

HOUSE JOURNAL

EIGHTY-FIRST LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SIXTY-SEVENTH DAY — FRIDAY, MAY 8, 2009

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

The roll of the house was called and a quorum was announced present (Record 672).

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

Absent, Excused — Kolkhorst; Otto.

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

The invocation was offered by Dr. Dennis W. Young, pastor, Missouri City Baptist Church, Missouri City, as follows:

God of mercy, God of grace, God of love, God of patience, God of hope, God of joy, and God of peace, we are truly thankful that you have protected us throughout the night and have allowed us to see another beautiful day. Today, we come offering a special intercessory prayer for the Texas House of Representatives. We pray your blessing on every member of the house, and ask that you will endow each one with the wisdom, knowledge, and understanding needed to perform his or her task well. We pray that every decision made today would be led and directed by you.

God, we are currently experiencing difficult economic times and in our humanism we have difficulty resolving them. Lord, we place the economic situation in your hands, recognizing that you are the chief economist and that you have the plans in place to bring about economic prosperity. You say if we ask, believing, it will be done; so we ask, we believe, and we claim the victory. Lord, we ask that you would say a word to those who are distressed, discouraged, depressed, or downcast because of loss of jobs or anticipated loss of jobs, loss of their homes, loss of courage, or loss of hope.

God, we pray for the State of Texas and everyone who lives therein. We pray for the governor, the mayors, the law enforcement officers, and all who are tasked with leading our state. We pray that you would direct our leaders in every decision they make, and that they will rely on you in good times as well as in bad times. We pray that they would always rely on you, realizing that you are the source of their strength.

God, we pray for our country. We are mindful of how privileged we are to live in a free country. We pray that you will bless our national leaders, and we ask that everything they say and do would be led and influenced by you. We ask that you continue to bless us, guide us, lead us, and protect us. We ask all these things in the name of the Father, in the name of the Son, and in the name of the Holy Ghost. Amen.

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

CAPITOL PHYSICIAN

The speaker recognized Representative D. Howard who presented Dr. Maureen Swenson of Austin as the "Doctor for the Day."

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

LEAVES OF ABSENCE GRANTED

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

Hochberg on motion of Deshotel.

McClendon on motion of Deshotel.

Pitts on motion of Deshotel.

Raymond on motion of Deshotel.

Zerwas on motion of Deshotel.

The following members were granted leaves of absence for today because of important business in the district:

Kolkhorst on motion of Hamilton.

Otto on motion of Orr.

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

Branch on motion of Parker.

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. 27).

LEAVE OF ABSENCE GRANTED

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

Bolton on motion of Allen.

UNFINISHED BUSINESS

The following bill was laid before the house as unfinished business:

CSHB 300 ON SECOND READING (by Isett, Pickett, and Harper-Brown)

CSHB 300, A bill to be entitled An Act relating to the continuation and functions of the Texas Department of Transportation, including the governance of the department and the transfer of certain functions of the department to the Texas Department of Motor Vehicles and the office of the governor; providing penalties.

CSHB 300 was read second time on May 7, and 106 amendments were offered and disposed of before that day's final adjournment.

Amendment No. 107

Representative Pickett offered the following amendment to **CSHB 300**:
Floor Packet Page No. 209

Amend **CSHB 300** by adding the following appropriately numbered ARTICLE and renumbering subsequent ARTICLES accordingly:

ARTICLE ____ . COUNTY ROAD AND BRIDGE FUND

SECTION ____ .01. Section 256.001, Transportation Code, is amended to read as follows:

Sec. 256.001. USE OF COUNTY ROAD AND BRIDGE FUND. (a) Except as otherwise provided by law, [Money] money in the road and bridge fund of a county may be used only for:

(1) working public roads or building bridges;
(2) purchasing right-of-way for public roads or bridges; or
(3) constructing and maintaining public roads or bridges, including the hiring of labor and the purchase of materials, supplies, and equipment [except as otherwise provided by law].

(b) Money in the fund may be spent only by order of the commissioners court of the county. The court may make the necessary orders for using the money for the purposes provided by this section.

(1) The commissioners court, in spending the vehicle registration fees for county road purposes, shall regard the roads and highways of the county as a system to be built, improved and maintained as a whole to the best interests and welfare of all the people of the county and of all the precincts of the county.

Amendment No. 107 was adopted.

(McClendon now present)

Amendment No. 108

Representative Pickett offered the following amendment to **CSHB 300**:
Floor Packet Page No. 174

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

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

ARTICLE ____ . TOLL PROJECT ENTITIES

SECTION ____ .01. Subchapter A, Chapter 284, Transportation Code, is amended by adding Section 284.014 to read as follows:

Sec. 284.014. SUNSET PROVISION. The authority granted to a county under this chapter is abolished September 1, 2013, unless continued by the legislature.

SECTION ____ .02. Subchapter B, Chapter 366, Transportation Code, is amended by adding Section 366.039 to read as follows:

Sec. 366.039. SUNSET PROVISION. A regional tollway authority created or established under this chapter, including an entity established as a regional tollway authority under Chapter 1171 (SB 370), Acts of the 75th Legislature, Regular Session, 1997, is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the authority is abolished September 1, 2013.

SECTION ____ .03. Subchapter B, Chapter 370, Transportation Code, is amended by adding Section 370.0314 to read as follows:

Sec. 370.0314. SUNSET PROVISION. A regional mobility authority created under this chapter or prior law is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the authority is abolished September 1, 2013.

SECTION ____ .04. Chapter 371, Transportation Code, as added by Chapters 103 (**HB 570**) and 258 (**SB 11**), Acts of the 80th Legislature, Regular Session, 2007, is reenacted, redesignated as Chapter 372, Transportation Code, and amended to read as follows:

CHAPTER 372 [~~371~~]. PROVISIONS APPLICABLE TO MORE THAN ONE
TYPE OF TOLL PROJECT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 372.001 [~~371.001~~]. DEFINITIONS. In this chapter:

(1) "Toll project" means a toll project described by Section 201.001(b), regardless of whether the toll project:

(A) is a part of the state highway system; or

(B) is subject to the jurisdiction of the department.

(2) "Toll project entity" means an entity authorized by law to acquire, design, construct, finance, operate, and maintain a toll project, including:

- (A) the department under Chapter 227 or 228;
- (B) a regional tollway authority under Chapter 366;
- (C) a regional mobility authority under Chapter 370; or
- (D) a county under Chapter 284.

(3) "Local toll project entity" means a toll project entity other than the department.

SUBCHAPTER B. TOLL PROJECT OPERATION

Sec. 372.051 [~~371.051~~]. USE OF MOTOR VEHICLE REGISTRATION OR LICENSE PLATE INFORMATION. (a) A toll project entity may not use motor vehicle registration or other information derived from a license plate on a vehicle using a toll project, including information obtained by the use of automated enforcement technology described by Section 228.058, for purposes other than those related to:

(1) toll collection and toll collection enforcement; and

(2) law enforcement purposes on request by a law enforcement agency [~~subject to Section 228.058(d)~~].

(b) If a toll project entity enters into an agreement with an entity in another state that involves the exchange of motor vehicle registration or license plate information for toll collection or toll collection enforcement purposes, the agreement must provide that the information may not be used for purposes other than those described in Subsection (a).

Sec. 372.052 [~~371.001~~]. VEHICLES USED BY NONPROFIT DISASTER RELIEF ORGANIZATIONS. [~~(a) In this section:~~

(1) "Toll project" means a toll project described by Section 201.001(b), regardless of whether the toll project is:

~~[(A) a part of the state highway system; or~~

~~[(B) subject to the jurisdiction of the department.~~

(2) "Toll project entity" means an entity authorized by law to acquire, design, construct, finance, operate, and maintain a toll project, including:

~~[(A) the department under Chapter 227 or 228;~~

~~[(B) a regional tollway authority under Chapter 366;~~

~~[(C) a regional mobility authority under Chapter 370; or~~

~~[(D) a county under Chapter 284.~~

~~[(b)]~~ A toll project entity may not require a vehicle registered under Section 502.203 to pay a toll for the use of a toll project.

[Sections 372.053-372.100 reserved for expansion]

SUBCHAPTER C. CONSTRUCTION, IMPROVEMENT, AND MAINTENANCE

Sec. 372.101. EXPENDITURES FOR TOLL PROJECT LANDSCAPING.

(a) For each contract for a toll project that is located in an area designated by the United States Environmental Protection Agency as a nonattainment or near-nonattainment area under Section 107(d) of the federal Clean Air Act (42 U.S.C. Section 7407), the toll project entity shall allocate to the district or districts in which the project is to be located an amount equal to one-half of one

percent of the total amount to be spent under the contract for construction, maintenance, and improvement of the project to be used for landscaping improvements for the project or other projects in the district or districts.

(b) Landscaping improvements may include:

(1) planting indigenous or adapted trees and other plants that are suitable for the climate in the area; and

(2) preparing the soil and installing irrigation systems for the growth of trees and plants.

[Sections 372.102-372.150 reserved for expansion]

SUBCHAPTER D. LOCAL TOLL PROJECT ENTITY PROVISIONS

Sec. 372.151. AUDITS. The books and records of a local toll project entity for which the entity uses state highway right-of-way are subject to audit by the department and the state auditor.

Sec. 372.152. CONTRACTOR CONTRIBUTIONS PROHIBITED. A person who enters into or submits a proposal for a contract with a local toll project entity under this chapter or Chapter 228, 284, 366, or 370 may not make a political contribution to a person who is a member of the governing body of a local toll project entity.

Sec. 372.153. PROHIBITED ACTS OF LOCAL TOLL PROJECT ENTITIES AND INDIVIDUALS. (a) A local toll project entity may not use any money under its control to finance or otherwise support the candidacy of a person for an office in the legislative, executive, or judicial branch of state government or of the government of the United States. This prohibition extends to the direct or indirect employment of a person to perform an action described by this subsection.

(b) A board member or employee may not use a motor vehicle owned or leased by the local toll project entity for a purpose described by Subsection (a).

(c) A board member or employee may not use official authority or influence or permit the use of a program administered by the local toll project entity of which the person is an officer or employee to interfere with or affect the result of an election or nomination of a candidate or to achieve any other political purpose.

(d) A local toll project entity board member or employee may not coerce, attempt to coerce, or command the payment, loan, or contribution of any thing of value to a person or political organization for a political purpose or restrict, attempt to restrict, or prevent such a payment, loan, or contribution.

(e) For purposes of Subsection (c), a board member or employee does not interfere with or affect the results of an election or nomination if the individual's conduct is not prohibited by a law relating to the individual's office or employment and is not otherwise prohibited by law.

Sec. 372.154. EMPLOYMENT OF LOBBYIST. (a) A local toll project entity may not use any money under its control to employ, as a regular full-time or part-time or contract employee, a person who is required by Chapter 305, Government Code, to register as a lobbyist.

(b) A local toll project entity may not use any money under its control to pay, on behalf of the entity or a board member or employee of the entity, membership dues to an organization that pays part or all of the salary of a person who is required by Chapter 305, Government Code, to register as a lobbyist.

(c) A local toll project entity that violates this section is not eligible to receive additional state funds or exercise any right of primacy for a toll road granted by the legislature to develop, finance, construct, and operate a project.

Sec. 372.155. LEGISLATIVE LOBBYING. (a) A local toll project entity may not use any money under its control to attempt to influence the passage or defeat of a legislative measure.

(b) This section does not prohibit a board member or employee from using the entity's resources to provide public information or to provide information responsive to a request.

(c) A local toll project entity that violates this section is not eligible to receive additional state funds or exercise any right of primacy for a toll road granted by the legislature to develop, finance, construct, and operate a project.

Sec. 372.156. TERMINATION OF EMPLOYMENT. A local toll project entity board member or employee who causes an employee to be discharged, demoted, or otherwise discriminated against for providing information under Section 372.155(b) or who violates Section 372.153(c) or (d) is subject to immediate termination of employment.

Sec. 372.157. COMPENSATION PROHIBITION. A local toll project entity may not use any money under its control to compensate a board member or employee who violates Section 372.153 or who causes or assists in the violation of Section 372.154 or 372.155(a), or an employee who is subject to termination under Section 372.156.

Sec. 372.158. ADVISORS, CONSULTANTS, AUDITORS, AND OTHER EXPERTS. A person may not serve as a consultant, or advisor, auditor, or other expert in connection with a contract of a local toll project entity if the person or the person's affiliates have a financial interest in the contract.

Sec. 372.159. NOTICE OF PROHIBITIONS. (a) A local toll project entity shall deliver to each board member and employee of the entity a copy of Sections 372.153, 372.154, 372.155, 372.156, 372.157, and 372.158 and require a signed receipt on delivery. A new copy and receipt are required if one of those provisions is changed.

(b) A local toll project entity shall maintain receipts collected from current board members and employees under this section in a manner accessible for public inspection.

Sec. 372.160. TOLL PROJECT INFORMATION. (a) A local toll project entity may, notwithstanding Chapter 2113, Government Code, engage in marketing, advertising, and other activities to provide information relating to the status of pending or ongoing toll projects and may enter into contracts or agreements necessary to procure marketing, advertising, or informational services from outside service providers.

(b) This section does not authorize a local toll project entity to engage in marketing, advertising, or other activities for the purpose of influencing public opinion about the use of toll roads or the use of tolls as a financial mechanism.

Sec. 372.161. TERMINOLOGY FOR COUNTIES ACTING UNDER CHAPTER 284. For the application of this subchapter to a county acting under Chapter 284, a reference to a board member of a local toll project entity means a county commissioner of the county and a reference to administrative head of a local toll project entity means the county judge of the county.

SECTION _____.05. The following sections of the Transportation Code are repealed:

- (1) Section 228.004;
 - (2) Section 284.072;
 - (3) Section 366.181; and
 - (4) Section 370.180.
- (2) Strike SECTION 7.02 of the bill (page 104, lines 5-24).

Amendment No. 109

Representative Pickett offered the following amendment to Amendment No. 108:

Amend the Pickett amendment to **CSHB 300** as follows:

(1) Strike added Section 372.160, Transportation Code (page 7, lines 7-17), and substitute the following:

"Sec. 372.160. TOLL PROJECT INFORMATION. (a) A local toll project entity may, notwithstanding Chapter 2113, Government Code, engage in marketing, advertising, and other activities to provide information relating to pending or operating toll projects, including providing information concerning the methods of paying and collecting tolls, and may enter into contracts or agreements necessary to procure marketing, advertising, or informational services from outside service providers.

(b) This section does not authorize a local toll project entity to engage in marketing, advertising, or other activities for the purpose of influencing public opinion about the use of toll roads or the use of tolls as a financing mechanism."

(2) Insert the following appropriately numbered section in the bill and renumber the remaining sections of the bill appropriately:

SECTION _____.____. Section 372.160, Transportation Code, as added by this Act, applies only to a contract or agreement entered into or renewed by a local toll project entity on or after the effective date of this Act. A contract or agreement entered into or renewed 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. 109 was adopted.

Amendment No. 110

Representatives Pickett and Solomons offered the following amendment to Amendment No. 108:

Amend the Pickett amendment (page 174 of the amendment packet) to **CSHB 300** as follows:

On page 1, strike lines 2 through 25.

Amendment No. 110 was adopted.

(Homer in the chair)

Amendment No. 111

Representative Paxton offered the following amendment to Amendment No. 108:

Amend Amendment No. 108 to **CSHB 300** by Pickett (page 174 of the pre-filed amendment packet) as follows:

(1) On page 1, line 11, strike "Section 366.039" and substitute "Sections 366.039, 366.040, and 366.041".

(2) On page 1, between lines 18 and 19, insert:

Sec. 366.040. ANNUAL AUDIT. A regional tollway authority described by Section 366.039 is subject to annual audit by the State Auditor's Office.

Sec. 366.041. ELECTRONIC CHECKING ACCOUNT TRANSACTION REGISTER. (a) This section applies only to a regional tollway authority described by Section 366.039 located in a county with a population of 250,000 or more.

