FROM BUILDER [~~CONTRACT PROVISIONS~~]

SECTION _____. Chapter 420, Property Code, is amended by adding Section 420.004 to read as follows:

Sec. 420.004. CONSTRUCTION DOCUMENTS. A builder who constructs a new home must provide a copy of the plat and all written specifications or blueprints used in the construction of the home:

(1) at the time the construction is completed, to the person who contracted with the builder for the construction of the home; or

(2) at the time title to the home is transferred by the builder, to the person who purchases the home from the builder.

(2) In SECTION 74 of the bill (page 60, between lines 22 and 23), insert the following appropriately designated subsection and redesignate subsequent subsections in that section accordingly:

(____) Section 420.004, Property Code, as added by this Act, applies only to a contract entered into or a transfer of title made on or after the effective date of this Act. A contract entered into or a transfer of title made before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(3) Renumber SECTIONS of the bill appropriately.

Amendment No. 30

Representative Leibowitz offered the following amendment to Amendment No. 29:

Amend Amendment No. 29 by Leibowitz to **CSHB 2295** on page 1, lines 12 and 13, by striking "all written specifications or" and substituting "the".

Amendment No. 30 was adopted.

Amendment No. 29, as amended, was adopted.

HB 2295 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE ISETT: Ms. McClendon, I just want to tell you I think you did a great job on this and I want to thank Chairman Deshotel and the members of the committee for the work they did—all the members of the committee that had input on this. It was a good group effort and you did a good job of managing the floor debate, too. I told you from the beginning that we're with you. I told you I had concerns about licensing, I didn't try to do anything about that, but we've had conversations about people who have God-given talents to be builders and might be doing carpentry work, or general contract work, or remodeling work because that's all they can do because they might have a felony background. These are people who can't get jobs, but they have cleaned up their lives and they are trying to make a difference and change that. Under licensing requirements, you would not expect that those people would be prohibited from receiving a license, would you?

REPRESENTATIVE MCCLENDON: That is true.

ISETT: I don't want these people who are really trying and doing the right thing to have their fate in the hands of bureaucrats in Austin, but there be a process and I want it to be in legislative intent that it is not our intention that these licensures be exclusive for all—that they just fall into the whole licensing process and get swept under the rug.

MCCLENDON: Absolutely, and as we talked up on the podium, we need to sit down to make sure as we sit down with the commission staff as these rules are promulgated to make sure that persons who find themselves in this situation are taken care of, and that they are able to get a license to practice their trade.

REMARKS ORDERED PRINTED

Representative Isett moved to print remarks between Representative McClendon and Representative Isett.

The motion prevailed.

CSHB 2295, as amended, was passed to engrossment. (Kolkhorst and Shelton recorded voting no.)

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Ways and Means, during dinner recess today, Desk 128, for a formal meeting, to consider pending business.

RECESS

At 6 p.m., the chair announced that the house would stand recessed until 7 p.m. today.

NIGHT SESSION

The house met at 7 p.m. and was called to order by the speaker.

(Zerwas now present)

LEAVE OF ABSENCE GRANTED

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

Gattis on motion of Parker.

**CONSTITUTIONAL AMENDMENTS CALENDAR
HOUSE JOINT RESOLUTIONS
SECOND READING**

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

**HJR 112 ON SECOND READING
(by Bolton, Quintanilla, Pickett, and Kleinschmidt)**

HJR 112, A joint resolution proposing a constitutional amendment to authorize the imposition of an additional ad valorem tax for emergency services districts, subject to voter approval, at a rate not to exceed five cents for the acquisition of land, equipment, or apparatus or the construction of capital improvements.

Representative Swinford moved to postpone consideration of **HJR 112** until 10 a.m. tomorrow.

The motion prevailed.

**GENERAL STATE CALENDAR
HOUSE BILLS
SECOND READING**

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

**CSHB 1420 ON SECOND READING
(by Orr)**

CSHB 1420, A bill to be entitled An Act relating to the regulation of the transportation of oil and gas drill cuttings; providing a criminal penalty.

CSHB 1420 was passed to engrossment.

**CSHB 1796 ON SECOND READING
(by Chisum, Hancock, Burnam, et al.)**

CSHB 1796, A bill to be entitled An Act relating to the offshore geologic storage of carbon dioxide.

CSHB 1796 was passed to engrossment.

**HB 1890 ON SECOND READING
(by Creighton and Eissler)**

HB 1890, A bill to be entitled An Act relating to notification of applications for permits for certain injection wells.

Amendment No. 1

Representative S. Miller offered the following amendment to **HB 1890**:

Amend **HB 1890** by adding the following SECTIONS to the bill, appropriately numbered, and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 27.034, Water Code, is amended by adding Subsections (a-1), (a-2), and (a-3) to read as follows:

(a-1) In connection with an application for a permit to dispose of oil and gas waste in a commercial disposal well, as defined by the railroad commission, the rules adopted under Subsection (a) must, at a minimum:

(1) require the applicant to give notice of the application to:

(A) each owner of record of each surface tract that adjoins the tract on which the well is proposed to be located;

(B) the commissioners court of the county in which the well is proposed to be located; and

(C) any groundwater conservation district in which the well is proposed to be located;

(2) require each owner of record of a surface tract who receives notice of the application under Subdivision (1)(A) to give notice of the application to each surface lessee or purchaser under a contract for deed, executory contract, or other executory conveyance of the tract who occupies a residence located on the tract;

(3) require the applicant to publish notice of the application in:

(A) a newspaper of general circulation in the county in which the well is proposed to be located; and

(B) the newspaper that is published in closest proximity to the proposed site of the well; and

(4) provide each person who receives notice of the application under Subdivision (1)(A) or (B) an opportunity to request a public hearing on the application.

(a-2) The failure of a person who receives notice of an application under Subsection (a-1)(1)(A) to give notice of the application to any person to whom the person is required to give notice under Subsection (a-1)(2) does not invalidate any permit issued by the railroad commission and may not be considered by the railroad commission with respect to any pending permit application.

(a-3) The commission is not required to hold more than one public hearing on an application regardless of the number of persons who request a hearing.

SECTION _____. Section 27.105(a), Water Code, is amended to read as follows:

(a) A person who knowingly or intentionally violates a provision of this chapter under the jurisdiction of the railroad commission, a rule of the railroad commission other than a rule adopted under Section 27.034(a-1)(2), or a term, condition, or provision of a permit issued by the railroad commission under this chapter is subject to a fine of not more than \$5,000 for each violation and for each day of violation. A violation under the jurisdiction of the commission is enforceable under Section 7.157.

Amendment No. 1 was withdrawn.

HB 1890 was passed to engrossment. (Craddick recorded voting no.)