(b) The regional tollway authority shall designate a person to maintain the transaction register for the authority's checking account in a searchable electronic spreadsheet format, such as a portable document format (PDF) or similar file type, in which the transaction register is readily available for purposes of Subsection (d). Except as provided by Subsection (c), the electronic checking account transaction register must include for each check written from the authority's account:

(1) the transaction amount;

(2) the name of the payee; and

(3) a statement of the purpose of the expenditure for which the check was written.

(b-1) Notwithstanding Subsection (b), beginning September 1, 2010, a regional tollway authority's checking account transaction register must contain the information required by Subsections (b)(1) and (2) for each check dated on or after August 1, 2010. Beginning September 1, 2011, an authority's electronic checking account transaction register must contain the information required by Subsections (b)(1) through (3) for each check dated on or after August 1, 2011. This subsection expires October 1, 2011.

(c) A regional tollway authority may not include in the authority's electronic checking account transaction register a check issued to an authority employee in payment of:

(1) salary, wages, or an employment stipend; or

(2) a workers' compensation income benefit, medical benefit, death benefit, or burial benefit that is issued by a county operating as a self-insurer under Chapter 504, Labor Code.

(d) A regional tollway authority shall post the electronic checking account transaction register at all times on the authority's Internet website for viewing and downloading by interested persons. The authority may not charge a fee to a person who views or downloads the electronic checking account transaction register under this subsection.

(e) A regional tollway authority shall:

(1) update the electronic checking account transaction register at least once each month, not later than the 30th day after the closing date of the most recent monthly statement for the checking account; and

(2) maintain each transaction or listing in the electronic checking account transaction register on the authority's Internet website until the first anniversary of the date of the transaction or listing.

(f) The person designated to maintain the transaction register under Subsection (a) may consult with the comptroller in developing an electronic checking account transaction register under this section.

(g) This section does not apply to a regional tollway authority that maintains a check registry or a similar comprehensive monthly financial report that was posted on the authority's Internet website for public viewing and downloading on or before August 1, 2010.

Amendment No. 111 was adopted.

COMMITTEE GRANTED PERMISSION TO MEET

Representative W. Smith requested permission for the Committee on County Affairs to meet while the house is in session, at 11 a.m. today, in E2.010, for a public hearing, to consider **HB 3484**.

Permission to meet was granted.

FIVE-DAY POSTING RULE SUSPENDED

Representative W. Smith moved to suspend the five-day posting rule and all necessary rules to allow the Committee on County Affairs to consider **HB 3484** at 11 a.m. today in E2.010.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

County Affairs, 11 a.m. today, E2.010, for a public hearing, to consider **HB 3484**.

LEAVE OF ABSENCE GRANTED

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

Oliveira on motion of Paxton.

(Hochberg and Pitts now present)

INTRODUCTION OF GUEST

The chair recognized Representative Christian who introduced the Honorable Milton Wilkinson.

CSHB 300 - (consideration continued)

Amendment No. 108, as amended, was withdrawn.

Amendment No. 112

Representative Hughes offered the following amendment to **CSHB 300**:
Floor Packet Page No. 44

Amend **CSHB 300** (House committee printing) by adding the following ARTICLE to the bill, appropriately numbered, and renumbering subsequent ARTICLES accordingly:

ARTICLE ____ . HIGHWAY AND OVERPASS DESIGNATIONS

SECTION __.01. Subchapter B, Chapter 225, Transportation Code, is amended by adding Section 225.080 to read as follows:

Sec. 225.080. TROOPER TODD DYLAN HOLMES MEMORIAL OVERPASS. (a) The structure on U.S. Highway 259 that passes over State Highway 155 in Upshur County is designated as the Trooper Todd Dylan Holmes Memorial Overpass.

(b) Subject to Section 225.021(c), the department shall:

(1) design and construct markers indicating the highway number, the designation as the Trooper Todd Dylan Holmes Memorial Overpass, and any other appropriate information; and

(2) erect a marker:

(A) at each end of the structure and at appropriate intermediate sites along the structure, including a site that is visible to a vehicle traveling on State Highway 155 as the vehicle travels under the structure; and

(B) on each side of State Highway 155 at a site that is visible to approaching vehicles.

Amendment No. 112 was adopted.

Amendment No. 113

Representative Swinford offered the following amendment to **CSHB 300**:
Floor Packet Page No. 80

Amend **CSHB 300** (House committee printing) by adding the following ARTICLE to the bill, appropriately numbered, and renumbering subsequent ARTICLES accordingly:

ARTICLE ____ . HIGHWAY AND OVERPASS DESIGNATIONS

SECTION __.01. Subchapter B, Chapter 225, Transportation Code, is amended by adding Section 225.081 to read as follows:

Sec. 225.081. BUDDY WEST MEMORIAL OVERPASS. (a) The structure on Loop 338 that passes over Interstate Highway 20 in Ector County is designated as the Buddy West Memorial Overpass.

(b) The department shall:

(1) design and construct markers indicating the highway number, the designation as the Buddy West Memorial Overpass, and any other appropriate information; and

(2) erect a marker at each end of the structure and at appropriate intermediate sites along the structure.

(c) Section 225.021(c) does not apply to this section.

Amendment No. 114

On behalf of Representative Gallego, Representative Swinford offered the following amendment to Amendment No. 113:

Amend Floor Amendment No. 113 to **CSHB 300** by Swinford (page 80, prefiled amendment packet), as follows:

(1) Strike line 4 and substitute the following:

ARTICLE ____ . HIGHWAY, OVERPASS, AND BRIDGE DESIGNATIONS

(2) On line 6, strike "Section 225.081" and substitute "Sections 225.081 and 225.082".

(3) Immediately below line 16, add the following:

Sec. 225.082. REPRESENTATIVE RICHARD C. SLACK BRIDGE. The Presidio International Bridge is designated as the Representative Richard C. Slack Bridge.

(b) The department shall:

(1) design and construct markers indicating the designation of the bridge as the Representative Richard C. Slack Bridge, and any other appropriate information; and

(2) erect a marker at each end of the bridge and at appropriate intermediate sites along the bridge.

(c) Section 225.021(c) does not apply to this section.

Amendment No. 114 was adopted.

Amendment No. 113, as amended, was adopted.

Amendment No. 115

Representative W. Smith offered the following amendment to **CSHB 300**:
Floor Packet Page No. 198

Amend **CSHB 300** (House committee printing) in ARTICLE 3 of the bill by adding the following appropriately numbered SECTION to that article and renumbering the remaining SECTIONS of that article accordingly:

SECTION 3. ____ . The change in law made by this Act to Subchapter E, Chapter 228, Transportation Code, applies only to a contract for the construction of a highway or segment of a highway that the Texas Department of Transportation enters into on or after the effective date of this Act. A contract for the construction of a highway or segment of a highway entered into before the effective date of this Act is governed by the law in effect on the date the contract was entered into, and that law is continued in effect for that purpose.

Amendment No. 115 was adopted.

Amendment No. 116

Representative Harper-Brown offered the following amendment to **CSHB 300**:

Floor Packet Page No. 301

Amend **CSHB 300** (house committee printing) as follows: by adding the following appropriately numbered sections and renumbering existing sections accordingly:

SECTION ____ Section 228.004, Transportation Code, is amended to read as follows:

Sec. 228.004. ~~[PROMOTION OF]~~ TOLL PROJECT INFORMATION. (a) The department may, notwithstanding Chapter 2113, Government Code, engage in ~~[marketing,] advertising[,]~~ and other activities to provide information relating to the status of pending or ongoing~~[promote the development and use of]~~ toll projects and may enter into contracts or agreements necessary to procure ~~[marketing,] advertising[;]~~ or informational ~~[other promotional]~~ services from outside service providers.

(b) This section does not authorize the department to engage in advertising or other activities for the purpose of influencing public opinion about the use of toll roads or the use of tolls as a financial mechanism.

SECTION ____ The change in law made by this Act applies only to a contract or agreement entered into or renewed under Section 228.004, Transportation Code, on or after the effective date of this Act. A contract or agreement entered into or renewed under that section 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.

SECTION ____ This Act takes effect September 1, 2009.

Amendment No. 117

Representative Pickett offered the following amendment to Amendment No. 116:

Amend the Harper-Brown amendment to **CSHB 300** as follows:

(1) On page 1, lines 9-10, strike "the status of pending or ongoing", and substitute "pending or operating".

(2) On page 1, line 10, between "projects" and "and", insert ", including providing information concerning the methods of paying and collecting tolls,".

(3) Strike the SECTION beginning on page 1, line 25.

Amendment No. 117 was adopted.

Amendment No. 116, as amended, was adopted.

Amendment No. 118

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

Floor Packet Page No. 383

SECTION 1. Section 228.012(b), Transportation Code, is amended to read as follows:

(b) The department shall hold money in a subaccount in trust for the benefit of the region in which a project or system is located and may, after any necessary consultation with the metropolitan planning organization, council of governments or a similar planning agency for the region, enter into an agreement or agreements with the municipalities, counties or local governmental entities in the region for the distribution of money to such entities in such region that are authorized to construct, maintain, or operate projects that are eligible for funding with that money. ~~assign the responsibility for allocating money in a subaccount to a metropolitan planning organization in which the region is located.~~ Except as provided by Subsection (c), money shall be allocated to projects authorized by Section 228.0055 or Section 228.006, as applicable.

Amendment No. 119

Representative Pickett offered the following amendment to Amendment No. 118:

Amend the Parker amendment to **CSHB 300** as follows:

(1) On page 1, lines 5 and 6, strike "after any necessary consultation with the metropolitan planning organization," and substitute "enter into an agreement or agreements with a".

(2) On page 1, lines 7-10, strike "enter into an agreement or agreements with the municipalities, counties, or local governmental entities in the region for the distribution of money to such entities in such region" and substitute "under which the council of governments or similar agency receives, manages, and distributes the money to entities in the region".

(3) On page 1, line 12, strike "._".

Amendment No. 119 was adopted.

Amendment No. 118, as amended, was adopted.

Amendment No. 120

Representative Phillips offered the following amendment to **CSHB 300**:
Floor Packet Page No. 337

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

(1) Add the following appropriately numbered ARTICLE to the bill:
ARTICLE ____ . MOTOR VEHICLE RENTAL INFORMATION RELATING
TO THE PAYMENT OF TOLLS

SECTION ____ .01. Section 228.055, Transportation Code, is amended by amending Subsection (d) and adding Subsection (d-1) to read as follows:

(d) It is an exception to the application of Subsection (a) or (c) if the registered owner of the vehicle is a lessor of the vehicle and not later than the 30th day after the date the notice of nonpayment is mailed provides to the department:

(1) a copy of the rental, lease, or other contract document covering the vehicle on the date of the nonpayment under Section 228.054, with the name and address of the lessee clearly legible; or

(2) electronic data, other than a photocopy or scan of a rental or lease contract, that contains the information required under Sections 228.054(c)(1), (2), and (3) covering the vehicle on the date of the nonpayment under Section 228.054.

(d-1) If the lessor provides the required information within the period prescribed under Subsection (d), the department may send a notice of nonpayment to the lessee at the address provided under Subsection (d) [~~shown on the contract document~~] by first class mail before the 30th day after the date of receipt of the required information from the lessor. The lessee of the vehicle for which the proper toll was not paid who is mailed a written notice of nonpayment under this subsection and fails to pay the proper toll and administrative fee within the time specified by the notice of nonpayment commits an offense. The lessee shall pay a separate toll and administrative fee for each event of nonpayment. Each failure to pay a toll or administrative fee under this subsection is a separate offense.

SECTION _____.02. Sections 228.056(b) and (c), Transportation Code, are amended to read as follows:

(b) In the prosecution of an offense under Section 228.055(c), (d-1) [~~(d)~~], or (e):

(1) it is presumed that the notice of nonpayment was received on the fifth day after the date of mailing;

(2) a computer record of the Texas Department of Motor Vehicles [~~department~~] of the registered owner of the vehicle is prima facie evidence of its contents and that the defendant was the registered owner of the vehicle when the underlying event of nonpayment under Section 228.054 occurred; and

(3) a copy of the rental, lease, or other contract document, or the electronic data provided to the department under Section 228.055(d), covering the vehicle on the date of the underlying event of nonpayment under Section 228.054 is prima facie evidence of its contents and that the defendant was the lessee of the vehicle when the underlying event of nonpayment under Section 228.054 occurred.

(c) It is a defense to prosecution under Section 228.055(c), (d-1) [~~(d)~~], or (e) that the motor vehicle in question was stolen before the failure to pay the proper toll occurred and had not been recovered before the failure to pay occurred, but only if the theft was reported to the appropriate law enforcement authority before the earlier of:

(1) the occurrence of the failure to pay; or

(2) eight hours after the discovery of the theft.

SECTION _____.03. Section 284.0701, Transportation Code, is amended by amending Subsection (d) and adding Subsection (d-1) to read as follows:

(d) It is an exception to the application of Subsection (a) or (c) if the registered owner of the vehicle is a lessor of the vehicle and not later than the 30th day after the date the notice of nonpayment is mailed provides to the authority:

(1) a copy of the rental, lease, or other contract document covering the vehicle on the date of the nonpayment under Section 284.070, with the name and address of the lessee clearly legible; or

(2) electronic data, other than a photocopy or scan of a rental or lease contract, that contains the information required under Sections 521.460(c)(1), (2), and (3) covering the vehicle on the date of the nonpayment under Section 284.070.

(d-1) If the lessor provides the required information within the period prescribed under Subsection (d), the authority may send a notice of nonpayment to the lessee at the address provided under Subsection (d) ~~shown on the contract document~~ by first class mail before the 30th day after the date of receipt of the required information from the lessor. The lessee of the vehicle for which the proper toll was not paid who is mailed a written notice of nonpayment under this subsection and fails to pay the proper toll and administrative cost within the time specified by the notice of nonpayment commits an offense. The lessee shall pay a separate toll and administrative cost for each event of nonpayment. Each failure to pay a toll or administrative cost under this subsection is a separate offense.

SECTION _____.04. Sections 284.0702(b) and (c), Transportation Code, are amended to read as follows:

(b) In the prosecution of an offense under Section 284.0701(c), (d-1) ~~(d)~~, or (e):

(1)^[5] a computer record of the Texas Department of Motor Vehicles ~~department~~ of the registered owner of the vehicle is prima facie evidence of its contents and that the defendant was the registered owner of the vehicle when the underlying event of nonpayment under Section 284.070 occurred; and

(2) a copy of the rental, lease, or other contract document, or the electronic data provided to the authority under Section 284.0701(d), covering the vehicle on the date of the underlying event of nonpayment under Section 284.070 is prima facie evidence of its contents and that the defendant was the lessee of the vehicle when the underlying event of nonpayment under Section 284.070 occurred.

(c) It is a defense to prosecution under Section 284.0701(c), (d-1) ~~(d)~~, or (e) that the vehicle in question was stolen before the failure to pay the proper toll occurred and had not been recovered before the failure to pay occurred, but only if the theft was reported to the appropriate law enforcement authority before the earlier of:

- (1) the occurrence of the failure to pay; or
- (2) eight hours after the discovery of the theft.

SECTION _____.05. Section 366.178, Transportation Code, is amended by amending Subsections (f) and (i) and adding Subsection (i-1) to read as follows:

(f) In the prosecution of a violation for nonpayment, proof that the vehicle passed through a toll collection facility without payment of the proper toll together with proof that the defendant was the registered owner or the driver of the vehicle when the failure to pay occurred, establishes the nonpayment of the registered owner. The proof may be by testimony of a peace officer or authority employee, video surveillance, or any other reasonable evidence, including a copy

of the rental, lease, or other contract document or the electronic data provided to the authority under Subsection (i) that shows the defendant was the lessee of the vehicle when the underlying event of nonpayment occurred.

(i) A registered owner who is the lessor of a vehicle for which a notice of nonpayment has been issued is not liable if, not later than the 30th day after the date the notice of nonpayment is mailed, the registered owner provides to the authority:

(1) a copy of the rental, lease, or other contract document [lease agreement] covering the vehicle on the date of the nonpayment, with the [The] name and address of the lessee [must be] clearly legible; or

(2) electronic data, other than a photocopy or scan of a rental or lease contract, that contains the information required under Sections 521.460(c)(1), (2), and (3) covering the vehicle on the date of the nonpayment under this section.

(i-1) If the lessor timely provides the required information under Subsection (i), the lessee of the vehicle on the date of the violation is considered to be the owner of the vehicle for purposes of this section. The lessee is subject to prosecution for failure to pay the proper toll if the authority sends a notice of nonpayment to the lessee by first-class mail not later than the 30th day after the date of the receipt of the information from the lessor.

SECTION _____.06. Section 370.177, Transportation Code, is amended by amending Subsections (e), (g), and (i) and adding Subsection (e-1) to read as follows:

(e) It is an exception to the application of Subsection (b) or (d) that the registered owner of the vehicle is a lessor of the vehicle and not later than the 30th day after the date the notice of nonpayment is mailed provides to the authority:

(1) a copy of the rental, lease, or other contract document covering the vehicle on the date of the nonpayment under Subsection (a), with the name and address of the lessee clearly legible; or

(2) electronic data, other than a photocopy or scan of a rental or lease contract, that contains the information required under Sections 521.460(c)(1), (2), and (3) covering the vehicle on the date of the nonpayment under Subsection (a).

(e-1) If the lessor provides the required information within the period prescribed under Subsection (e), the authority may send a notice of nonpayment to the lessee at the address provided under Subsection (e) [shown on the contract document] by first class mail before the 30th day after the date of receipt of the required information from the lessor. The lessee of the vehicle for which the proper toll was not paid who is mailed a written notice of nonpayment under this subsection and fails to pay the proper toll and administrative fee within the time specified by the notice of nonpayment commits an offense. The lessee shall pay a separate toll and administrative fee for each event of nonpayment. Each failure to pay a toll or administrative fee under this subsection is a separate offense.

(g) An offense under Subsection (d), (e-1) [(e)], or (f) is a misdemeanor punishable by a fine not to exceed \$250.

(i) In the prosecution of an offense under this section, proof that the vehicle passed through a toll collection facility without payment of the proper toll together with proof that the defendant was the registered owner or the driver of the vehicle when the failure to pay occurred, establishes the nonpayment of the registered owner. The proof may be by testimony of a peace officer or authority employee, video surveillance, or any other reasonable evidence, including:

(1) evidence obtained by automated enforcement technology that the authority determines is necessary, including automated enforcement technology described by Sections 228.058(a) and (b); or

(2) a copy of the rental, lease, or other contract document or the electronic data provided to the authority under Subsection (e) that shows the defendant was the lessee of the vehicle when the underlying event of nonpayment occurred.

(2) Strike Section 8.2B.02 of the bill (page 116, lines 6-21).

(3) Renumber ARTICLES of the bill accordingly.

Amendment No. 121

Representative Pickett offered the following amendment to Amendment No. 120:

Amend the Phillips amendment to **CSHB 300** on page 1, line 17, by inserting, between "data" and the comma, "in a format agreed to by the department and the lessor,".

Amendment No. 121 was adopted.

Amendment No. 120, as amended, was adopted.

Amendment No. 122

Representative Hochberg offered the following amendment to **CSHB 300**:
Floor Packet Page No. 68

Amend **CSHB 300** (house committee report) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE ____ . STATE HIGHWAY TOLL PROJECTS

SECTION ____ .01. Subchapter B, Chapter 228, Transportation Code, is amended by adding Section 228.060 to read as follows:

Sec. 228.060. UNIFORM SIGN PLAN. (a) The commission shall adopt a plan creating uniform standards for toll project signs that include, at a minimum, provisions for spacing, information, and design of the signs to allow a motor vehicle operator to clearly determine:

(1) that the operator is entering a tolled highway;

(2) any toll payment restriction, including a requirement of transponder-only payment; and

(3) the amount of the toll being collected at any toll booth or plaza.

(b) Signs containing information under Subsection (a)(1) or (2) must be positioned at a distance from the beginning of the tolled highway or payment restriction, as applicable, that allows a vehicle operator to safely determine not to enter the tolled highway or payment restricted segment.

Amendment No. 122 was adopted.

Amendment No. 123

Representative W. Smith offered the following amendment to **CSHB 300**:
Floor Packet Page No. 317

Amend **CSHB 300** by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE ____ . DETERMINATION OF PRIMACY FOR TOLL PROJECT DEVELOPMENT

SECTION ____ .01. Subchapter A, Chapter 228, Transportation Code, is amended by adding Section 228.0112 to read as follows:

Sec. 228.0112. DETERMINATION OF PRIMACY FOR TOLL PROJECTS IN CERTAIN AREAS. (a) In this section "local toll project entity" means an entity, other than the department, that is authorized by law to acquire, design, construct, finance, operate, and maintain a toll project, including:

- (1) a regional tollway authority under Chapter 366;
- (2) a regional mobility authority under Chapter 370; or
- (3) a county acting under Chapter 284.

(b) A transaction involving a local toll project entity under Section 228.011, Section 228.0111, or other applicable law that provides for a process under which a local toll project entity has the first option to develop, finance, construct and operate the toll project is not primarily commercial in nature but is an inherently governmental transaction whose purpose is to determine governmental jurisdiction, ownership, control, or other responsibilities with respect to a project.

(c) Any determination of value, including best value, under this Section 228.011, Section 228.0111, or other applicable federal or state law for a comprehensive development agreement or other public-private partnership arrangement involving a toll project for which a local toll project entity has exercised its rights to develop the toll project and has complied with all applicable conditions in Section 228.011, Section 228.0111 or other applicable law that provides for a process under which the local toll project entity has the first option to develop, finance, construct and operate the toll project must take into consideration factors the entity determines appropriate, including factors related to:

- (1) oversight of the toll project;
- (2) maintenance and operations costs of the toll project;
- (3) the structure and rates of tolls;
- (4) economic development impacts of the toll project; and
- (5) social and environmental benefits and impacts of the toll project.

(d) Notwithstanding Section 228.011(a), Section 228.011 applies to a local toll project entity and any toll project located in the territory of a local toll project entity following the expiration of the date provided in Section 228.0111(r), unless the toll project is subject to other law that provides for a process under which the local toll project entity has the first option to develop, finance, construct and operate the toll project. For the purposes of applying Section 228.011, the provisions of that section referencing a county are applicable to a local toll project entity to the same extent as a county, regardless of whether the local toll project entity is acting under Chapter 284, Chapter 366, or Chapter 370.

Amendment No. 124

Representative W. Smith offered the following amendment to Amendment No. 123:

Amend Amendment No. 123 by Smith of Harris to **CSHB 300** (on page 317 of the prefiled amendment packet) as follows:

In ARTICLE ____ of the bill, by adding the following SECTIONS, appropriately numbered, and renumbering existing SECTIONS in ARTICLE ____ accordingly:

SECTION ____ Chapter 223, Transportation Code, is amended by adding Sections 223.2011 to read as follows:

Sec. 223.2011. CDA AUTHORITY IN POPULOUS COUNTY FOR CERTAIN PROJECTS.

(a) This Subsection applies only to (i) the portion of I-69 and the Trans-Texas Corridor and any successor project located in a county with a population of 3.3 million or more and any adjacent county, (ii) any comprehensive development agreement or related agreement entered into by the department in connection with such projects, and (iii) any toll or other projects in the region the revenues or assets of which are to be used in connection with the financing of such projects.

(b) As used in this Subsection the term "region" means a county with a population of 3.3 million or more and the counties that are adjacent to that county.

(c) Any payments, project savings, refinancing dividends, and any other revenue, including surplus revenue, received by the commission or the department under the comprehensive development agreement or any related agreement, and any revenue attributable to any toll or other projects in the region, shall be used only to pay the costs or to finance the construction, maintenance, or operation of transportation projects or air quality projects in the region.

(d) No third party shall have any rights under the comprehensive development agreement or any related agreement that conflicts with, infringes on or impairs the rights of any county with respect to the development or operation of any project under Section 228.011 or Section 228.0111 or other applicable law that provides for a process under which the county has the first option to develop and operate a project.

(e) A comprehensive development agreement and any related agreement that includes a provision that grants a private entity the right to finance and develop a toll project in the region or collect and receive toll revenue from a project in the region shall not be effective unless the agreement meets the requirements of this Section.

Amendment No. 124 was adopted.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 26).

CSHB 300 - (consideration continued)

Amendment No. 123, as amended, was adopted. (The vote was reconsidered later today, and Amendment No. 123 was amended by Amendment No. 178 and was adopted, as amended.)

Amendment No. 125

Representative Pickett offered the following amendment to **CSHB 300**:
Floor Packet Page No. 174

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

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

ARTICLE __. TOLL PROJECT ENTITIES

SECTION __.01. Subchapter A, Chapter 284, Transportation Code, is amended by adding Section 284.014 to read as follows:

Sec. 284.014. SUNSET PROVISION. The authority granted to a county under this chapter is abolished September 1, 2013, unless continued by the legislature.

SECTION __.02. Subchapter B, Chapter 366, Transportation Code, is amended by adding Section 366.039 to read as follows:

Sec. 366.039. SUNSET PROVISION. A regional tollway authority created or established under this chapter, including an entity established as a regional tollway authority under Chapter 1171 (SB 370), Acts of the 75th Legislature, Regular Session, 1997, is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the authority is abolished September 1, 2013.

SECTION __.03. Subchapter B, Chapter 370, Transportation Code, is amended by adding Section 370.0314 to read as follows:

Sec. 370.0314. SUNSET PROVISION. A regional mobility authority created under this chapter or prior law is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the authority is abolished September 1, 2013.

SECTION _____.04. Chapter 371, Transportation Code, as added by Chapters 103 (**HB 570**) and 258 (**SB 11**), Acts of the 80th Legislature, Regular Session, 2007, is reenacted, redesignated as Chapter 372, Transportation Code, and amended to read as follows:

CHAPTER 372 ~~[371]~~. PROVISIONS APPLICABLE TO MORE THAN ONE TYPE OF TOLL PROJECT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 372.001 ~~[371.001]~~. DEFINITIONS. In this chapter:

(1) "Toll project" means a toll project described by Section 201.001(b), regardless of whether the toll project:

- (A) is a part of the state highway system; or
- (B) is subject to the jurisdiction of the department.

(2) "Toll project entity" means an entity authorized by law to acquire, design, construct, finance, operate, and maintain a toll project, including:

- (A) the department under Chapter 227 or 228;
- (B) a regional tollway authority under Chapter 366;
- (C) a regional mobility authority under Chapter 370; or
- (D) a county under Chapter 284.

(3) "Local toll project entity" means a toll project entity other than the department.

SUBCHAPTER B. TOLL PROJECT OPERATION

Sec. 372.051 ~~[371.051]~~. USE OF MOTOR VEHICLE REGISTRATION OR LICENSE PLATE INFORMATION. (a) A toll project entity may not use motor vehicle registration or other information derived from a license plate on a vehicle using a toll project, including information obtained by the use of automated enforcement technology described by Section 228.058, for purposes other than those related to:

- (1) toll collection and toll collection enforcement; and
- (2) law enforcement purposes on request by a law enforcement agency

~~[, subject to Section 228.058(d)].~~

(b) If a toll project entity enters into an agreement with an entity in another state that involves the exchange of motor vehicle registration or license plate information for toll collection or toll collection enforcement purposes, the agreement must provide that the information may not be used for purposes other than those described in Subsection (a).

Sec. 372.052 ~~[371.001]~~. VEHICLES USED BY NONPROFIT DISASTER RELIEF ORGANIZATIONS. ~~[(a) In this section:~~

~~[(1) "Toll project" means a toll project described by Section 201.001(b), regardless of whether the toll project is:~~

- ~~[(A) a part of the state highway system; or~~
- ~~[(B) subject to the jurisdiction of the department.~~

~~[(2) "Toll project entity" means an entity authorized by law to acquire, design, construct, finance, operate, and maintain a toll project, including:~~

- ~~[(A) the department under Chapter 227 or 228;~~
- ~~[(B) a regional tollway authority under Chapter 366;~~
- ~~[(C) a regional mobility authority under Chapter 370; or~~

~~[(d)] a county under Chapter 284.~~

~~[(b)]~~ A toll project entity may not require a vehicle registered under Section 502.203 to pay a toll for the use of a toll project.

[Sections 372.053-372.100 reserved for expansion]

SUBCHAPTER C. CONSTRUCTION, IMPROVEMENT, AND MAINTENANCE

Sec. 372.101. EXPENDITURES FOR TOLL PROJECT LANDSCAPING.

(a) For each contract for a toll project that is located in an area designated by the United States Environmental Protection Agency as a nonattainment or near-nonattainment area under Section 107(d) of the federal Clean Air Act (42 U.S.C. Section 7407), the toll project entity shall allocate to the district or districts in which the project is to be located an amount equal to one-half of one percent of the total amount to be spent under the contract for construction, maintenance, and improvement of the project to be used for landscaping improvements for the project or other projects in the district or districts.

(b) Landscaping improvements may include:

(1) planting indigenous or adapted trees and other plants that are suitable for the climate in the area; and

(2) preparing the soil and installing irrigation systems for the growth of trees and plants.

[Sections 372.102-372.150 reserved for expansion]

SUBCHAPTER D. LOCAL TOLL PROJECT ENTITY PROVISIONS

Sec. 372.151. AUDITS. The books and records of a local toll project entity for which the entity uses state highway right-of-way are subject to audit by the department and the state auditor.

Sec. 372.152. CONTRACTOR CONTRIBUTIONS PROHIBITED. A person who enters into or submits a proposal for a contract with a local toll project entity under this chapter or Chapter 228, 284, 366, or 370 may not make a political contribution to a person who is a member of the governing body of a local toll project entity.

Sec. 372.153. PROHIBITED ACTS OF LOCAL TOLL PROJECT ENTITIES AND INDIVIDUALS. (a) A local toll project entity may not use any money under its control to finance or otherwise support the candidacy of a person for an office in the legislative, executive, or judicial branch of state government or of the government of the United States. This prohibition extends to the direct or indirect employment of a person to perform an action described by this subsection.

(b) A board member or employee may not use a motor vehicle owned or leased by the local toll project entity for a purpose described by Subsection (a).

(c) A board member or employee may not use official authority or influence or permit the use of a program administered by the local toll project entity of which the person is an officer or employee to interfere with or affect the result of an election or nomination of a candidate or to achieve any other political purpose.

(d) A local toll project entity board member or employee may not coerce, attempt to coerce, or command the payment, loan, or contribution of any thing of value to a person or political organization for a political purpose or restrict, attempt to restrict, or prevent such a payment, loan, or contribution.

(e) For purposes of Subsection (c), a board member or employee does not interfere with or affect the results of an election or nomination if the individual's conduct is not prohibited by a law relating to the individual's office or employment and is not otherwise prohibited by law.

Sec. 372.154. EMPLOYMENT OF LOBBYIST. (a) A local toll project entity may not use any money under its control to employ, as a regular full-time or part-time or contract employee, a person who is required by Chapter 305, Government Code, to register as a lobbyist.

(b) A local toll project entity may not use any money under its control to pay, on behalf of the entity or a board member or employee of the entity, membership dues to an organization that pays part or all of the salary of a person who is required by Chapter 305, Government Code, to register as a lobbyist.

(c) A local toll project entity that violates this section is not eligible to receive additional state funds or exercise any right of primacy for a toll road granted by the legislature to develop, finance, construct, and operate a project.

Sec. 372.155. LEGISLATIVE LOBBYING. (a) A local toll project entity may not use any money under its control to attempt to influence the passage or defeat of a legislative measure.

(b) This section does not prohibit a board member or employee from using the entity's resources to provide public information or to provide information responsive to a request.