HB 1966 ON SECOND READING
(by J. Davis, Zerwas, Truitt, Naishtat, et al.)

HB 1966, A bill to be entitled An Act relating to an e-prescribing implementation plan under the Medicaid and child health plan programs.

HB 1966 was passed to engrossment.

CSHB 2240 ON SECOND READING
(by Lewis, Vaught, and Moody)

CSHB 2240, A bill to be entitled An Act relating to creating the offense of continuous violence against the family.

Amendment No. 1

Representative Lewis offered the following amendment to **CSHB 2240**:

Amend **CSHB 2240** (House Committee Report) as follows:

(1) On page 1, line 10, strike "results in bodily injury to" and substitute "constitutes an offense under Section 22.01(a)(1) against".

(2) On page 1, line 15, strike "resulted in bodily injury to" and substitute "constituted an offense under Section 22.01(a)(1) against".

(3) On page 1, lines 19-20, strike "resulted in bodily injury to" and substitute "constituted an offense under Section 22.01(a)(1) against".

Amendment No. 1 was adopted.

CSHB 2240, as amended, was passed to engrossment.

CSHB 2291 ON SECOND READING
(by Gattis, Oliveira, Paxton, Peña, Harper-Brown, et al.)

CSHB 2291, A bill to be entitled An Act relating to the procedure to be used by a taxing unit other than a school district in adopting an ad valorem tax rate.

Representative Peña moved to postpone consideration of **CSHB 2291** until 10 a.m. tomorrow.

The motion prevailed.

HB 2584 ON SECOND READING
(by Hartnett, Moody, Madden, et al.)

HB 2584, A bill to be entitled An Act relating to the right of certain child crime victims to a speedy trial and to be considered with respect to a defendant's motion for continuance.

HB 2584 was passed to engrossment.

CSHB 136 ON SECOND READING
(by Villarreal, Marquez, Patrick, Walle, Ortiz, et al.)

CSHB 136, A bill to be entitled An Act relating to providing notification to parents of eligible children of the availability of prekindergarten programs.

Representative McClendon moved to postpone consideration of **CSHB 136** until 8 p.m. today.

The motion prevailed.

HB 192 ON SECOND READING

(by Alonzo, Anchia, Flores, Rodriguez, and Hernandez)

HB 192, A bill to be entitled An Act relating to the absence of a student from school for activities in connection with obtaining United States citizenship.

Amendment No. 1

Representative Strama offered the following amendment to **HB 192**:

Amend **HB 192** (house committee printing) as follows:

(1) On page 1, lines 5 and 6, strike the recital to SECTION 1 and substitute "Section 25.087, Education Code, is amended by amending Subsection (b) and adding Subsections (b-1) and (e) to read as follows:".

(2) On page 1, line 15, strike "or".

(3) On page 1, line 17, between the underlined semicolon and "or" insert the following:

or

(E) spending time with the student's parent or guardian, if the parent or guardian has been called to duty for, is on leave from, or is returning from deployment to a combat zone as a member of the armed forces of the United States, a reserve component of the armed forces of the United States, or the state military forces;

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

(b-1) The board of trustees of each independent school district shall establish criteria for determining the number of days a student may receive an excused absence for the purpose described by Subsection (b)(1)(E).

(e) In this section, "combat zone" means an area that the president of the United States by executive order designates for purposes of 26 U.S.C. Section 112 as an area in which armed forces of the United States are or have engaged in combat.

Amendment No. 1 was adopted.

HB 192, as amended, was passed to engrossment. (Cook, Fletcher, and Riddle recorded voting no.)

HB 200 ON SECOND READING

(by Heflin)

HB 200, A bill to be entitled An Act relating to continuing education requirements for public school principals.

HB 200 was passed to engrossment. (Anderson recorded voting no.)

CSHB 221 ON SECOND READING

(by Menendez)

CSHB 221, A bill to be entitled An Act relating to delaying parole eligibility for an individual convicted of certain violent offenses who evades arrest.

Representative Bonnen moved to postpone consideration of **CSHB 221** until 8 p.m. today.

The motion prevailed.

CSHB 233 ON SECOND READING
(by Rodriguez, Kolkhorst, and Gonzales)

CSHB 233, A bill to be entitled An Act relating to the creation of an advisory committee to establish and recommend qualifications for certain health care translators and interpreters.

CSHB 233 was passed to engrossment. (Anderson, Button, Christian, Fletcher, Flynn, D. Miller, Phillips, and Riddle recorded voting no.)

HB 319 ON SECOND READING
(by Raymond)

HB 319, A bill to be entitled An Act relating to an exemption from jury service for certain persons with legal custody of a child.

Representative Bonnen moved to postpone consideration of **HB 319** until 8 p.m. today.

The motion prevailed.

CSHB 459 ON SECOND READING
(by Leibowitz, Quintanilla, Marquez, and Pickett)

CSHB 459, A bill to be entitled An Act relating to county abatement of public nuisances; providing a penalty.

CSHB 459 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE CALLEGARI: This bill provides property owners less time to remedy a public nuisance, is that correct?

REPRESENTATIVE LEIBOWITZ: Yes, sir.

CALLEGARI: Now, current law allows for a 30-day notice and this changes to 10 days. Help me to understand—you said something about three notices and I was looking at the bill and I couldn't find the three notices, if you could help me with that, I'd appreciate it.

LEIBOWITZ: Yes, sir. Currently, the time period for all this to get accomplished is 90 days and this bill cuts it down to 30 days, but there still has to be three notices sent to the landowner before any type of suit can be filed.

CALLEGARI: So here's the concern; if it's 30 days, it's going to be very difficult to get three notices sent and received in a 30-day period. I understand the problem that sometimes you have people who are really bad actors that need enforcement, but sometimes you have people, who are legitimate owners, who want to do the right thing, somebody's dumped something on the land, and they may live out of state. That's what I'm concerned about; not giving those people adequate opportunity, and getting fined before they've had a chance to do that.

LEIBOWITZ: And I think we're looking to just have the ability to work with the really bad actors. It's a may provision and it can still be longer, but they can cut back the time if there's a danger to public safety or public health.

CALLEGARI: Okay, and you are saying that there's still three notices required, correct?

LEIBOWITZ: Yes, that's what I have, sir, and as best I can tell, that's the case.

CALLEGARI: Can I ask you to verify that and maybe we can make some changes later if we find otherwise?

LEIBOWITZ: Yes, absolutely.

CALLEGARI: Okay.

LEIBOWITZ: It doesn't cut down the period, it's not a 90-day period anymore, it may go down to 30 days if, for example, there's a swimming pool where children are at risk of possibly wandering off and ending up in the pool and drowning; or a toxic waste dump where people are dumping things like batteries that are corroding—things of that nature.