(c) A local toll project entity that violates this section is not eligible to receive additional state funds or exercise any right of primacy for a toll road granted by the legislature to develop, finance, construct, and operate a project.

Sec. 372.156. TERMINATION OF EMPLOYMENT. A local toll project entity board member or employee who causes an employee to be discharged, demoted, or otherwise discriminated against for providing information under Section 372.155(b) or who violates Section 372.153(c) or (d) is subject to immediate termination of employment.

Sec. 372.157. COMPENSATION PROHIBITION. A local toll project entity may not use any money under its control to compensate a board member or employee who violates Section 372.153 or who causes or assists in the violation of Section 372.154 or 372.155(a), or an employee who is subject to termination under Section 372.156.

Sec. 372.158. ADVISORS, CONSULTANTS, AUDITORS, AND OTHER EXPERTS. A person may not serve as a consultant, or advisor, auditor, or other expert in connection with a contract of a local toll project entity if the person or the person's affiliates have a financial interest in the contract.

Sec. 372.159. NOTICE OF PROHIBITIONS. (a) A local toll project entity shall deliver to each board member and employee of the entity a copy of Sections 372.153, 372.154, 372.155, 372.156, 372.157, and 372.158 and require a signed receipt on delivery. A new copy and receipt are required if one of those provisions is changed.

(b) A local toll project entity shall maintain receipts collected from current board members and employees under this section in a manner accessible for public inspection.

Sec. 372.160. TOLL PROJECT INFORMATION. (a) A local toll project entity may, notwithstanding Chapter 2113, Government Code, engage in marketing, advertising, and other activities to provide information relating to the status of pending or ongoing toll projects and may enter into contracts or agreements necessary to procure marketing, advertising, or informational services from outside service providers.

(b) This section does not authorize a local toll project entity to engage in marketing, advertising, or other activities for the purpose of influencing public opinion about the use of toll roads or the use of tolls as a financial mechanism.

Sec. 372.161. TERMINOLOGY FOR COUNTIES ACTING UNDER CHAPTER 284. For the application of this subchapter to a county acting under Chapter 284, a reference to a board member of a local toll project entity means a county commissioner of the county and a reference to administrative head of a local toll project entity means the county judge of the county.

SECTION ____ .05. The following sections of the Transportation Code are repealed:

- (1) Section 228.004;
- (2) Section 284.072;
- (3) Section 366.181; and
- (4) Section 370.180.

- (2) Strike SECTION 7.02 of the bill (page 104, lines 5-24).

Amendment No. 126

Representative Y. Davis offered the following amendment to Amendment No. 125:

Amend Floor Amendment No. 125 to **CSHB 300** by Pickett (page 174, prefiled amendment packet), on page 6 of the amendment (page 179, prefiled amendment packet), between lines 12 and 13, by inserting the following:

Sec. 372.1555. PROHIBITIONS ON PRIVATE ENTITIES IN CONNECTION WITH COMPREHENSIVE DEVELOPMENT AGREEMENTS. (a) The restrictions imposed by this subchapter on a local toll project entity, including Sections 372.152-372.155, apply equally to a private entity that seeks to enter into or that participates in a comprehensive development agreement or other public-private partnership in connection with a toll project.

(b) A private entity that knowingly violates this section is ineligible to enter into a comprehensive development agreement or other public-private partnership in connection with a toll project.

Amendment No. 126 was adopted. (Flynn recorded voting no.)

Amendment No. 127

Representative Herrero offered the following amendment to Amendment No. 125:

Amend Floor Amendment No. 125 by Pickett to **CSHB 300** (prefiled amendment packet page 174) on page 3, between lines 26 and 27, insert the following:

Sec. 372.053. VETERAN DISCOUNT PROGRAM. (a) A toll project entity may establish a discount program for electronic toll collection customers. The program must include free or discounted use of the entity's toll project by an electronic toll collection customer whose account relates to a vehicle registered:

(1) under Section 504.202;

(2) under Section 504.315(g); or

(3) by a person who has received the Medal of Honor.

(b) The legislature may appropriate funds from the general revenue fund to a toll project entity to defray the cost of providing free or discounted use of the entity's toll project under this section.

Amendment No. 127 was adopted.

Amendment No. 128

Representatives Pickett and Solomons offered the following amendment to Amendment No. 125:

Amend the Pickett amendment (page 174 of the amendment packet) to **CSHB 300** as follows:

On page 1, strike lines 2 through 25.

Amendment No. 128 was adopted.

Amendment No. 129

Representative Pickett offered the following amendment to Amendment No. 125:

Amend the Pickett amendment to **CSHB 300** as follows:

(1) Strike added Section 372.160, Transportation Code (page 7, lines 7-17), and substitute the following:

"Sec. 372.160. TOLL PROJECT INFORMATION. (a) A local toll project entity may, notwithstanding Chapter 2113, Government Code, engage in marketing, advertising, and other activities to provide information relating to pending or operating toll projects, including providing information concerning the methods of paying and collecting tolls, and may enter into contracts or agreements necessary to procure marketing, advertising, or informational services from outside service providers.

(b) This section does not authorize a local toll project entity to engage in marketing, advertising, or other activities for the purpose of influencing public opinion about the use of toll roads or the use of tolls as a financing mechanism."

(2) Insert the following appropriately numbered section in the bill and renumber the remaining sections of the bill appropriately:

SECTION _____. Section 372.160, Transportation Code, as added by this Act, applies only to a contract or agreement entered into or renewed by a local toll project entity on or after the effective date of this Act. A contract or agreement entered into or renewed 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. 129 was adopted.

Amendment No. 130

Representative Paxton offered the following amendment to Amendment No. 125:

Amend Amendment No. 125 to **CSHB 300** by Pickett (page 174 of the pre-filed amendment packet) as follows:

(1) On page 1, line 11, strike "Section 366.039" and substitute "Sections 366.039, 366.040, and 366.041".

(2) On page 1, between lines 18 and 19, insert:

Sec. 366.040. ANNUAL AUDIT. A regional tollway authority described by Section 366.039 is subject to annual audit by the State Auditor's Office.

Sec. 366.041. ELECTRONIC CHECKING ACCOUNT TRANSACTION REGISTER. (a) This section applies only to a regional tollway authority described by Section 366.039 located in a county with a population of 250,000 or more.

(b) The regional tollway authority shall designate a person to maintain the transaction register for the authority's checking account in a searchable electronic spreadsheet format, such as a portable document format (PDF) or similar file type, in which the transaction register is readily available for purposes of Subsection (d). Except as provided by Subsection (c), the electronic checking account transaction register must include for each check written from the authority's account:

(1) the transaction amount;

(2) the name of the payee; and

(3) a statement of the purpose of the expenditure for which the check was written.

(b-1) Notwithstanding Subsection (b), beginning September 1, 2010, a regional tollway authority's checking account transaction register must contain the information required by Subsections (b)(1) and (2) for each check dated on or after August 1, 2010. Beginning September 1, 2011, an authority's electronic checking account transaction register must contain the information required by Subsections (b)(1) through (3) for each check dated on or after August 1, 2011. This subsection expires October 1, 2011.

(c) A regional tollway authority may not include in the authority's electronic checking account transaction register a check issued to an authority employee in payment of:

(1) salary, wages, or an employment stipend; or

(2) a workers' compensation income benefit, medical benefit, death benefit, or burial benefit that is issued by a county operating as a self-insurer under Chapter 504, Labor Code.

(d) A regional tollway authority shall post the electronic checking account transaction register at all times on the authority's Internet website for viewing and downloading by interested persons. The authority may not charge a fee to a person who views or downloads the electronic checking account transaction register under this subsection.

(e) A regional tollway authority shall:

(1) update the electronic checking account transaction register at least once each month, not later than the 30th day after the closing date of the most recent monthly statement for the checking account; and

(2) maintain each transaction or listing in the electronic checking account transaction register on the authority's Internet website until the first anniversary of the date of the transaction or listing.

(f) The person designated to maintain the transaction register under Subsection (a) may consult with the comptroller in developing an electronic checking account transaction register under this section.

(g) This section does not apply to a regional tollway authority that maintains a check registry or a similar comprehensive monthly financial report that was posted on the authority's Internet website for public viewing and downloading on or before August 1, 2010.

Amendment No. 130 was adopted.

Amendment No. 125, as amended, was adopted. (Flynn recorded voting no.)

Amendment No. 131

Representative Pickett offered the following amendment to **CSHB 300**:
Floor Packet Page No. 287

Amend **CSHB 300** by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES accordingly:

ARTICLE ____. REGIONAL MOBILITY AUTHORITIES

SECTION ____.01. Section 370.003, Transportation Code, is amended by amending Subdivision (1) and adding Subdivision (9-b) to read as follows:

(1) "Authority" means a regional mobility authority, including a municipal mobility authority, organized under this chapter or under Section 361.003, as that section existed before June 22, 2003.

(9-b) "Municipal mobility authority" means a regional mobility authority created under Section 370.031(c).

SECTION ____.02. Section 370.031(c), Transportation Code, is amended to read as follows:

(c) A municipality that borders the United Mexican States and has a population of 105,000 or more may ~~[has the same authority as a county, within its municipal boundaries, to]~~ create and participate in an authority. A municipality creating or participating in an authority has the same powers and duties as a

county participating in an authority, the governing body of the municipality has the same powers and duties as the commissioners court of a county participating in an authority, and an elected member of the municipality's governing body has the same powers and duties as a commissioner of a county that is participating in an authority. Subsections (a) and (b) do not apply to an authority created under this subsection, and approval of the commission is not required for the creation of an authority under this subsection.

SECTION _____.03. Section 370.038(a), Transportation Code, is amended to read as follows:

(a) The commission shall adopt rules that:

(1) govern the creation of an authority other than a municipal mobility authority;

(2) govern the commission's approval of a project under Section 370.187 and other commission approvals required by this chapter;

(3) establish design and construction standards for a transportation project that will connect with a highway in the state highway system or a department rail facility;

(4) establish minimum audit and reporting requirements and standards;

(5) establish minimum ethical standards for authority directors and employees; and

(6) govern the authority of an authority to contract with the United Mexican States or a state of the United Mexican States.

SECTION _____.04. Section 370.251, Transportation Code, is amended by amending Subsections (a), (a-1), and (j) and adding Subsection (a-2) to read as follows:

(a) Except as provided by Subsections [Subsection] (a-1) and (a-2), the governing body of an authority is a board of directors consisting of representatives of each county in which a transportation project of the authority is located or is proposed to be located. The commissioners court of each county that initially forms the authority shall appoint at least two directors to the board. Additional directors may be appointed to the board at the time of initial formation by agreement of the counties creating the authority to ensure fair representation of political subdivisions in the counties of the authority that will be affected by a transportation project of the authority, provided that the number of directors must be an odd number. The commissioners court of a county that is subsequently added to the authority shall appoint one director to the board. Except as provided by Subsection (a-2), the [The] governor shall appoint one director to the board who shall serve as the presiding officer of the board and shall appoint an additional director to the board if an appointment is necessary to maintain an odd number of directors on the board.

(a-1) To be eligible to serve as director of a municipal mobility [an] authority [created by a municipality] an individual:

(1) may be a representative of an entity that also has representation on a metropolitan planning organization in the region where the municipality is located; and

(2) is required to be a resident of Texas regardless of whether the metropolitan planning organization's geographic area includes territory in another state.

(a-2) The governing body of a municipality that creates a municipal mobility authority serves as the board of the authority, with the presiding officer of the governing body of the municipality serving as the presiding officer of the board.

(j) The commission may refuse to authorize the creation of an authority if the commission determines that the proposed board will not fairly represent political subdivisions in the counties of the authority that will be affected by the creation of the authority. This subsection does not apply to a municipal mobility authority. Commission approval is not required for the proposed board of a municipal mobility authority.

SECTION _____.05. Section 370.331, Transportation Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) Except as provided by Subsection (d), an [An] authority may not be dissolved unless the dissolution is approved by the commission.

(d) A municipal mobility authority may not be dissolved unless approved by the governing body of the municipality that created the authority. A board may submit a request to the governing body of the municipality for approval to dissolve and the governing body of the municipality may approve the request only if:

(1) all debts, obligations, and liabilities of the authority have been paid and discharged or adequate provision has been made for the payment of those debts, obligations, and liabilities;

(2) there are no suits pending against the authority, or adequate provision has been made for the satisfaction of any judgment, order, or decree that may be entered against it in any pending suit; and

(3) the authority has commitments from other governmental entities to assume jurisdiction of all authority transportation facilities.

SECTION _____.06. Section 370.332, Transportation Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) Except as provided by Subsection (c), the [The] commission by order may require an authority to dissolve if the commission determines that the authority has not substantially complied with the requirements of a commission rule or an agreement between the department and the authority.

(c) The commission may not order the dissolution of a municipal mobility authority. The governing body of a municipality that created a municipal mobility authority may by resolution or ordinance require an authority to dissolve if the governing body of the municipality determines that the authority has not substantially complied with the requirements of an agreement between the municipality and the authority. The governing body of the municipality may not require dissolution unless:

(1) the conditions described by Sections 370.331(d)(1) and (2) have been met; and

(2) the holders of any indebtedness have evidenced their agreement to the dissolution.

SECTION ____ .07. (a) The changes in law made by this article to Chapter 370, Transportation Code, apply to a regional mobility authority previously created under Section 370.031(c), Transportation Code, and existing on the effective date of this Act.

(b) The term of a director of a municipal mobility authority, as that term is defined by Section 370.003(9-b), Transportation Code, as added by this article, expires on the effective date of this Act.

Amendment No. 132

Representative Pickett offered the following amendment to Amendment No. 131:

Amend Amendment No. 131 to **CSHB 300** by Pickett (page 287 of the amendment packet) as follows:

(1) On page 2, line 20 between "(a-1)" and "and" insert "(g)".

(2) On page 3, line 23 by adding the following before (j):

(g) The following individuals are ineligible to serve as a director:

(1) an elected official, except in the case of an individual who serves as a director of a municipal mobility authority;

(2) a person who is not a resident of a county within the geographic area of the authority;

(3) a department employee;

(4) an employee of a governmental entity any part of which is located within the geographic boundaries of the authority; and

(5) a person owning an interest in real property that will be acquired for an authority project, if it is known at the time of the person's proposed appointment that the property will be acquired for the authority project.

Amendment No. 132 was adopted. (Flynn recorded voting no.)

Amendment No. 131, as amended, was adopted. (Corte recorded voting no.)

Amendment No. 133

Representative Pickett offered the following amendment to **CSHB 300**:
Floor Packet Page No. 287

Amend **CSHB 300** by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES accordingly:

ARTICLE ____ . REGIONAL MOBILITY AUTHORITIES

SECTION ____ .01. Section 370.003, Transportation Code, is amended by amending Subdivision (1) and adding Subdivision (9-b) to read as follows:

(1) "Authority" means a regional mobility authority, including a municipal mobility authority, organized under this chapter or under Section 361.003, as that section existed before June 22, 2003.

(9-b) "Municipal mobility authority" means a regional mobility authority created under Section 370.031(c).

SECTION _____.02. Section 370.031(c), Transportation Code, is amended to read as follows:

(c) A municipality that borders the United Mexican States and has a population of 105,000 or more may may ~~[has the same authority as a county, within its municipal boundaries, to]~~ create and participate in an authority. A municipality creating or participating in an authority has the same powers and duties as a county participating in an authority, the governing body of the municipality has the same powers and duties as the commissioners court of a county participating in an authority, and an elected member of the municipality's governing body has the same powers and duties as a commissioner of a county that is participating in an authority. Subsections (a) and (b) do not apply to an authority created under this subsection, and approval of the commission is not required for the creation of an authority under this subsection.

SECTION _____.03. Section 370.038(a), Transportation Code, is amended to read as follows:

(a) The commission shall adopt rules that:

(1) govern the creation of an authority other than a municipal mobility authority;

(2) govern the commission's approval of a project under Section 370.187 and other commission approvals required by this chapter;

(3) establish design and construction standards for a transportation project that will connect with a highway in the state highway system or a department rail facility;

(4) establish minimum audit and reporting requirements and standards;

(5) establish minimum ethical standards for authority directors and employees; and

(6) govern the authority of an authority to contract with the United Mexican States or a state of the United Mexican States.