CALLEGARI: Okay, now the bill allows the county to prohibit access to the property?

LEIBOWITZ: In Bexar County we have incidents of illegal dump sites and abandoned homes where, for example, the county can put a chain across the driveway so people can't continue to illegally dump tires, and batteries, etc.

CALLEGARI: Okay, would you consider at least talking about maybe a longer—you said the total period is 30 days, which I think is difficult to get three notices in that period. I would think it'd be worthwhile to talk about maybe stretching that a little, or making some exception for situations that are not as egregious as others.

LEIBOWITZ: Yes, sir, and I don't think the county's going to do—because they have limited resources and limited time—unless they're only gonna address this from the worst situations first, and then work outward in points in time. So they just need the lower period of time for the really bad problems.

CALLEGARI: Okay, well like I said, I'm really concerned. I hope you would share the concern of the impact it will have on private property rights. I think we're both sensitive to that.

LEIBOWITZ: Oh yes, sir, and I'll go over it with you and confirm for you, your inquiry on the notices.

CALLEGARI: I do want to go on the record, and certainly understand that it's not your intention that a legitimate owner be prohibited from having an opportunity to make corrections, and the county would be encouraged to make whatever adjustments it needs to make.

LEIBOWITZ: Absolutely, it's not my intent and the bill provides for the notices, and they have to give the notices before the county can take any sort of action in the JP court to remediate the property.

CALLEGARI: Good, I would again ask that we talk about maybe an extension of time to make it more realistic.

LEIBOWITZ: I'd be happy to visit with you, sir.

REMARKS ORDERED PRINTED

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

The motion prevailed.

Amendment No. 1

Representative Quintanilla offered the following amendment to **CSHB 459**:

Amend **CSHB 459** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subtitle B, Title 7, Local Government Code, is amended by adding Chapter 236 to read as follows:

CHAPTER 236. COUNTY REGULATION OF NUISANCES

Sec. 236.001. APPLICABILITY OF REGULATIONS. An order adopted by a commissioners court under this chapter applies only in the unincorporated area of a county with a population of 650,000 or more that is located within 100 miles of an international border.

Sec. 236.002. NUISANCE. The commissioners court of a county by order may:

(1) define and declare what constitutes a nuisance and authorize and direct the summary abatement of the nuisance; and

(2) abate in any manner the commissioners court considers expedient any nuisance that may injure or affect the public health or comfort.

Sec. 236.003. FIREARMS. Nothing in this chapter authorizes the commissioners court of a county to regulate legal ownership, possession, or use of a firearm or ammunition for a firearm for hunting, sport shooting, personal protection, collecting, or other legal activity, including the discharge of a firearm on a sport shooting range as defined by Section 250.001.

Sec. 263.004. FIREWORKS. The commissioners court of a county may not ban the sale of fireworks.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Harless offered the following amendment to **CSHB 459**:

Amend **CSHB 459** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Chapter 234, Local Government Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. MASSAGE PARLORS IN CERTAIN COUNTIES

Sec. 234.101. DEFINITIONS. In this subchapter:

(1) "Massage parlor" means a massage establishment that allows:

(A) a nude or partially nude employee to provide massage therapy or other massage services to a customer;

(B) any individual to engage in sexual contact in the massage establishment; or

(C) any individual to practice massage therapy in the nude or in clothing designed to arouse or gratify the sexual desire of any individual.

(2) "Nude" and "sexual contact" have the meanings assigned by Section 455.202, Occupations Code.

Sec. 234.102. APPLICABILITY. This subchapter applies only to a county with a population of 3.3 million or more.

Sec. 234.103. AUTHORITY TO REGULATE. To promote public health, safety, and welfare, the commissioners court of a county by order may prohibit or otherwise regulate massage parlors located in the unincorporated area of the county.

Sec. 234.104. INJUNCTION. A district or county attorney may bring suit to enjoin the operation of a massage parlor in violation or threatened violation of a prohibition or other regulation adopted under this subchapter.

Sec. 234.105. CIVIL PENALTY. (a) A person who violates a prohibition or regulation adopted by the county under this subchapter is liable to the county for a civil penalty of not more than \$1,000 for each violation. Each day a violation continues is considered a separate violation for purposes of assessing the civil penalty.

(b) A county may bring suit in a district court to recover a civil penalty authorized by Subsection (a).

Sec. 234.106. CRIMINAL PENALTY. (a) A person commits an offense if the person intentionally or knowingly operates a massage parlor in violation of a prohibition or regulation adopted under this subchapter by the commissioners court.

(b) An offense under this section is a Class A misdemeanor.

Sec. 234.107. CUMULATIVE EFFECT. Authority under this subchapter is cumulative of other authority that a county has to regulate massage parlors and does not limit that other authority.

Amendment No. 2 was adopted.

CSHB 459, as amended, was passed to engrossment. (Anderson, Button, Christian, Craddick, Flynn, and Phillips recorded voting no.)

CSHB 626 ON SECOND READING (by Allen)

CSHB 626, A bill to be entitled An Act relating to educational involvement agreements setting forth the respective responsibilities of students, parents, teachers, and principals in public schools.

Amendment No. 1

Representative Bohac offered the following amendment to **CSHB 626**:

Amend **CSHB 626** (house committee printing) as follows:

(1) On page 1, line 7, strike "Section 26.014" and substitute "Sections 26.014 and 26.015".

(2) On page 4, between lines 2 and 3, insert the following:

Sec. 26.015. AGREEMENT REGARDING RESPONSIBILITIES OF PARENT, STUDENT, AND CLASSROOM TEACHER. (a) This section applies only to a school district that:

(1) has a student enrollment of not more than 35,000;

(2) is located in a county that has a population of at least 3.4 million;

and

(3) borders one or more school districts, each of which has a student enrollment of at least 40,000.

(b) A school district to which this section applies shall adopt a written agreement form for each grade level that specifies the responsibilities of a student's parent or guardian as well as the respective responsibilities of the student and each of the student's classroom teachers. The parent or guardian, the student, and a school district designee shall sign the appropriate agreement at the beginning of each school year.

(c) A student in prekindergarten, kindergarten, grade one, grade two, or grade three is not required to sign the agreement described by this section. A school district may exempt other students from the requirement to sign the agreement described by this section.

(d) A school district to which this section applies shall determine the manner in which the agreement will be enforced.

(e) Not later than September 1, 2011, a school district to which this section applies shall prepare and deliver to the lieutenant governor, the speaker of the house of representatives, and the presiding officer of each legislative standing committee with primary jurisdiction over primary and secondary education a report regarding the successes and opportunities created by the use of the written agreement.

(f) To the extent this section conflicts with Section 26.014, this section prevails.

(g) This section expires June 1, 2013.

(3) On page 4, between lines 11 and 12, insert the following appropriately numbered SECTION and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 26.015, Education Code, as added by this Act, applies beginning with the 2010-2011 school year.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Olivo offered the following amendment to **CSHB 626**:

Amend **CSHB 626** (house committee printing) as follows:

(1) On page 3, line 8, between "by" and "information", insert the following:

:

(1)

(2) On page 3, lines 9 through 23, strike the subdivision numbers and substitute the appropriate paragraph letters.

(3) On page 3, line 10, between "principal" and the semicolon, insert "; including a system to allow parents and teachers to communicate in a regular, two-way, and meaningful manner with each of the child's teachers and the school principal".

(4) On page 3, line 22, strike the second "and".

(5) On page 3, line 24, between "school" and the period, insert the following:

, including one-time opportunities and opportunities to volunteer from home;

(K) how to be involved in the decisions affecting course selection, career planning, and preparation for postsecondary opportunities;

(L) instructional programs available at the school campus;

(M) extracurricular programs available at the school campus; and

(N) activities planned through the school year to encourage parental involvement, including regularly scheduled open houses; and

(2) surveys to determine parent concerns about the school campus and to solicit parents' ideas for improving the school campus, including ways to foster a relationship between the parents, school, and local community

Amendment No. 2 was adopted.

CSHB 626, as amended, was passed to engrossment. (Fletcher, Hunter, Jackson, Phillips, and Riddle recorded voting no.)

CSHB 770 ON SECOND READING

(by D. Howard, Eiland, Ritter, Elkins, Taylor, et al.)

CSHB 770, A bill to be entitled An Act relating to the ad valorem taxation of a residence homestead that is rendered uninhabitable or unusable by a casualty or by wind or water damage.

Amendment No. 1

Representative Hamilton offered the following amendment to **CSHB 770**:

Amend **CSHB 770** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 61.018, Natural Resources 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), any [~~Any~~] county attorney, district attorney, or criminal district attorney, or the attorney general at the request of the commissioner, shall file in a district court of Travis County, or in the county in which the property is located, a suit to obtain either a temporary or permanent court order or injunction, either prohibitory or mandatory, to remove or prevent any improvement, maintenance, obstruction, barrier, or other encroachment on a public beach, or to prohibit any unlawful restraint on the public's right of access to and use of a public beach or other activity that violates this chapter.

(a-1) A county attorney, district attorney, or criminal district attorney or the attorney general may not file a suit under Subsection (a) to obtain a temporary or permanent court order or injunction, either prohibitory or mandatory, to remove a house from a public beach if:

(1) the line of vegetation establishing the boundary of the public beach has moved as a result of a meteorological event;

(2) the house was located landward of the natural line of vegetation before the meteorological event;

(3) a portion of the house continues to be located landward of the line of vegetation; and

(4) the house is located on a peninsula in a county with a population of more than 250,000 and less than 251,000 that borders the Gulf of Mexico.

(a-2) The owner of a house described by Subsection (a-1) may repair or rebuild the house following a meteorological event that causes the destruction of or damage to the house.

SECTION _____. Section 61.018, Natural Resources Code, as amended by this Act, applies to a meteorological event regardless of whether the event occurred before, on, or after the effective date of this Act.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Eiland offered the following amendment to **CSHB 770**:

Amend **CSHB 770** (House Committee Printing) on page 5, line 26, between "year" and "~~last~~", by inserting , regardless of whether that appraised value exceeds the actual appraised value of the property for that year as limited by Subsection (a)

Amendment No. 2 was withdrawn.

CSHB 770, as amended, was passed to engrossment.

HB 999 ON SECOND READING (by Dutton and Edwards)

HB 999, A bill to be entitled An Act relating to the closure of a school campus by the board of trustees of a school district.

(Bonnen in the chair)

Amendment No. 1

Representative Dutton offered the following amendment to **HB 999**:

Amend **HB 999** (house committee report) as follows:

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

(f) The board may not order the closure of a school campus for which a campus intervention team has been appointed under Section 39.1322(b) until:

(1) the campus intervention team has:

(A) completed the comprehensive on-site evaluation required under Section 39.1323(a)(1) and the comprehensive on-site needs assessment under Section 39.1323(b);

(B) made recommendations as provided by Sections 39.1323(a)(2) and (c); and

(C) assisted in the development of a school improvement plan for student achievement as required under Section 39.1323(a)(3);

(2) the campus has received any financial or other assistance determined necessary under the evaluation process to implement the school improvement plan; and

(3) the campus has two complete school years during which to implement the school improvement plan.

(2) On page 2, line 6, strike "(f)" and substitute "(g)".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Dutton offered the following amendment to **HB 999**:

Amend **HB 999** (house committee report) on page 1, line 11, by striking "seventh" and substituting "14th".

Amendment No. 2 was adopted.

Amendment No. 3

Representative Callegari offered the following amendment to **HB 999**:

Amend **HB 999** (house committee report) on page 2, line 5, immediately following the period, by inserting the following:

The commissioner shall approve or deny the board's request for approval under this subsection not later than the 30th day after the date the commissioner receives the request. If the commissioner fails to act within the time prescribed by this subsection, the request is considered approved.

Amendment No. 3 was adopted.

Amendment No. 4

Representative Callegari offered the following amendment to **HB 999**:

Amend **HB 999** (house committee report) as follows:

(1) On page 1, line 7, between "CLOSURE." and "(a)", insert the following:

(a) This section applies only to a school district with an enrollment of more than 195,000.

(2) Reletter the subsections of added Section 11.174, Education Code, appropriately, and correct the cross-references on page 1, lines 18 and 23.

Amendment No. 5

Representative Mallory Caraway offered the following amendment to Amendment No. 4:

Amend Amendment No. 4 by Callegari to **HB 999** by striking "more than 195,000" and substituting "more than 155,000".

Amendment No. 5 was adopted.

Amendment No. 4, as amended, was adopted.

HB 999, as amended, was passed to engrossment. (Anchia, Anderson, Branch, Button, Christian, Jackson, Kent, Maldonado, D. Miller, Phillips, Shelton, and Vaught recorded voting no.)

POSTPONED BUSINESS

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

CSHB 221 ON SECOND READING

(by Menendez)

CSHB 221, A bill to be entitled An Act relating to delaying parole eligibility for an individual convicted of certain violent offenses who evades arrest.

CSHB 221 was read second time earlier today and was postponed until this time.

Amendment No. 1

Representative Menendez offered the following amendment to **CSHB 221**:

Amend **CSHB 221** (2nd Printing) by adding the appropriately numbered sections to read as follows and renumber the subsequent sections accordingly.