SECTION _____.04. Section 370.251, Transportation Code, is amended by amending Subsections (a), (a-1), and (j) and adding Subsection (a-2) to read as follows:

(a) Except as provided by Subsections ~~[Subsection]~~ (a-1) and (a-2), the governing body of an authority is a board of directors consisting of representatives of each county in which a transportation project of the authority is located or is proposed to be located. The commissioners court of each county that initially forms the authority shall appoint at least two directors to the board. Additional directors may be appointed to the board at the time of initial formation by agreement of the counties creating the authority to ensure fair representation of political subdivisions in the counties of the authority that will be affected by a transportation project of the authority, provided that the number of directors must be an odd number. The commissioners court of a county that is subsequently added to the authority shall appoint one director to the board. Except as provided by Subsection (a-2), the ~~[The]~~ governor shall appoint one director to the board who shall serve as the presiding officer of the board and shall appoint an additional director to the board if an appointment is necessary to maintain an odd number of directors on the board.

(a-1) To be eligible to serve as director of a municipal mobility ~~an~~ authority ~~created by a municipality~~ an individual:

(1) may be a representative of an entity that also has representation on a metropolitan planning organization in the region where the municipality is located; and

(2) is required to be a resident of Texas regardless of whether the metropolitan planning organization's geographic area includes territory in another state.

(a-2) The governing body of a municipality that creates a municipal mobility authority serves as the board of the authority, with the presiding officer of the governing body of the municipality serving as the presiding officer of the board.

(j) The commission may refuse to authorize the creation of an authority if the commission determines that the proposed board will not fairly represent political subdivisions in the counties of the authority that will be affected by the creation of the authority. This subsection does not apply to a municipal mobility authority. Commission approval is not required for the proposed board of a municipal mobility authority.

SECTION ____ .05. Section 370.331, Transportation Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) Except as provided by Subsection (d), an ~~[An]~~ authority may not be dissolved unless the dissolution is approved by the commission.

(d) A municipal mobility authority may not be dissolved unless approved by the governing body of the municipality that created the authority. A board may submit a request to the governing body of the municipality for approval to dissolve and the governing body of the municipality may approve the request only if:

(1) all debts, obligations, and liabilities of the authority have been paid and discharged or adequate provision has been made for the payment of those debts, obligations, and liabilities;

(2) there are no suits pending against the authority, or adequate provision has been made for the satisfaction of any judgment, order, or decree that may be entered against it in any pending suit; and

(3) the authority has commitments from other governmental entities to assume jurisdiction of all authority transportation facilities.

SECTION ____ .06. Section 370.332, Transportation Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) Except as provided by Subsection (c), the ~~[The]~~ commission by order may require an authority to dissolve if the commission determines that the authority has not substantially complied with the requirements of a commission rule or an agreement between the department and the authority.

(c) The commission may not order the dissolution of a municipal mobility authority. The governing body of a municipality that created a municipal mobility authority may by resolution or ordinance require an authority to dissolve if the governing body of the municipality determines that the authority has not

substantially complied with the requirements of an agreement between the municipality and the authority. The governing body of the municipality may not require dissolution unless:

(1) the conditions described by Sections 370.331(d)(1) and (2) have been met; and

(2) the holders of any indebtedness have evidenced their agreement to the dissolution.

SECTION _____.07. (a) The changes in law made by this article to Chapter 370, Transportation Code, apply to a regional mobility authority previously created under Section 370.031(c), Transportation Code, and existing on the effective date of this Act.

(b) The term of a director of a municipal mobility authority, as that term is defined by Section 370.003(9-b), Transportation Code, as added by this article, expires on the effective date of this Act.

Amendment No. 133 was adopted.

Amendment No. 134

Representative Phillips offered the following amendment to **CSHB 300**:
Floor Packet Page No. 362

Amend **CSHB 300** by adding the new sections, appropriately numbered to read as follows:

SUBCHAPTER E. COMPREHENSIVE DEVELOPMENT AGREEMENTS

Sec. ~~223.201~~371.301. AUTHORITY. (a) Subject to Section ~~223.202~~371.302, ~~[the department]~~ a toll project entity may enter into a comprehensive development agreement with a private entity to design, develop, finance, construct, maintain, repair, operate, extend, or expand a:

- (1) toll project;
- (2) facility or a combination of facilities on the Trans-Texas Corridor;
- (3) state highway improvement project that includes both tolled and nontolled lanes and may include nontolled appurtenant facilities;
- (4) state highway improvement project in which the private entity has an interest in the project; or
- (5) state highway improvement project financed wholly or partly with the proceeds of private activity bonds, as defined by Section 141(a), Internal Revenue Code of 1986.

(b) In this subchapter, "comprehensive development agreement" means an agreement that, at a minimum, provides for the design and construction, rehabilitation, expansion, or improvement of a project described in Subsection (a) and may also provide for the financing, acquisition, maintenance, or operation of a project described in Subsection (a).

(c) ~~[The department]~~ A toll project entity may negotiate provisions relating to professional and consulting services provided in connection with a comprehensive development agreement.

(d) Money disbursed by the department under a comprehensive development agreement is not included in the amount:

(1) required to be spent in a state fiscal biennium for engineering and design contracts under Section 223.041; or

(2) appropriated in Strategy A.1.1. Plan/Design/Manage of the General Appropriations Act for that biennium for the purpose of making the computation under Section 223.041.

(e) ~~[The department]~~ A toll project entity may authorize the investment of public and private money, including debt and equity participation, to finance a function described by this section.

(f) ~~[Except as provided by Subsections (h) and (i), the]~~ The authority to enter into comprehensive development agreements provided by this section expires on August 31, ~~[2009]~~2015.

(g) The department may combine in a comprehensive development agreement under this subchapter a toll project and a rail facility as defined by Section 91.001.

~~[(h) Subsection (f) does not apply to a comprehensive development agreement that does not grant a private entity a right to finance a toll project or to a comprehensive development agreement in connection with a project:~~

~~(1) that includes one or more managed lane facilities to be added to an existing controlled access highway;~~

~~(2) the major portion of which is located in a nonattainment or near nonattainment air quality area as designated by the United States Environmental Protection Agency; and~~

~~(3) for which the department has issued a request for qualifications before May 1, 2007.~~

~~(i) The authority to enter into a comprehensive development agreement for a project exempted from Subsection (f) or Section 223.210(b) expires August 31, 2011.]~~

Sec. ~~[223.202]~~ 371.302. LIMITATION ON DEPARTMENT FINANCIAL PARTICIPATION. The amount of money disbursed by the department from the state highway fund and the Texas mobility fund during a federal fiscal year to pay the costs under comprehensive development agreements may not exceed 40 percent of the obligation authority under the federal-aid highway program that is distributed to this state for that fiscal year.

Sec. ~~[223.203]~~ 371.303. PROCESS FOR ENTERING INTO COMPREHENSIVE DEVELOPMENT AGREEMENTS. (a) If ~~[the department]~~ a toll project entity enters into a comprehensive development agreement, ~~[the department]~~ a toll project entity shall use a competitive procurement process that provides the best value for ~~[the department]~~. The department a toll project entity. A toll project entity may accept unsolicited proposals for a proposed project or solicit proposals in accordance with this section.

(b) ~~[The department]~~ A toll project entity shall establish rules and procedures for accepting unsolicited proposals that require the private entity to include in the proposal:

(1) information regarding the proposed project location, scope, and limits;

(2) information regarding the private entity's qualifications, experience, technical competence, and capability to develop the project; and

(3) any other information [~~the department~~] a toll project entity considers relevant or necessary.

(c) [~~The department~~] A toll project entity shall publish a notice advertising a request for competing proposals and qualifications in the Texas Register that includes the criteria to be used to evaluate the proposals, the relative weight given to the criteria, and a deadline by which proposals must be received if:

(1) [~~the department~~] a toll project entity decides to issue a request for qualifications for a proposed project; or

(2) [~~the department~~] a toll project entity authorizes the further evaluation of an unsolicited proposal.

(d) A proposal submitted in response to a request published under Subsection (c) must contain, at a minimum, the information required by Subsections (b)(2) and (3).

(e) [~~The department~~] A toll project entity may interview a private entity submitting an unsolicited proposal or responding to a request under Subsection (c). [~~The department~~] A toll project entity shall evaluate each proposal based on the criteria described in the request for competing proposals and qualifications and may qualify or shortlist private entities to submit detailed proposals under Subsection (f). [~~The department~~] A toll project entity must qualify or shortlist at least two private entities to submit detailed proposals for a project under Subsection (f) unless [~~the department~~] a toll project entity does not receive more than one proposal or one response to a request under Subsection (c).

(e-1) Notwithstanding the requirements of this section, [~~the department~~] a toll project entity may prequalify a private entity to submit a detailed proposal to provide services under a design-build contract. [~~The department~~] A toll project entity is not required to publish a request under Subsection (c) for a design-build contract, and may enter into a design-build contract based solely on an evaluation of detailed proposals submitted in response to a request under Subsection (f) by prequalified private entities. The [~~commission~~] governing body of a toll project entity shall adopt rules establishing criteria for the prequalification of a private entity that include the precertification requirements applicable to providers of engineering services and the qualification requirements for bidders on highway construction contracts. Rules for design-build projects adopted pursuant to this subsection shall also provide for an expedited selection process that includes design innovation as a selection criterion.

(e-2) In this section, "design-build contract" means a comprehensive development agreement that includes the design and construction of a turnpike project, does not include the financing of a turnpike project, and may include the acquisition, maintenance, or operation of a turnpike project.

(f) [~~The department~~] A toll project entity shall issue a request for detailed proposals from all private entities qualified or shortlisted under Subsection (e) or prequalified under Subsection (e-1) if [~~the department~~] a toll project entity proceeds with the further evaluation of a proposed project. A request under this subsection may require additional information relating to:

- (1) the private entity's qualifications and demonstrated technical competence;
- (2) the feasibility of developing the project as proposed;
- (3) engineering or architectural designs;
- (4) the private entity's ability to meet schedules;
- (5) a financial plan, including costing methodology and cost proposals;

or

(6) any other information the department considers relevant or necessary.

(f-1) A private entity responding to a request for detailed proposals issued under Subsection (f) may submit alternative proposals based on comprehensive development agreements having different terms, with the alternative terms in multiples of 10 years, ranging from 10 years from the later of the date of final acceptance of the project or the start of revenue operations by the private entity to 50 years from the later of the date of final acceptance of the project or the start of revenue operations by the private entity, not to exceed a total term of 52 years or any lesser term provided in a comprehensive development agreement.

(g) In issuing a request for proposals under Subsection (f), ~~the department~~ a toll project entity may solicit input from entities qualified under Subsection (e) or any other person. ~~The department~~ A toll project entity may also solicit input regarding alternative technical concepts after issuing a request under Subsection (f).

(h) ~~The department~~ A toll project entity shall evaluate each proposal based on the criteria described in the request for detailed proposals and select the private entity whose proposal offers the apparent best value to ~~the department~~ a toll project entity.

(i) ~~The department~~ A toll project entity may enter into negotiations with the private entity whose proposal offers the apparent best value.

(j) If at any point in negotiations under Subsection (i) it appears to ~~the department~~ a toll project entity that the highest ranking proposal will not provide ~~the department~~ a toll project entity with the overall best value, ~~the department~~ a toll project entity may enter into negotiations with the private entity submitting the next highest ranking proposal.

(k) ~~The department~~ A toll project entity may withdraw a request for competing proposals and qualifications or a request for detailed proposals at any time. ~~The department~~ A toll project entity may then publish a new request for competing proposals and qualifications.

(l) ~~The department~~ A toll project entity may require that an unsolicited proposal be accompanied by a nonrefundable fee sufficient to cover all or part of its cost to review the proposal.

(m) ~~The department~~ A toll project entity may pay an unsuccessful private entity that submits a responsive proposal in response to a request for detailed proposals under Subsection (f) a stipulated amount in exchange for the work product contained in that proposal. A stipulated amount must be stated in the request for proposals and may not exceed the value of any work product contained in the proposal that can, as determined by ~~the department~~ a toll

project entity, be used by ~~[the department]~~ a toll project entity in the performance of its functions. The use by ~~[the department]~~ a toll project entity of any design element contained in an unsuccessful proposal is at the sole risk and discretion of ~~[the department]~~ a toll project entity and does not confer liability on the recipient of the stipulated amount under this section. After payment of the stipulated amount:

(1) ~~[the department]~~ a toll project entity owns with the unsuccessful proposer jointly the rights to, and may make use of any work product contained in, the proposal, including the technologies, techniques, methods, processes, ideas, and information contained in the project design; and

(2) the use by the unsuccessful proposer of any portion of the work product contained in the proposal is at the sole risk of the unsuccessful proposer and does not confer liability on the department.

(n) ~~[The department]~~ A toll project entity may prescribe the general form of a comprehensive development agreement and may include any matter the department considers advantageous to the department. ~~[The department]~~ A toll project entity and the private entity shall finalize the specific terms of a comprehensive development agreement.

(o) Subchapter A of this chapter and Chapter 2254, Government Code, do not apply to a comprehensive development agreement entered into under this subchapter.

Sec. ~~[223.204]~~ 371.304. CONFIDENTIALITY OF

INFORMATION. (a) To encourage private entities to submit proposals under this subchapter, the following information is confidential, is not subject to disclosure, inspection, or copying under Chapter 552, Government Code, and is not subject to disclosure, discovery, subpoena, or other means of legal compulsion for its release until a final contract for a proposed project is entered into:

(1) all or part of a proposal that is submitted by a private entity for a comprehensive development agreement, except information provided under Sections 223.203(b)(1) and (2), unless the private entity consents to the disclosure of the information;

(2) supplemental information or material submitted by a private entity in connection with a proposal for a comprehensive development agreement, unless the private entity consents to the disclosure of the information or material; and

(3) information created or collected by the department or its agent during consideration of a proposal for a comprehensive development agreement.

(b) After ~~[the department]~~ a toll project entity completes its final ranking of proposals under Section ~~[223.203]~~ 371.303(h), the final rankings of each proposal under each of the published criteria are not confidential.

Sec. ~~[223.205]~~ 371.305. PERFORMANCE AND PAYMENT

SECURITY. (a) Notwithstanding Section 223.006 and the requirements of Subchapter B, Chapter 2253, Government Code, ~~[the department]~~ a toll project

entity shall require a private entity entering into a comprehensive development agreement under this subchapter to provide a performance and payment bond or an alternative form of security in an amount sufficient to:

- (1) ensure the proper performance of the agreement; and
- (2) protect:

(A) ~~[the department]~~ a toll project entity; and

(B) payment bond beneficiaries who have a direct contractual relationship with the private entity or a subcontractor of the private entity to supply labor or material.

(b) A performance and payment bond or alternative form of security shall be in an amount equal to the cost of constructing or maintaining the project.

(c) If ~~[the department]~~ a toll project entity determines that it is impracticable for a private entity to provide security in the amount described by Subsection (b), ~~[the department]~~ a toll project entity shall set the amount of the bonds or the alternative forms of security.

(d) A payment or performance bond or alternative form of security is not required for the portion of an agreement that includes only design or planning services, the performance of preliminary studies, or the acquisition of real property.

(e) The amount of the payment security must not be less than the amount of the performance security.

(f) In addition to or instead of a performance and payment bond, the department may require one or more of the following alternative forms of security:

- (1) a cashier's check drawn on a financial entity specified by ~~[the department]~~ a toll project entity;
- (2) a United States bond or note;
- (3) an irrevocable bank letter of credit; or
- (4) any other form of security determined suitable by ~~[the department]~~ a toll project entity.

(g) ~~[The department]~~ A toll project entity by rule shall prescribe requirements for an alternative form of security provided under this section.

Sec. ~~[223.206]~~ 371.306. OWNERSHIP OF HIGHWAY. (a) A state highway or another facility described by Section ~~[223.201]~~ 371.301(a) that is the subject of a comprehensive development agreement with a private entity, including the facilities acquired or constructed on the project, is public property and shall be owned by ~~[the department]~~ a toll project entity.

(b) Notwithstanding Subsection (a), ~~[the department]~~ a toll project entity may enter into an agreement that provides for the lease of rights-of-way, the granting of easements, the issuance of franchises, licenses, or permits, or any lawful uses to enable a private entity to construct, operate, and maintain a project, including supplemental facilities. At the termination of the agreement, the highway or other facilities are to be in a state of proper maintenance as determined by ~~[the department]~~ a toll project entity and shall be returned to ~~[the department]~~ a toll project entity in satisfactory condition at no further cost.

(c) A highway asset or toll project that is used or leased by a private entity under Section 202.052 or 228.053 for a commercial purpose is not exempt from ad valorem taxation and is subject to local zoning regulations and building standards.

(d) ~~[The department]~~ A toll project entity may not enter into a comprehensive development agreement with a private entity under this subchapter or Section 227.023 that provides for the lease, license, or other use of rights-of-way or related property by the private entity for the purpose of constructing, operating, or maintaining an ancillary facility that is used for commercial purposes.

Sec. ~~[223.207]~~ 371.307. LIABILITY FOR PRIVATE

OBLIGATIONS. ~~[The department]~~ A toll project entity may not incur a financial obligation for a private entity that designs, develops, finances, constructs, maintains, or operates a state highway or other facility under this subchapter. The state or a political subdivision of the state is not liable for any financial or other obligations of a project solely because a private entity constructs, finances, or operates any part of the project.

Sec. ~~[223.208]~~ 371.308. TERMS OF PRIVATE

PARTICIPATION. (a) ~~[The department]~~ A toll project entity shall negotiate the terms of private participation under this subchapter, including:

- (1) methods to determine the applicable cost, profit, and project distribution among the private participants and the department;
- (2) reasonable methods to determine and classify toll rates and responsibility for the setting of tolls;
- (3) acceptable safety and policing standards; and
- (4) other applicable professional, consulting, construction, operation, and maintenance standards, expenses, and costs.

(b) A comprehensive development agreement entered into under this subchapter or Section 227.023(c) may include any provision that ~~[the department]~~ a toll project entity considers appropriate, including provisions:

- (1) providing for the purchase by ~~[the department]~~ a toll project entity, under terms and conditions agreed to by the parties, of the interest of a private participant in the comprehensive development agreement and related property, including any interest in a highway or other facility designed, developed, financed, constructed, operated, or maintained under the comprehensive development agreement;
- (2) establishing the purchase price for the interest of a private participant in the comprehensive development agreement and related property, which price may be determined in accordance with the methodology established by the parties in the comprehensive development agreement;
- (3) providing for the payment of obligations incurred pursuant to the comprehensive development agreement, including any obligation to pay the purchase price for the interest of a private participant in the comprehensive development agreement, from any lawfully available source, including securing such obligations by a pledge of revenues of the ~~[commission]~~ governing body of

~~the toll project entity or the department~~ a toll project entity derived from the applicable project, which pledge shall have such priority as ~~the department~~ a toll project entity may establish;

(4) permitting the private participant to pledge its rights under the comprehensive development agreement;

(5) concerning the private participant's right to operate and collect revenue from the project; and

(6) restricting the right of the ~~commission~~ governing body of the toll project entity or ~~the department~~ a toll project entity to terminate the private participant's right to operate and collect revenue from the project unless and until any applicable termination payments have been made.

(c) The department may enter into a comprehensive development agreement under this subchapter or under Section 227.023(c) with a private participant only if the project is identified in the department's unified transportation program or is located on a transportation corridor identified in the statewide transportation plan.

(d) Section ~~223.207~~ 371.307 does not apply to the obligations of the department under a comprehensive development agreement.

(e) Notwithstanding anything in Section 201.112 or other law to the contrary, and subject to compliance with the dispute resolution procedures set out in the comprehensive development agreement, an obligation of the ~~commission~~ governing body of the toll project entity or ~~the department~~ a toll project entity under a comprehensive development agreement entered into under this subchapter or Section 227.023(c) to make or secure payments to a person because of the termination of the agreement, including the purchase of the interest of a private participant or other investor in a project, may be enforced by mandamus against ~~the commission, the department~~ the governing body of a toll project entity, a toll project entity, and the comptroller in a district court of Travis County, and the sovereign immunity of the state is waived for that purpose. The district courts of Travis County shall have exclusive jurisdiction and venue over and to determine and adjudicate all issues necessary to adjudicate any action brought under this subsection. The remedy provided by this subsection is in addition to any legal and equitable remedies that may be available to a party to a comprehensive development agreement.

(f) A comprehensive development agreement entered into under this subchapter or Section 227.023(c) and any obligations incurred, issued, or owed under the agreement does not constitute a state security under Chapter 1231, Government Code.

(g) If ~~the department~~ a toll project entity enters into a comprehensive development agreement with a private participant that includes the collection by the private participant of tolls for the use of a toll project, the private participant shall submit to ~~the department~~ a toll project entity for approval:

(1) the methodology for:

(A) the setting of tolls; and

(B) increasing the amount of the tolls;

(2) a plan outlining methods the private participant will use to collect the tolls, including:

(A) any charge to be imposed as a penalty for late payment of a toll; and

(B) any charge to be imposed to recover the cost of collecting a delinquent toll; and

(3) any proposed change in an approved methodology for the setting of a toll or a plan for collecting the toll.

(h) A comprehensive development agreement with a private participant that includes the collection by the private participant of tolls for the use of a toll project may be for a term not longer than 50 years from the later of the date of final acceptance of the project or the start of revenue operations by the private participant, not to exceed a total term of 52 years. The comprehensive development agreement must contain an explicit mechanism for setting the price for the purchase by ~~[the department]~~ a toll project entity of the interest of the private participant in the comprehensive development agreement and related property, including any interest in a highway or other facility designed, developed, financed, constructed, operated, or maintained under the agreement.

Sec. ~~[223.209]~~ 371.309. RULES, PROCEDURES, AND GUIDELINES GOVERNING SELECTION AND NEGOTIATING PROCESS. (a) The ~~[commission]~~ governing body of a toll project entity shall adopt rules, procedures, and guidelines governing selection of a developer for a comprehensive development agreement and negotiations to promote fairness, obtain private participants in projects, and promote confidence among those participants. The rules must contain criteria relating to the qualifications of the participants and the award of the contracts.

(b) ~~[The department]~~ A toll project entity shall have up-to-date procedures for participation in negotiations under this subchapter.

(c) ~~[The department]~~ A toll project entity has exclusive judgment to determine the terms of an agreement.

SECTION _____. The following provisions of the Transportation Code are repealed:

- (1) Sections 366.401-366.408;
 - (2) Sections 370.305-370.312; and
 - (3) Sections 284.003(a)(7).
- (2) Renumber SECTIONS of the bill appropriately.

Amendment No. 135

On behalf of Representative Chisum, Representative Pickett offered the following amendment to Amendment No. 134:

Amend Floor Amendment No. 134 to **CSHB 300** as follows:

SECTION 1. Subsection 201.706(1), Transportation Code, is amended to read as follows:

(1) Provide that the total annual value of assistance under this section is:

~~[(A) at least \$12 million per year for fiscal years 1998 and 1999,~~
and

~~(B)~~ at least [~~\$6~~] \$18 million per year for a fiscal year [~~other than 1998 or 1999~~].

SECTION 2. This Act takes effect September 1, 2009.

Amendment No. 135 was adopted. (Flynn recorded voting no.)

Amendment No. 134, as amended, was adopted. (Bohac, Flynn, and Kent recorded voting no.)

Amendment No. 136

Representative Hochberg offered the following amendment to **CSHB 300**:
Floor Packet Page No. 136

Amend **CSHB 300** by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE ____ . PROVISIONS APPLICABLE TO MORE THAN ONE TYPE OF TOLL PROJECT

SECTION ____ .01. Chapter 372, Transportation Code, is amended by adding Section 372.053 to read as follows:

Sec. 372.053. USE OF TRANSPONDERS. (a) In this section, "Transponder" means a device, placed on or in a motor vehicle, that is capable of transmitting information used to assess or to collect tolls.

(b) A toll project entity shall waive any fees and penalties for the failure to pay a toll while driving or towing a vehicle through a toll booth or toll plaza if:

(1) a transponder registered to the vehicle or associated with the vehicle's license plate was used when the vehicle was driven or towed through the toll booth or plaza;

(2) the failure to collect the tolls is due solely to transponder or toll equipment error, including failure to read a transponder at a transponder toll plaza;

(3) the transponder was properly installed; and

(4) the transponder was not damaged by the person to the extent that it could not collect the tolls.

(c) A toll project entity that waives fees and penalties under Subsection (b) may notify the registered owner of the vehicle to which the transponder is registered that the transponder must be replaced, and is not required to waive subsequent fees and penalties for tolls not paid after the owner has been given a reasonable opportunity to replace the transponder.

(d) Subsection (b) does not relieve the registered owner of liability for payment of the toll.

(e) A toll project entity shall waive any fees and penalties for driving or towing a vehicle through a toll booth or toll plaza while using a transponder on or in a motor vehicle to which the transponder was not previously registered if:

(1) the tolls incurred by the person are collected successfully by transponder; and

(2) the vehicle is of the same toll classification as the vehicle to which the transponder was registered.

Amendment No. 137

Representative Hochberg offered the following amendment to Amendment No. 136:

Amend Amendment No. 136 to **CSHB 300** by Hochberg (page 136 of the pre-filed amendment packet) in added Section 372.053(b)(1), Transportation Code, by striking "vehicle or associated" and substitute "vehicle and associated".

Amendment No. 137 was adopted.

Amendment No. 136, as amended, was adopted.

(Speaker in the chair)

Amendment No. 138

Representative P. King offered the following amendment to **CSHB 300**:
Floor Packet Page No. 296

Amend **CSHB 300** by inserting in the appropriate ARTICLE the following appropriately-numbered SECTION and renumbering any subsequent SECTIONS accordingly:

SECTION _____. Chapter 391, Transportation Code, is amended by adding Section 391.2521 to read as follows:

Sec. 391.2521. ERECTING OUTDOOR ADVERTISING FOR SEXUALLY ORIENTED BUSINESS WITHOUT PERMIT. (a) A person may not, without first obtaining a permit from the commission, erect or maintain outdoor advertising that advertises a sexually-oriented business that is adjacent to or visible from:

(1) Interstate 35 between the department's information center in Gainesville and the Texas-Oklahoma border; and

(2) U.S. Highways 69 and 75 between the department's information center in Denison and the Texas-Oklahoma border;

(b) The department shall issue a permit to a person under this section only if the person can show that the advertising:

(1) does not endanger the health, safety, welfare, morals, convenience, and enjoyment of the traveling public and the protection of the public investment in the interstate and primary highways systems and in travel information centers; and

(2) is not a public nuisance.

(c) The department shall adopt rules to administer this section, including permit fees, forms, and application process.

(d) As used in this section, "sexually oriented business" has the meaning assigned by Section 243.002, Local Government Code.

Amendment No. 138 was adopted.

Amendment No. 139

Representative Phillips offered the following amendment to **CSHB 300**:
Floor Packet Page No. 258

Amend **CSHB 300** (House committee printing) by adding the following appropriately numbered SECTIONS to ARTICLE 6 of the bill and renumbering subsequent SECTIONS of that ARTICLE accordingly:

SECTION _____. Subtitle H, Title 6, Transportation Code, is amended by adding Chapter 399 to read as follows:

CHAPTER 399. OUTDOOR ADVERTISING ADVISORY COMMITTEE

Sec. 399.001. DEFINITIONS. In this chapter:

(1) "Advisory committee" means the outdoor advertising advisory committee established by this chapter.

(2) "Outdoor sign" includes the meaning assigned to "outdoor advertising" by Section 391.001 and the meaning assigned to "off-premise sign" by Section 394.001.

Sec. 399.002. OUTDOOR ADVERTISING ADVISORY COMMITTEE.

The department shall establish an outdoor advertising advisory committee. The advisory committee shall provide advice, information, and recommendations to the commission regarding rules and regulations related to outdoor signs along highways and roads in this state.

Sec. 399.003. APPOINTMENT. The membership of the advisory committee shall be as follows:

(1) one member of the general public appointed by the governor;

(2) one member of the general public appointed by the lieutenant governor;

(3) one member of the general public appointed by the speaker of the house of representatives; and

(4) 11 members appointed by the commission as follows:

(A) two representatives from organizations that promote the scenic values of this state;

(B) two representatives from the outdoor sign industry;

(C) one representative from an organization that serves the interests of counties in this state;

(D) one representative from an organization that promotes landowner property rights in this state;

(E) two representatives from organizations that promote travel, tourism, and hospitality industries in this state;

(F) one representative from an organization that promotes businesses that use outdoor signs; and

(G) two members of the general public.

Sec. 399.004. CHAIR; TERMS. (a) The advisory committee shall elect one member to serve as chairperson.

(b) A member of the advisory committee serves a two-year term that begins at the beginning of the state fiscal year in which the member is appointed.

(c) A majority of the members of the advisory committee is a quorum for the transaction of business by the advisory committee.

(d) An action by the advisory committee, including a formal recommendation to the commission, requires the approval of a majority of the quorum.

Sec. 399.005. POWERS AND DUTIES. (a) No action by the advisory committee is intended to conflict with the federal Highway Beautification Act of 1965 (23 U.S.C. Sections 131, 136, and 319).

(b) The advisory committee shall submit a biennial report to the house and senate committees with jurisdiction over transportation. The report shall include recommendations to the legislature for any necessary statutory changes and a summary of the recommendations the committee has made to the department during the preceding two years. The first report must be submitted not later than November 1, 2010.

(c) The commission may adopt rules necessary for the operation of the advisory committee.

Sec. 399.006. COMPENSATION. A member of an advisory committee may not be compensated by the commission or the department for service and is not entitled to reimbursement for any expense incurred in the performance of committee service.

Sec. 399.007. OPEN RECORDS AND COOPERATION WITH STATE AGENCIES. (a) All written or other recorded information maintained by the advisory committee or advisory committee members regarding the business of the advisory committee is public information and is subject to Chapter 552, Government Code.

(b) Meetings of the advisory committee are subject to Chapter 551, Government Code.

(c) All agencies of this state shall assist the advisory committee in the performance of its duties. To the extent permitted by laws relating to confidentiality, an agency of this state shall furnish the advisory committee with any information or advice requested by a member of the advisory committee, if that member considers the information necessary to the performance of the duties of the advisory committee.

(d) The department shall provide administrative staff and support required for operation of the advisory committee.

Sec. 399.008. EXPIRATION OF CHAPTER. This chapter expires August 31, 2011.

Amendment No. 140

Representative Pickett offered the following amendment to Amendment No. 139:

Amend Amendment No. 139 to **CSHB 300** by Phillips (page 258 of the amendment packet) on page 3 of the amendment as follows:

(1) On lines 8-9 strike "RECORDS AND COOPERATION WITH STATE AGENCIES" and substitute "RECORDS; STAFF."

(2) Strike lines 15-21.

(2) On line 22 strike "(d)" and substitute "(c)".

Amendment No. 140 was adopted.

Amendment No. 141

Representative Phillips offered the following amendment to Amendment No. 139:

Amend Floor Amendment No. 139 by Phillips to **CSHB 300** as follows:

- (1) On page 1, line 29, strike "two" and substitute "three".
- (2) On page 2, line 2, strike "two" and substitute "three".
- (3) On page 2, line 9, after the underlined semicolon, add "and".
- (4) On page 2, line 11, strike "; and" and substitute " : ".
- (5) On page 2, strike line 12.

Amendment No. 141 was adopted.

Amendment No. 139, as amended, was adopted.