SECTION _____. Section 38.04(b), Penal Code, is amended to read as follows:

(b) An offense under this section is a Class A [~~B~~] misdemeanor, except that the offense is:

(1) a state jail felony if:

(A) the actor has been previously convicted under this section; or

(B) the actor uses a vehicle while the actor is in flight and the actor has not been previously convicted under this section;

(2) a felony of the third degree if:

(A) the actor uses a vehicle while the actor is in flight and the actor has been previously convicted under this section; or

(B) another suffers serious bodily injury as a direct result of an attempt by the officer from whom the actor is fleeing to apprehend the actor while the actor is in flight; or

(3) a felony of the second degree if another suffers death as a direct result of an attempt by the officer from whom the actor is fleeing to apprehend the actor while the actor is in flight.

SECTION _____. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. 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. 1 was adopted.

CSHB 221, as amended, was passed to engrossment.

HB 319 ON SECOND READING
(by Raymond)

HB 319, A bill to be entitled An Act relating to an exemption from jury service for certain persons with legal custody of a child.

HB 319 was read second time earlier today and was postponed until this time.

HB 319 was passed to engrossment. (Riddle recorded voting no.)
(Villarreal now present)

CSHB 136 ON SECOND READING
(by Villarreal, Marquez, Patrick, Walle, Ortiz, et al.)

CSHB 136, A bill to be entitled An Act relating to providing notification to parents of eligible children of the availability of prekindergarten programs.

CSHB 136 was read second time earlier today and was postponed until this time.

Amendment No. 1

Representative Villarreal offered the following amendment to **CSHB 136**:

Amend **CSHB 136** as follows:

(1) On page 1, between lines 14 and 15, insert the following:

(c) The agency may develop outreach materials for use by school districts to increase community awareness of prekindergarten programs.

(2) On page 1, line 15, through page 2, line 13, reletter Subsections (c)-(f) as Subsections (d)-(g), respectively, and correct the cross-reference in Subsection (d) (page 1, line 24) accordingly.

(3) On page 2, line 2, strike "January" and substitute "April".

(4) On page 2, line 9, strike "February" and substitute "May".

(5) On page 2, line 12, strike "March" and substitute "June".

Amendment No. 1 was adopted.

CSHB 136, as amended, was passed to engrossment. (Anderson, Christian, Cook, Fletcher, Flynn, Hunter, Jackson, Laubenberg, Orr, Otto, Phillips, and Shelton recorded voting no.)

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 was read second time on May 5, postponed until 10 a.m. today, and was again postponed until this time.

Amendment No. 1

Representative S. Turner offered the following amendment to **CSHB 3276**:

Amend **CSHB 3276** (House committee printing), page 1, line 5, through page 2, line 3, by striking SECTION 1 of the bill and substituting the following:

SECTION 1. Subchapter M, Chapter 56, Education Code, is amended by adding Section 56.309 to read as follows:

Sec. 56.309. STUDY OF PRIORITIES FOR AWARD OF TEXAS GRANTS. (a) The coordinating board shall conduct a study to identify and recommend methods of prioritizing the award of TEXAS grants to eligible students to ensure the most effective use of money available under the program. The study must include an examination of the effects of prioritizing the award of grants:

(1) based on the financial need of students; and

(2) in a manner designed to provide an incentive for students to meet college readiness standards, including successful performance on assessment instruments under Section 51.3062.

(b) Not later than December 1, 2010, the board shall report the results of the study to the governor, lieutenant governor, speaker of the house of representatives, and presiding officer of each legislative standing committee with primary jurisdiction over higher education.

(c) This section expires January 31, 2011.

Representative D. Howard moved to table Amendment No. 1.

The motion to table was lost by (Record 616): 42 Yeas, 94 Nays, 2 Present, not voting.

Yeas — Anderson; Aycock; Bohac; Branch; Brown, B.; Button; Cook; Crabb; Creighton; Crownover; Darby; Eissler; Fletcher; Hardcastle; Harless; Hartnett; Howard, C.; Howard, D.; Isett; Jackson; Jones; Keffer; Kent; Legler; Madden; McCall; Miller, D.; Morrison; Orr; Otto; Parker; Patrick; Phillips; Riddle; Rose; Sheffield; Shelton; Smith, W.; Solomons; Taylor; Truitt; Woolley.

Nays — Allen; Alonzo; Alvarado; Anchia; Berman; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Cohen; Coleman; Corte; Craddick; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Elkins; England; Farabee; Farias; Farrar; Flores; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Heflin; Hernandez; Herrero; Hilderbran; Hodge; Homer; Hopson; Hughes; Hunter; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Leibowitz; Lucio; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Miklos; Miller, S.; Moody; Naishtat; Olivo; Ortiz; Paxton; Peña; Pickett; Pierson; Quintanilla; Raymond; Rios Ybarra; Ritter; Rodriguez; Smith, T.; Smithee; Strama; Swinford; Thibaut; Thompson; Turner, C.; Turner, S.; Vaught; Veasey; Vo; Walle; Weber; Zerwas.

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

Absent, Excused — Bolton; Gattis; Oliveira.

Absent, Excused, Committee Meeting — Hochberg; Pitts.

Absent — Christian; Flynn; Harper-Brown; King, P.; Lewis; Merritt; Villarreal.

Amendment No. 1 was adopted.

CSHB 3276, as amended, was passed to engrossment. (Laubenberg recorded voting no.)

LEAVE OF ABSENCE GRANTED

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

Castro on motion of Ortiz.

**GENERAL STATE CALENDAR
(consideration continued)**

**CSHB 1533 ON SECOND READING
(by Burnam, Truitt, and Veasey)**

CSHB 1533, A bill to be entitled An Act relating to notice of applications for permits to drill certain gas wells.

Amendment No. 1

Representative Burnam offered the following amendment to **CSHB 1533**:

Amend **CSHB 1533** (House Committee printing) by adding the following on page 2, between lines 15 and 16:

"(d) Notice provided to a public official under this section does not create additional legal standing to contest a permit to drill a gas well."

Amendment No. 1 was adopted.

CSHB 1533 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE TRUITT: Mr. Burnam, is this bill bracketed to the Barnett Shale?

REPRESENTATIVE BURNAM: Yes.

TRUITT: Mr. Burnam, do we get a lot of calls and questions regarding drilling activity in the Barnett Shale in our districts?

BURNAM: Almost constant, and in the last six years, there's been over a 500 percent increase in condemnation proceedings due to these drillings. People have lots of questions, and we're just better off as elected officials—the legislators, the city council members, the county commissioners—knowing what's going on in advance rather than by surprise.

TRUITT: So the purpose of this bill is simply to inform us of the activity?

BURNAM: That's right.

TRUITT: Now, does this bill interfere in any way whatsoever with the process of permitting?

BURNAM: No, it does not slow the permitting process down one iota.

TRUITT: Mr. Burnam, is it your intent that this bill would enable those noticed in this bill to stall or delay the permitting process in any way whatsoever?

BURNAM: That is not the original intent of the bill and the amendment clarifies that.

TRUITT: Is it the intent now of the bill?

BURNAM: No, the bill that's before you and the amendment that is before you clarifies the original intent.

TRUITT: That this bill will not stall or delay the permitting process?

BURNAM: That is correct. It simply provides notice to certain elected officials in the Barnett Shale of activity in their districts.

REMARKS ORDERED PRINTED

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

The motion prevailed.

(Speaker in the chair)

The vote of the house was taken on the passage to engrossment of **CSHB 1533**, as amended, and the vote was announced yeas 67, nays 71.

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 617): 72 Yeas, 70 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Burnam; Chavez; Cohen; Coleman; Crabb; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; England; Farabee; Farias; Farrar; Flores; Frost; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Harless; Heflin; Hernandez; Herrero; Hodge; Hopson; Howard, D.; Keffer; Kent; Leibowitz; Lucio; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miklos; Moody; Naishtat; Olivo; Orr; Ortiz; Parker; Patrick; Pickett; Pierson; Quintanilla; Raymond; Rios Ybarra; Rodriguez; Smith, T.; Strama; Thibaut; Thompson; Truitt; 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; Eissler; Elkins; Fletcher; Flynn; Geren; Hamilton; Hancock; Hardcastle; Harper-Brown; Hartnett; Hilderbran; Homer; Howard, C.; Hughes; Hunter; Isett; Jackson; Jones; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Madden; McCall; McReynolds; Merritt; Miller, D.; Miller, S.; Morrison; Otto; Paxton; Peña; Phillips; Riddle; Ritter; Rose; Sheffield; Shelton; Smith, W.; Smithee; Solomons; Swinford; Taylor; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bolton; Castro; Gattis; Oliveira.

Absent, Excused, Committee Meeting — Hochberg; Pitts.

Absent — Lewis.

The speaker stated that **CSHB 1533**, as amended, was passed to engrossment by the above vote.

PARLIAMENTARY INQUIRY

REPRESENTATIVE DUNNAM: We have a process by which you temporarily strike someone's name, and then after all the roll has been called, the chair calls a member's name several times. If they do not respond, their name is struck. After that, how much longer are we going to give people who have been struck—not temporarily struck, but struck—to get here and be verified? I'd just like to know how much time, because this is not "temporarily strike" their name, this is, you've called the whole roll, both the ayes and the nays, we've temporarily struck people, we go back, we call their names again, and the speaker announced your name has been struck. Now how much longer after that happens are we going to allow people to add their name? I just want to know.

SPEAKER STRAUS: Mr. Dunnam, it's at the chair's discretion. If I think somebody's really trying to get here and they came in the door like Mr. Howard did just shortly after we walked over to the table, I'd verify Mr. Howard.

DUNNAM: So after you've struck people's names, the chair can add them back at the chair's discretion?

SPEAKER: If I see that a member was making an effort to get here and it was that close, yes, sir.

REMARKS ORDERED PRINTED

Representative Dunnam moved to print remarks between Speaker Straus and Representative Dunnam.

The motion prevailed.

**CSHB 2649 ON SECOND READING
(by W. Smith and Callegari)**

CSHB 2649, A bill to be entitled An Act relating to the regulation and practice of engineering.

Amendment No. 1

Representative W. Smith offered the following amendment to **CSHB 2649**:

Amend **CSHB 2649** (house committee report) by striking page 1, lines 8 through 16, and substituting the following:

(1) providing inspection services necessary to comply with windstorm certification standards for a residential dwelling under Subchapter F, Chapter 2210, Insurance Code; or

(2) constructing, enlarging, altering, or repairing, or drawing plans or specifications for, a residential dwelling slab located on expansive soil that meets the expansive soil classification provisions of the International Residential Code as applied in the jurisdiction in which the residential dwelling is located, unless the construction, enlargement, alteration, repair, or drawing of plans or specifications meets the International Residential Code requirements as applied in the jurisdiction in which the residential dwelling is located.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Callegari offered the following amendment to **CSHB 2649**:

Amend **CSHB 2649** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 1001.401, Occupations Code, is amended by adding Subsection (e) to read as follows:

(e) A license holder shall not be required to provide or hold any additional certification, other than a license issued under this chapter, to seal a plan, specification, plat, or report.

Amendment No. 2 was adopted.

Amendment No. 3

Representative Callegari offered the following amendment to **CSHB 2649**:

Amend **CSHB 2649** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 1001.401, Occupations Code, is amended by adding Subsection (e) to read as follows:

(e) A license holder shall not be required to provide or hold any additional certification, other than a license issued under this chapter, to seal a plan, specification, plat, or report.

Amendment No. 3 was withdrawn.

CSHB 2649, as amended, was passed to engrossment.

CSHB 1935 ON SECOND READING

(by Villarreal, Guillen, Rodriguez, Chavez, and Flores)

CSHB 1935, A bill to be entitled An Act relating to the establishment of the Texas Adult Career Education Grant Program to support community-based initiatives that assist unemployed and underemployed adults in receiving postsecondary education necessary to obtain employment in local, high-demand occupations.

Amendment No. 1

Representative Villarreal offered the following amendment to **CSHB 1935**:

Amend **CSHB 1935** (house committee printing) by striking everything below the enacting clause and substituting the following:

SECTION 1. Chapter 403, Government Code, is amended by adding Subchapter O to read as follows:

SUBCHAPTER O. JOBS AND EDUCATION FOR TEXANS (JET) GRANT PROGRAM

Sec. 403.351. DEFINITIONS. In this subchapter:

(1) "Nonprofit organization" means an organization exempt from federal income taxation under Section 501(a), Internal Revenue Code of 1986, as an organization described by Section 501(c)(3) of that code.

(2) "Public junior college," "public state college," and "public technical institute" have the meanings assigned by Section 61.003, Education Code.

Sec. 403.352. JOBS AND EDUCATION FOR TEXANS (JET) FUND. (a) The comptroller shall establish and administer the Jobs and Education for Texans (JET) fund as a dedicated account in the general revenue fund.

(b) The following amounts shall be deposited in the fund:

(1) any amounts appropriated by the legislature for the fund for purposes of this subchapter;

(2) interest earned on the investment of money in the fund; and

(3) gifts, grants, and other donations received for the fund.

Sec. 403.353. ADVISORY BOARD. (a) An advisory board of education and workforce stakeholders is created to assist the comptroller in administering this subchapter.