Amendment No. 142

Representative W. Smith offered the following amendment to **CSHB 300**:
Floor Packet Page No. 167

Amend **CSHB 300** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE _____. TEXAS LOCAL PARTICIPATION TRANSPORTATION PROGRAM

SECTION _____. Chapter 403, Government Code, is amended by adding Subchapter O to read as follows:

SUBCHAPTER O. TEXAS LOCAL PARTICIPATION TRANSPORTATION PROGRAM

Sec. 403.351. DEFINITIONS. In this section:

- (1) "Department" means the Texas Department of Transportation.
- (2) "Fund" means the Texas local participation transportation fund.
- (3) "Local project sponsor" means:
 - (A) a municipality;
 - (B) a county, including a county acting under Chapter 284, Transportation Code;
 - (C) a regional mobility authority under Chapter 370, Transportation Code; or
 - (D) a regional tollway authority under Chapter 366, Transportation Code.
- (4) "Program" means the Texas Local Participation Transportation Program created under this subchapter.
- (5) "Project" means a tolled or non-tolled facility:
 - (A) authorized under Section 222.104, Transportation Code; and
 - (B) sponsored by a local project sponsor.
- (6) "Total project cost" in connection with a project means the estimated costs of:

(A) planning, environmental assessment, regulatory permitting and compliance, design, construction, construction oversight and inspection, right-of-way acquisition, utility relocation, program management, legal services, and financial advisory services; and

(B) financing, but only to the extent financing costs relate to the securitization of amounts received from the fund and received under an agreement made under Section 222.104, Transportation Code.

Sec. 403.352. TEXAS LOCAL PARTICIPATION TRANSPORTATION FUND. (a) The Texas local participation transportation fund is a dedicated account in the general revenue fund.

(b) The fund is composed of:

(1) money transferred to the fund at the direction of the legislature;

(2) gifts and grants contributed to the fund;

(3) interest and earnings received from investments of money in the fund; and

(4) money repaid by a local project sponsor under a loan made under this subchapter.

(c) Money in the fund may be used only for the administration of this subchapter and may not be appropriated for any other purpose.

(d) Sections 403.095 and 404.071 do not apply to the fund.

Sec. 403.353. GIFTS AND GRANTS. The comptroller may solicit and accept gifts and grants to the fund. A gift or grant to the fund may be used in the same manner as other money in the fund, subject to any limitation or requirement placed on the gift or grant by the donor or granting entity.

Sec. 403.354. RULEMAKING AUTHORITY. The comptroller may adopt rules relating to the implementation of the program and any other rules necessary to accomplish the purposes of this subchapter.

Sec. 403.355. TEXAS LOCAL PARTICIPATION TRANSPORTATION PROGRAM. (a) The comptroller shall administer a program to encourage local project sponsors to participate in the delivery of eligible projects by providing the sponsors disbursements from the fund.

(b) In administering the program, the comptroller shall develop a process for certifying the eligibility of projects nominated by local project sponsors for disbursements from the fund. The process must require a local project sponsor to submit a request for certification that includes:

(1) a description of the benefits anticipated to result from the project, including the impact on:

(A) local economic development and diversification;

(B) congestion on public highways, future mobility needs of this state, and the development or expansion of transportation in the state;

(C) safety to the traveling public; and

(D) air quality;

(2) a description of local support for the project and any known local public opposition;

(3) a proposed schedule for the development and completion of the project, including an estimate of the date on which the project will be open to traffic; and

(4) a commitment by the local project sponsor to comply with all state or federal laws.

(c) In addition to information provided under Subsection (b), a request for certification must contain:

(1) sufficient information to determine that the local project sponsor is an entity eligible to receive funding under this subchapter;

(2) a specific description of the project, including project limits and connections with other transportation facilities;

(3) identification of the scope of work to be completed and a detailed estimate of total project costs;

(4) a commitment that the local project sponsor intends to enter into an agreement for development of the project under Section 222.104, Transportation Code; and

(5) a proposed plan for funding the project that:

(A) is in compliance with Subsection (d); and

(B) specifically identifies the contribution of local sources to the total project cost.

(d) An eligible project may not receive more than 50 percent of the total project cost from the fund.

Sec. 403.356. DETERMINATION OF CONTRIBUTION. For purposes of determining the amount contributed by local sources to the total project cost under Section 403.355, a sponsor may include, as applicable, funds on hand, ad valorem taxes, local option taxes or fees dedicated to the project, economic development grants, other project specific gifts and grants, and, if the project is planned as a toll facility, toll revenues.

Sec. 403.357. ADMINISTRATION OF PROGRAM. In administering the program the comptroller shall:

(1) prepare an annual report projecting the amount of funding available based on estimates of future deposits to the fund and of money to be repaid to the fund by local project sponsors under loans made under this subchapter;

(2) establish guidelines for disbursements from the fund that link disbursements with proposed project development and completion schedules submitted under Section 403.355(b)(3); and

(3) establish guidelines and protocols for use by the department in certifying that a project for which a request for certification is submitted is not inconsistent with existing and planned improvements to the state highway system.

Sec. 403.358. PROJECT CERTIFICATION. (a) If the comptroller finds that a project for which a request for certification is submitted is eligible for disbursements from the fund, the comptroller shall:

(1) issue a certification to the local project sponsor to begin negotiations with the department under Section 222.104, Transportation Code; and

(2) provide the department, based on the type of projects that will most effectively meet the economic development needs of this state, with guidelines that the department shall follow in advancing projects authorized under Section 222.104, Transportation Code, and negotiating agreements for projects under that section, so that projects may be certified under this subchapter as eligible for funding, including guidelines on:

(A) prescribing the roles and responsibility of the parties for all significant work to be performed;

(B) delegating to the local project sponsor, to the maximum extent permitted by law, the full responsibility for project development;

(C) requiring a local project sponsor to meet state design criteria, construction specifications, and contract administration procedures unless the department grants an exception; and

(D) defining the maximum total funds available for the project in consideration of the total project costs and the money available in the fund.

(b) A project for which a certification is issued under this section does not require further approval by the department under Section 222.104, Transportation Code, before an agreement may be made.

Sec. 403.359. FUND DISBURSEMENTS. (a) After a project is certified under this subchapter, the comptroller may make disbursements from the fund to a local project sponsor in the form of a grant or loan in accordance with guidelines established under Section 403.357(2).

(b) The comptroller may not make a disbursement from the fund for a project until there is a signed agreement under Section 222.104, Transportation Code, that is consistent with Section 403.358(a)(2).

Sec. 403.360. FEES. In connection with each application for certification of a project under this subchapter, the comptroller shall impose and collect from the local project sponsor an application fee in an amount sufficient to cover the costs incurred by the comptroller in administering this subchapter.

Amendment No. 142 was adopted.

Amendment No. 143

Representative Phillips offered the following amendment to **CSHB 300**:
Floor Packet Page No. 360

Amend **CSHB 300** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering the remaining ARTICLES of the bill accordingly:

ARTICLE ____ . PUBLIC TRANSPORTATION ADVISORY COMMITTEE

SECTION ____ .01. Sections 455.004(a), (b), and (c), Transportation Code, are amended to read as follows:

(a) A public transportation advisory committee consisting of nine [~~++~~] members shall:

(1) advise the commission on the needs and problems of the state's public transportation providers, including the methods for allocating state public transportation money;

(2) comment on rules involving public transportation during development of the rules and before the commission finally adopts the rules unless an emergency requires immediate commission action;

(3) advise the commission on the implementation of Chapter 461; ~~[and]~~

(4) perform any other duty determined by the commission; and

(5) reflect the diversity of this state.

(b) ~~The members [commission shall appoint members of the advisory committee. The membership]~~ of the committee shall be appointed by the governor, the lieutenant governor, and the speaker of the house of representatives, who shall each appoint [include]:

(1) one member [four members] who represents [represent] a diverse cross-section of public transportation providers;

(2) one member [three members] who represents [represent] a diverse cross-section of transportation users; and

(3) one member [three members] who represents [represent] the general public[; and

~~(4) one member with experience in the administration of health and human services programs].~~

(c) A member serves at the pleasure of the officer who appointed the member [commission]. A member is not entitled to compensation for service on the committee but is entitled to reimbursement for reasonable expenses the member incurs in performing committee duties.

SECTION _____.02. The change in law made by this article to the public transportation advisory committee does not affect the entitlement of a member serving on the committee immediately before the effective date of this Act to serve the remainder of the member's term. The first two members whose positions expire or become vacant may not be replaced.

Amendment No. 143 was adopted.

Amendment No. 144

Representative Hughes offered the following amendment to **CSHB 300**:
Floor Packet Page No. 45

Amend **CSHB 300** (House Committee Printing) by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS appropriately:

SECTION _____. Subtitle K, Title 6, Transportation Code, is amended by adding Chapter 462 to read as follows:

CHAPTER 462. SOUTHERN HIGH-SPEED RAIL COMPACT

Sec. 462.001. DEFINITIONS. In this chapter:

(1) "Commission" means the Southern High-Speed Rail Commission.

(2) "Party state" means a state that is a party to the compact under this chapter.

Sec. 462.002. EXECUTION AND TEXT OF COMPACT. The governor, on behalf of this state, is hereby authorized to execute a compact in substantially the following form with the states of Mississippi, Louisiana, and Alabama, and the legislature hereby signifies in advance its approval and ratification of such compact, as follows:

SOUTHERN HIGH-SPEED RAIL COMPACT

ARTICLE I. PURPOSE

The purpose of this compact is to implement Pub. L. No. 97-213, including the conduct of a study of the feasibility of rapid rail transit service between the states of Mississippi, Louisiana, Alabama, and Texas and to establish a joint interstate commission to assist in this effort.

ARTICLE II. EFFECTIVE DATE; DURATION

(a) This compact shall become effective immediately as to the states ratifying it whenever the states of Mississippi, Louisiana, Alabama, and Texas have ratified it and Congress has given consent to it. Any state not mentioned in this article that is contiguous with any party state may become a party to this compact, subject to the approval of the legislature of each party state.

(b) This compact shall continue in force and remain binding on each party state until the legislature or governor of a party state takes action to withdraw from the compact. However, any withdrawal from the compact is not effective until six months after the date of the action taken by the legislature or governor to withdraw. Notice of withdrawal shall be given to the other party states by the secretary of state of the withdrawing party state.

ARTICLE III. SOUTHERN HIGH-SPEED RAIL COMMISSION;

APPOINTMENT; MEMBERSHIP

(a) The party states through this compact establish and create a joint agency known as the Southern High-Speed Rail Commission.

(b) The membership of the commission consists of:

(1) the governor of each party state or that governor's designee;

(2) one representative each from:

(A) the Mississippi Energy and Transportation Board, or its successor;

(B) the Office of Aviation and Public Transportation of the Louisiana Department of Transportation and Development, or its successor;

(C) the Alabama Department of Energy, or its successor; and

(D) the Texas Department of Transportation; and

(3) five citizens from each party state, appointed by the governor of the party state.

(c) An appointed member of the commission serves a four-year term.

(d) A vacancy on the commission shall be filled for the unexpired portion of the term by the governor of the party state that appointed the member whose position becomes vacant.

(e) A member is not entitled to compensation for service on the commission but is entitled to reimbursement for reasonable expenses the member incurs in performing commission duties.

ARTICLE IV. SOUTHERN HIGH-SPEED RAIL COMMISSION; POWERS
AND DUTIES

(a) The commission shall hold regular quarterly meetings and such special meetings as its business may require.

(b) The members of the commission shall choose a chairman and vice chairman. The chairmanship shall rotate annually among the party states in the order of ratification of the compact.

(c) The commission shall adopt rules and regulations for the transaction of its business and keep a record of all business.

(d) The commission shall study the feasibility of providing interstate rapid rail transit service between the party states. To facilitate this duty, the commission may:

(1) hold hearings;

(2) conduct studies and surveys of the problems, benefits, and other matters associated with the provision of interstate rapid rail transit service;

(3) make reports on an activity conducted under Subdivision (2);

(4) acquire by gift, grant, or otherwise from local, state, federal, or private sources money or property to be used for the business of the commission;

(5) hold and dispose of money or property acquired under Subdivision (4);

(6) cooperate with public or private groups having an interest in interstate rapid rail transit service;

(7) adopt and implement plans and policies for emphasizing the purpose of this compact before the Congress of the United States and other appropriate officers and agencies of the United States; and

(8) exercise any other powers as may be appropriate to accomplish the purposes of this compact.

ARTICLE V. FUNDING

Each party state agrees that its legislature may in its discretion make available and pay to the commission funds for the establishment and operation of the commission. The contribution of each party state shall be in equal amounts, if possible. Nothing in this article shall be construed as binding the legislature of any party state to make an appropriation of a particular amount at any time.

ARTICLE VI. CONFLICT OF LAWS

Nothing in this compact shall be construed to conflict with any existing statute, repeal or prevent legislation, or affect any existing or future cooperative agreement or relationship between any federal agency and a party state.

ARTICLE VII. GRANT OF AUTHORITY

There is hereby granted to the governor, to the members of the commission for Mississippi, Louisiana, Alabama, and Texas, and to the compact administrator all the powers provided for in the compact. All officers of the State of Texas are authorized and directed to perform any actions in their respective jurisdictions that are necessary to carrying out the purpose of the compact.

Amendment No. 145

Representative Hughes offered the following amendment to Amendment No. 144:

Amend Amendment No. 144 to **CSHB 300** by Hughes (page 45 of the pre-filed amendment packet) by striking all below the introductory language (page 1, line 4 of the amendment through page 4, line 24) and substituting the following:

SECTION _____. Subtitle K, Title 6, Transportation Code, is amended by adding Chapter 462 to read as follows:

CHAPTER 462. SOUTHERN HIGH-SPEED RAIL COMPACT

Sec. 462.001. DEFINITIONS. In this chapter:

(1) "Commission" means the Southern High-Speed Rail Commission.

(2) "Party state" means a state that is a party to the compact under this

chapter.

Sec. 462.002. EXECUTION AND TEXT OF COMPACT. The governor, on behalf of this state, is hereby authorized to execute a compact in substantially the following form with the states of Mississippi, Louisiana, and Alabama, and the legislature hereby signifies in advance its approval and ratification of such compact, as follows:

SOUTHERN HIGH-SPEED RAIL COMPACT

ARTICLE I. PURPOSE

The purpose of this compact is to implement Pub. L. No. 97-213, including the conduct of a study of the feasibility of rapid rail transit service between the states of Mississippi, Louisiana, Alabama, and Texas and to establish a joint interstate commission to assist in this effort.

ARTICLE II. EFFECTIVE DATE; DURATION

(a) This compact shall become effective immediately as to the states ratifying it whenever the states of Mississippi, Louisiana, Alabama, and Texas have ratified it and Congress has given consent to it. Any state not mentioned in this article that is contiguous with any party state may become a party to this compact, subject to the approval of the legislature of each party state.

(b) This compact shall continue in force and remain binding on each party state until the legislature or governor of a party state takes action to withdraw from the compact. However, any withdrawal from the compact is not effective until six months after the date of the action taken by the legislature or governor to withdraw. Notice of withdrawal shall be given to the other party states by the secretary of state of the withdrawing party state.

ARTICLE III. SOUTHERN HIGH-SPEED RAIL COMMISSION;

APPOINTMENT; MEMBERSHIP

(a) The party states through this compact establish and create a joint agency known as the Southern High-Speed Rail Commission.

(b) The membership of the commission consists of:

(1) the governor of each party state or that governor's designee;

(2) one representative each from:

(A) the Mississippi Energy and Transportation Board, or its successor;

(B) the Office of Aviation and Public Transportation of the Louisiana Department of Transportation and Development, or its successor;

(C) the Alabama Department of Energy, or its successor; and

(D) the Texas Department of Transportation; and

(3) five citizens from each party state, appointed by the governor of the party state.

(c) The citizens appointed from the State of Texas must reside in a federally designated high-speed rail corridor.

(d) An appointed member of the commission serves a four-year term.