(b) The advisory board is composed of seven members who serve two-year terms and are appointed as follows:

(1) one member appointed by the governor;

(2) one member appointed by the lieutenant governor;

(3) one member appointed by the speaker of the house of representatives;

(4) one member appointed by the Texas Higher Education Coordinating Board;

(5) one member appointed by the Texas Workforce Commission;

(6) one member of the public appointed by the comptroller; and

(7) the comptroller, who serves as the presiding officer.

(c) The advisory board shall meet at least once each quarter to review received applications and recommend awarding grants under this subchapter.

Sec. 403.354. JOBS AND EDUCATION FOR TEXANS (JET) GRANT PROGRAM. The comptroller shall establish and administer the Jobs and Education for Texans (JET) grant program to provide grants to public junior colleges, public technical institutes, and eligible nonprofit organizations that apply to the advisory board in the manner prescribed by the advisory board. The comptroller shall award the grants on the advice and recommendations of the advisory board. Grants may be awarded under this subchapter from the JET fund for the following purposes:

(1) to develop, support, or expand programs of nonprofit organizations that meet the requirements of Section 403.355 and that prepare low-income students for careers in high-demand occupations;

(2) to defray the startup costs associated with the development of new career and technical education programs at public junior colleges and public technical institutes that meet the requirements of Section 403.356; and

(3) to provide scholarships for students in career and technical education programs who meet the requirements of Section 403.357.

Sec. 403.355. GRANTS TO NONPROFIT ORGANIZATIONS FOR INNOVATIVE AND SUCCESSFUL PROGRAMS. (a) The comptroller may award a grant to a nonprofit organization eligible under Subsection (b) for the development, support, or expansion of programs to prepare low-income students for careers in high-demand occupations.

(b) To be eligible to receive a grant under this section, a nonprofit organization must:

(1) provide a program to offer assistance to low-income students in preparing for, applying to, and enrolling in a public junior college or public technical institute;

(2) be governed by a board or other governing structure that includes recognized leaders of broad-based community organizations and members of the local business community;

(3) demonstrate to the satisfaction of the advisory board that the organization's program has achieved or will achieve the following measures of success among program participants, to the extent applicable to the type of program the organization provides:

(A) above average completion of developmental education among participating public junior college or public technical institute students;

(B) above average persistence rates among participating public junior college or public technical institute students;

(C) above average certificate or degree completion rates by participating students within a three-year period compared to demographically comparable public junior college and public technical institute students; and

(D) employment of participating students at an average full-time starting wage that is equal to or greater than the prevailing wage for the occupation entered; and

(4) provide matching funds in accordance with rules adopted under Section 403.358.

(c) The matching funds required under Subsection (b)(4) may be obtained from any source available to the nonprofit organization, including in-kind contributions, community or foundation grants, individual contributions, and local governmental agency operating funds.

(d) Grants awarded under this section must be awarded in a manner that takes a balanced geographical distribution into consideration.

Sec. 403.356. GRANTS TO EDUCATIONAL INSTITUTIONS FOR CAREER AND TECHNICAL EDUCATION PROGRAMS. (a) The comptroller may award a grant for the development of new career and technical education courses or programs at public junior colleges and public technical institutes.

(b) A grant received under this section may be used only:

(1) to support courses or programs that prepare students for career employment in occupations that are identified by local businesses as being in high demand;

(2) to finance initial costs of career and technical education course or program development, including the costs of constructing or renovating facilities, purchasing equipment, and other expenses associated with the development of a new course; and

(3) to finance a career and technical education course or program that leads to a license, certificate, or postsecondary degree.

(c) In awarding a grant under this section, the comptroller shall primarily consider the potential economic returns to the state from the development of the career and technical education course or program. The comptroller may also consider whether the course or program:

(1) is part of a new, emerging industry or high-demand occupation;

(2) offers new or expanded dual credit career and technical educational opportunities in public high schools; or

(3) is provided in cooperation with other public junior colleges or public technical institutes across existing service areas.

(d) To be eligible to receive a grant under this section, a public junior college or public technical institute must provide matching funds in accordance with rules adopted under Section 403.358. The matching funds may be obtained from any source available to the college, including in-kind contributions, industry consortia, community or foundation grants, individual contributions, and local governmental agency operating funds.

Sec. 403.357. SCHOLARSHIPS. (a) The comptroller may award a scholarship to a public junior college or public technical institute student.

(b) To be eligible to receive a scholarship under this section, a student must:

(1) demonstrate financial need; and

(2) be enrolled in a training program for a high-demand occupation, as determined by the comptroller on the recommendation of the advisory board.

Sec. 403.358. RULES. The comptroller shall adopt rules as necessary for the administration of this subchapter.

Sec. 403.359. STUDY. (a) The comptroller shall conduct a study of the feasibility of:

(1) basing a portion of all public postsecondary technical training program funding on the economic benefit of the program to the state; and

(2) for purposes of Subdivision (1), estimating the amount of any additional tax revenue generated by employers that results from the ability of public junior colleges, public state colleges, or public technical institutes to prepare students for employment fields for which there is employer demand.

(b) The comptroller shall begin the study not later than January 1, 2010. Not later than January 1, 2011, the comptroller shall make recommendations to the lieutenant governor and the speaker of the house of representatives for legislative action based on the results of the study.

(c) This section expires September 1, 2011.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.

Amendment No. 1 was adopted.

Amendment No. 2

Representative C. Turner offered the following amendment to **CSHB 1935**:

Amend **CSHB 1935** (house committee printing) on page 3, between lines 10 and 11, by inserting the following:

(c-1) In determining which eligible nonprofit organizations should be awarded a grant under this section among two or more eligible nonprofit organizations offering similar programs, the comptroller shall give priority to any of those organizations that has an existing program in place to assist veterans.

Amendment No. 2 was adopted.

Amendment No. 3

Representative Berman offered the following amendment to **CSHB 1935**:

Amend **CSHB 1935** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Grants provided through the Texas Adult Career Education Grant Program established under Section 403.351, Government Code, as added by this Act may only benefit a permanent legal resident or citizen of the United States.

Amendment No. 3 was adopted. (Thompson recorded voting no.)

CSHB 1935, as amended, was passed to engrossment. (Christian, Fletcher, Flynn, Phillips, Riddle, and Shelton recorded voting no.)

FIVE-DAY POSTING RULE SUSPENDED

Representative Gallego moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Criminal Jurisprudence to consider **SB 727**, **SB 1173**, **SB 1377**, **SB 1529**, **SB 1557**, **SB 1710**, **SB 1774**, **SB 2225**, and the posted agenda.

The motion prevailed.

Representative Hughes moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Judiciary and Civil Jurisprudence to consider **HB 4833**.

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 **HJR 119**, **SB 921**, and **SB 2298**.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Public Education, 8:30 a.m. tomorrow, 3W.9, for a formal meeting, to consider pending business.

Calendars, 10 p.m. today, 2W.6, for a formal meeting, to consider the calendar.

Judiciary and Civil Jurisprudence, upon final recess today, E2.018, for a public hearing, to consider **HB 4833** and pending business.

State Affairs, upon final recess today, Desk 7, for a formal meeting, to consider **HJR 119**, **SB 921**, and **SB 2298**.

Criminal Jurisprudence, upon final recess today, E2.028, for a public hearing, to consider **SB 727**, **SB 1173**, **SB 1377**, **SB 1529**, **SB 1557**, **SB 1710**, **SB 1774**, **SB 2225**, and posted business.

(Crownover in the chair)

RECESS

Representative Rodriguez moved that the house recess until 10 a.m. tomorrow in memory of Hannah Kiely of Wimberley.

The motion prevailed.

The house accordingly, at 9:38 p.m., recessed until 10 a.m. tomorrow.

ADDENDUM

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 25

HB 401, **HB 609**, **HB 1974**, **HB 2058**

Senate List No. 24

SB 347, **SB 778**

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 1

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Wednesday, May 6, 2009

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 328 Heflin SPONSOR: Seliger
Relating to abolishing the office of inspector of hides and animals.

HB 2310 Kuempel SPONSOR: Williams
Relating to the powers and duties of the Texas Department of Licensing and Regulation, including the power to issue emergency orders and temporary and emergency licenses.
(Committee Substitute/Amended)

HCR 205 Pena SPONSOR: Hinojosa
Congratulating Dr. Larry N. Balli on the 24th anniversary of his Edinburg dental practice.

THE SENATE HAS CONCURRED IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 43 (31 Yeas, 0 Nays)

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Wednesday, May 6, 2009 - 2

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 63 Zaffirini
Relating to a career ladder for interveners who provide services under the deaf-blind with multiple disabilities waiver program.

SB 841 Averitt
Relating to the child health plan program.

SB 1088 Shapleigh
Relating to the use of food stamp benefits at farmers markets.

SB 1176 Patrick, Dan
Relating to the punishment prescribed for the offense of evading arrest or detention.

SB 1497 Williams
Relating to binding arbitration of certain appraisal review board orders.

SB 1646 Van de Putte
Relating to the creation of the Council on Children and Families and the Children's Behavioral Health Council.

SB 1668 Nichols
Relating to application requirements and performance standards for agricultural biomass and landfill diversion incentive grants.

SB 1804 Zaffirini
Relating to medical assistance reimbursement for wheeled mobility systems for recipients of medical assistance.

SB 1853 Van de Putte
Relating to disciplinary actions regarding a pharmacy technician or pharmacy technician trainee.

SB 1858 West
Relating to the disclosure of criminal history record information regarding public school employees.

SB 1871 Hegar
Relating to the management of volunteer and other noncommercial cotton in pest management zones.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Wednesday, May 6, 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:

SB 646 Van de Putte
Relating to a study regarding the confidentiality of prescription information; providing a civil penalty.

SB 815

Watson

Relating to consumer labeling requirements for and the provision of certain information concerning health benefit plans; providing penalties.

SB 1266

Watson

Relating to erecting an off-premise sign adjacent to and visible from State Highway 71 between the western city limits of the city of Austin and State Highway 16.

SB 1318

Wentworth

Relating to erecting an off-premise sign adjacent to and visible from State Highway 46 or from Farm-to-Market Road 306, 2722, 2673, 3009, 3159, or 1863 in Comal County.

SB 1429

Williams

Relating to tax credits for business development in low-income communities.

SB 1844

Van de Putte

Relating to revenue received from the provision of pay telephone service to inmates confined in facilities operated by the Texas Department of Criminal Justice.

SB 2182

Shapleigh

Relating to an environmental service fee at public institutions of higher education.

SB 2438

Uresti

Relating to imposing a duty on a sheriff to report certain warrant or capias information to a national database.

SB 2473

Patrick, Dan

Relating to the creation of the Harris County Improvement District No. 13; providing authority to impose an assessment, impose a tax, and issue bonds.

SB 2556

Huffman

Relating to the confidentiality of information pertaining to certain biological agents and toxins.

Respectfully,

Patsy Spaw

Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

May 5

Appropriations - **HJR 37**

Business and Industry - **HB 24, HB 4115, HB 4371, HB 4372, HB 4526, SB 235**

Corrections - **SB 58, SB 1811**

Criminal Jurisprudence - **HB 4456**

Culture, Recreation, and Tourism - **HB 3109**

Defense and Veterans' Affairs - **HB 1165, HB 3936, HJR 127, SB 833, SB 847**

Environmental Regulation - **SB 1080**

Higher Education - **HB 330, HB 4075, HB 4189, SB 98**

Human Services - **HB 1170, HB 4562**

Insurance - **HB 2453, HB 3264**

Judiciary and Civil Jurisprudence - **HB 1898, HB 3091, HB 3324, HB 3488, HB 4097, HB 4440, HCR 161**

Land and Resource Management - **HJR 14**

Licensing and Administrative Procedures - **HB 3982, HJR 137**

Pensions, Investments, and Financial Services - **HB 648, HB 1344, HB 2026, HB 3659**

Public Education - **HB 172, HB 315, HB 3220**

Public Health - **HB 1392, HB 1795, HB 2712, HB 3739, HB 4401**

Public Safety - **HB 1278, HB 2286, HB 2998, HB 3490, HB 4108, HB 4531, SB 730**

State Affairs - **HB 3633**

Technology, Economic Development, and Workforce - **SB 2052**

Urban Affairs - **HB 563**

Ways and Means - **HB 2459, HB 2828, HB 2941, HB 3131, HB 3425, HB 3965, HB 4040, HB 4752, HB 4755**

ENGROSSED

May 5 - HB 434, HB 461, HB 469, HB 871, HB 1030, HB 1111, HB 1112, HB 1113, HB 1187, HB 1285, HB 1320, HB 1569, HB 1730, HB 1925, HB 1997, HB 2022, HB 2090, HB 2214, HB 2349, HB 2467, HB 2582, HB 2665, HB 2685, HB 2772, HB 2788, HB 2845, HB 2927, HB 3001, HB 3072, HB 3881, HB 4376, HB 4713, HB 4723, HB 4728, HB 4748, HB 4760, HB 4762, HB 4765, HB 4779

ENROLLED

May 5 - HB 806, HB 2433

SIGNED BY THE GOVERNOR

May 5 - HB 2457, HB 2594