(e) A vacancy on the commission shall be filled for the unexpired portion of the term by the governor of the party state that appointed the member whose position becomes vacant.

(f) A member is not entitled to compensation for service on the commission but is entitled to reimbursement for reasonable expenses the member incurs in performing commission duties.

ARTICLE IV. SOUTHERN HIGH-SPEED RAIL COMMISSION; POWERS AND DUTIES

(a) The commission shall hold regular quarterly meetings and such special meetings as its business may require.

(b) The members of the commission shall choose a chairman and vice chairman. The chairmanship shall rotate annually among the party states in the order of ratification of the compact.

(c) The commission shall adopt rules and regulations for the transaction of its business and keep a record of all business.

(d) The commission shall study the feasibility of providing interstate rapid rail transit service between the party states. To facilitate this duty, the commission may:

(1) hold hearings;

(2) conduct studies and surveys of the problems, benefits, and other matters associated with the provision of interstate rapid rail transit service;

(3) make reports on an activity conducted under Subdivision (2);

(4) acquire by gift, grant, or otherwise from local, state, federal, or private sources money or property to be used for the business of the commission;

(5) hold and dispose of money or property acquired under Subdivision (4);

(6) cooperate with public or private groups having an interest in interstate rapid rail transit service;

(7) adopt and implement plans and policies for emphasizing the purpose of this compact before the Congress of the United States and other appropriate officers and agencies of the United States; and

(8) exercise any other powers as may be appropriate to accomplish the purposes of this compact.

ARTICLE V. FUNDING

Each party state agrees that its legislature may in its discretion make available and pay to the commission funds for the establishment and operation of the commission. The contribution of each party state shall be in equal amounts, if possible. Nothing in this article shall be construed as binding the legislature of any party state to make an appropriation of a particular amount at any time.

ARTICLE VI. CONFLICT OF LAWS

Nothing in this compact shall be construed to conflict with any existing statute, repeal or prevent legislation, or affect any existing or future cooperative agreement or relationship between any federal agency and a party state.

ARTICLE VII. GRANT OF AUTHORITY

There is hereby granted to the governor, to the members of the commission for Mississippi, Louisiana, Alabama, and Texas, and to the compact administrator all the powers provided for in the compact. All officers of the State of Texas are authorized and directed to perform any actions in their respective jurisdictions that are necessary to carrying out the purpose of the compact.

Amendment No. 145 was adopted.

Amendment No. 144, as amended, was adopted.

Amendment No. 146

Representative S. Turner offered the following amendment to **CSHB 300**:
Floor Packet Page No. 54

Amend proposed **CSHB 300**, in ARTICLE ____ of the bill, by adding the following SECTIONS, appropriately numbered, and renumbering existing SECTIONS in ARTICLE ____ accordingly:

SECTION _____. Chapter 472, Transportation Code, is amended by adding a new section 472.01355 to read as follows:

Sec. 472.03155. POLICY BOARD MEMBERSHIP AND VOTING REQUIREMENTS IN POPULOUS COUNTIES; ELIGIBILITY FOR STATE ALLOCATION OF FUNDING. (a) This section applies only to a metropolitan planning organization that serves a county with a population of 3.3 million or more.

(b) To be eligible to receive funds from this state for transportation projects under Section 201.668:

(1) at least 50 percent of a metropolitan planning organization's policy board members must be elected officials who are elected in the boundaries of the metropolitan planning organization; and

(2) except as provided in Section 472.03166, only elected officials may be voting members of the organization's policy board.

(c) A metropolitan planning organization that is not eligible under Subsection (b) may redesignate the board so as to become eligible to receive an allocation of funds under Section 201.668.

(d) In this section, "elected official" means the presiding officer or a member of the governing body of a municipality, a county judge, a county commissioner, a state representative, or a state senator.

SECTION _____. Chapter 472, Transportation Code, is amended by adding a new section 472.01366 to read as follows:

Sec. 472.03166. REPRESENTATION IN POPULOUS COUNTIES AND CITIES. For a metropolitan planning organization that serves a county with a population of 3.3 million or more, the counties and municipalities of that metropolitan planning organization may designate one or more non-elected officials to serve on the policy board and such persons may be provided voting membership. If the metropolitan area of such metropolitan planning organization is served by authorities or other agencies that have been or may be created by law to perform transportation functions and are performing transportation functions, the authorities or other agencies may be provided voting membership on the policy board regardless of whether the authorities or agencies are also under the jurisdiction of a municipality or county represented on the metropolitan planning organization.

Amendment No. 146 was adopted. (Flynn recorded voting no.)

Amendment No. 147

Representative Y. Davis offered the following amendment to **CSHB 300**:
Floor Packet Page No. 313

Amend **CSHB 300** (House committee printing), by striking page 57, line 13, through page 58, line 3, and substituting the following:

Sec. 472.0315. POLICY BOARD MEMBERSHIP AND VOTING REQUIREMENTS; ELIGIBILITY FOR STATE ALLOCATION OF FUNDING.

(a) The policy board of a metropolitan planning organization must consist of at least 5 and not more than 19 members, the exact number to be determined on an equitable geographic-population ratio based on the most recent census.

(b) To be eligible to receive funds from this state for transportation projects under Section 201.668:

(1) at least 75 percent of a metropolitan planning organization's policy board members must be elected officials who are elected in the boundaries of the metropolitan planning organization; and

(2) only elected officials may be voting members of the organization's policy board.

(c) A metropolitan planning organization that is not eligible under Subsection (b) may redesignate the board so as to become eligible to receive an allocation of funds under Section 201.668.

(d) In this section, "elected official" means the presiding officer or a member of the governing body of a municipality, a county judge, a county commissioner, a state representative, or a state senator.

Amendment No. 147 was withdrawn.

Amendment No. 148

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

Floor Packet Page No. 93

Amend **CSHB 300** by adding the following ARTICLE to the bill, appropriately numbered, and renumbering the subsequent ARTICLES of the bill accordingly:

ARTICLE _____. TEMPORARY TAGS FOR VEHICLES

SECTION _____.01. Section 501.022(d), Transportation Code, is amended to read as follows:

(d) Subsection (c) does not apply to a motor vehicle operated on a public highway in this state with a metal dealer's license plate or a dealer's or buyer's temporary [~~cardboard~~] tag attached to the vehicle as provided by Chapter 503.

SECTION _____.02. Sections 503.038(a) and (c), Transportation Code, are amended to read as follows:

(a) The department may cancel a dealer's general distinguishing number if the dealer:

(1) falsifies or forges a title document, including an affidavit making application for a certified copy of a title;

(2) files a false or forged tax document, including a sales tax affidavit;

(3) fails to take assignment of any basic evidence of ownership, including a certificate of title or manufacturer's certificate, for a vehicle the dealer acquires;

(4) fails to assign any basic evidence of ownership, including a certificate of title or manufacturer's certificate, for a vehicle the dealer sells;

(5) uses or permits the use of a metal dealer's license plate or a dealer's temporary [~~cardboard~~] tag on a vehicle that the dealer does not own or control or that is not in stock and offered for sale;

(6) makes a material misrepresentation in an application or other information filed with the department;

(7) fails to maintain the qualifications for a general distinguishing number;

(8) fails to provide to the department within 30 days after the date of demand by the department satisfactory and reasonable evidence that the person is regularly and actively engaged in business as a wholesale or retail dealer;

(9) has been licensed for at least 12 months and has not assigned at least five vehicles during the previous 12-month period;

(10) has failed to demonstrate compliance with Sections 23.12, 23.121, and 23.122, Tax Code;

(11) uses or allows the use of the dealer's general distinguishing number or the location for which the general distinguishing number is issued to avoid the requirements of this chapter;

(12) misuses or allows the misuse of a temporary [~~cardboard~~] tag authorized under this chapter;

(13) refuses to show on a buyer's temporary [~~cardboard~~] tag the date of sale or other reasonable information required by the department; or

(14) otherwise violates this chapter or a rule adopted under this chapter.

(c) A person whose general distinguishing number is canceled under this chapter shall surrender to a representative of the department each license, license plate, temporary [~~cardboard~~] tag, sticker, and receipt issued under this chapter not later than the 10th day after the date the general distinguishing number is canceled. The department shall direct any peace officer to secure and return to the department any plate, tag, sticker, or receipt of a person who does not comply with this subsection.

SECTION _____.03. Subchapter C, Chapter 503, Transportation Code, is amended by adding Section 503.0619 to read as follows:

Sec. 503.0619. TEMPORARY TAGS; MATERIALS. (a) A temporary tag issued under this chapter must be made of a non-permeable material that, in all weather conditions:

(1) resists deterioration and fading for the period that the tag is displayed on the vehicle; and

(2) maintains structural integrity, including graphic and data adhesion, for the period that the tag is displayed on the vehicle.

(b) Temporary tag materials that satisfy the requirements of Subsection (a) include:

(1) plastic or other weather-resistant materials; or

(2) non-weather-resistant cardstock or cardboard that is at least 0.024 inches thick and is sealed in a two-millimeter polyethylene bag.

SECTION _____.04. The heading to Section 503.062, Transportation Code, is amended to read as follows:

Sec. 503.062. DEALER'S TEMPORARY [~~CARDBOARD~~] TAGS.

SECTION _____.05. Sections 503.062(a) and (d), Transportation Code, are amended to read as follows:

(a) A dealer may issue a temporary [~~cardboard~~] tag for use on an unregistered vehicle by the dealer or the dealer's employees only to:

(1) demonstrate or cause to be demonstrated to a prospective buyer the vehicle for sale purposes only;

(2) convey or cause to be conveyed the vehicle:

(A) from one of the dealer's places of business in this state to another of the dealer's places of business in this state;

(B) from the dealer's place of business to a place the vehicle is to be repaired, reconditioned, or serviced;

(C) from the state line or a location in this state where the vehicle is unloaded to the dealer's place of business;

(D) from the dealer's place of business to a place of business of another dealer;

(E) from the point of purchase by the dealer to the dealer's place of business; or

(F) to road test the vehicle; or

(3) use the vehicle for or allow its use by a charitable organization.

(d) The department may not issue a dealer temporary [~~cardboard~~] tag or contract for the issuance of a dealer temporary [~~cardboard~~] tag but shall prescribe:

- (1) the specifications, form, and color of a dealer temporary [~~cardboard~~] tag;
- (2) procedures for a dealer to generate a vehicle-specific number using the database developed under Section 503.0626 and assign it to each tag;
- (3) procedures to clearly display the vehicle-specific number on the tag;
- and
- (4) the period for which a tag may be used for or by a charitable organization.

SECTION _____.06. The heading to Section 503.0625, Transportation Code, is amended to read as follows:

Sec. 503.0625. CONVERTER'S TEMPORARY [~~CARDBOARD~~] TAGS.

SECTION _____.07. Sections 503.0625(b), (e), and (f), Transportation Code, are amended to read as follows:

(b) A converter may issue a temporary [~~cardboard~~] tag for use on an unregistered vehicle by the converter or the converter's employees only to:

- (1) demonstrate or cause to be demonstrated to a prospective buyer who is an employee of a franchised motor vehicle dealer the vehicle; or
- (2) convey or cause to be conveyed the vehicle:
- (A) from one of the converter's places of business in this state to another of the converter's places of business in this state;
- (B) from the converter's place of business to a place the vehicle is to be assembled, repaired, reconditioned, modified, or serviced;
- (C) from the state line or a location in this state where the vehicle is unloaded to the converter's place of business;
- (D) from the converter's place of business to a place of business of a franchised motor vehicle dealer; or
- (E) to road test the vehicle.

(e) The department may not issue a converter temporary [~~cardboard~~] tag or contract for the issuance of a converter temporary [~~cardboard~~] tag but shall prescribe:

- (1) the specifications, form, and color of a converter temporary [~~cardboard~~] tag;
- (2) procedures for a converter to generate a vehicle-specific number using the database developed under Section 503.0626 and assign it to each tag; and
- (3) procedures to clearly display the vehicle-specific number on the tag.

(f) A converter or employee of a converter may not use a temporary [~~cardboard~~] tag issued under this section as authorization to operate a vehicle for the converter's or the employee's personal use.

SECTION _____.08. Sections 503.0626(a) and (c), Transportation Code, are amended to read as follows:

(a) The department shall develop and maintain a secure, real-time database of information on vehicles to which dealers and converters have affixed temporary [~~cardboard~~] tags. The database shall be managed by the vehicle titles and registration division of the department.

(c) Before a dealer's or converter's temporary [cardboard] tag may be displayed on a vehicle, the dealer or converter must enter into the database through the Internet information on the vehicle and information about the dealer or converter as prescribed by the department. The department may not deny access to the database to any dealer who holds a general distinguishing number issued under this chapter or who is licensed under Chapter 2301, Occupations Code, or to any converter licensed under Chapter 2301, Occupations Code.

SECTION _____.09. The heading to Section 503.063, Transportation Code, is amended to read as follows:

Sec. 503.063. BUYER'S TEMPORARY [CARDBOARD] TAGS.

SECTION _____.10. Sections 503.063(a), (g), and (h), Transportation Code, are amended to read as follows:

(a) Except as provided by this section, a dealer shall issue to a person who buys an unregistered vehicle one temporary [cardboard] buyer's tag for the vehicle.

(g) Using the same vehicle-specific number generated under Subsection (e)(2)(A), a dealer may issue an additional temporary [cardboard] buyer's tag to a person after the expiration of 20 working days after the issue of a temporary [cardboard] buyer's tag, and the person may operate the vehicle for which the tag was issued on the additional temporary [cardboard] buyer's tag if the dealer has been unable to obtain on behalf of the vehicle's owner the necessary documents to obtain permanent metal license plates because the documents are in the possession of a lienholder who has not complied with the terms of Section 501.115(a). An additional tag issued under the terms of this subsection is valid for a maximum of 20 working days after the date of issue.

(h) For each buyer's temporary [cardboard] tag other than an additional temporary [cardboard] buyer's tag under Subsection (g), a dealer shall charge the buyer a registration fee of not more than \$5 as prescribed by the department to be sent to the comptroller for deposit to the credit of the state highway fund.

SECTION _____.11. Section 503.0631(c), Transportation Code, is amended to read as follows:

(c) Except as provided by Subsection (d), before a buyer's temporary [cardboard] tag may be displayed on a vehicle, a dealer must enter into the database through the Internet information about the buyer of the vehicle for which the tag was issued as prescribed by the department and generate a vehicle-specific number for the tag as required by Section 503.063(e). The department may not deny access to the database to any dealer who holds a general distinguishing number issued under this chapter or who is licensed under Chapter 2301, Occupations Code.

SECTION _____.12. Section 503.0632(a), Transportation Code, is amended to read as follows:

(a) Each dealer shall provide a one-page written notice to a buyer that explains:

(1) the requirements of the law regarding a buyer's temporary [cardboard] tag;

(2) any criminal penalties relating to a buyer's temporary [~~cardboard~~] tag;

(3) any action the buyer is required to take concerning a buyer's temporary [~~cardboard~~] tag; and

(4) any other information related to the process of purchasing and registering a vehicle as prescribed by the department.

SECTION ____ .13. Section 503.065(a), Transportation Code, is amended to read as follows:

(a) The department may issue or cause to be issued to a person a temporary license plate [~~made of cardboard or similar material~~] authorizing the person to operate a new unregistered vehicle on a public highway of this state if the person:

(1) buys the vehicle from a dealer outside this state and intends to drive the vehicle from the dealer's place of business; or

(2) buys the vehicle from a dealer in this state but intends to drive the vehicle from the manufacturer's place of business outside this state.

SECTION ____ .14. Section 503.067, Transportation Code, is amended to read as follows:

Sec. 503.067. UNAUTHORIZED REPRODUCTION, PURCHASE, USE, OR SALE OF TEMPORARY [~~CARDBOARD~~] TAGS. (a) A person may not produce or reproduce a temporary [~~cardboard~~] tag or an item represented to be a temporary [~~cardboard~~] tag for the purpose of distributing the tag to someone other than a dealer or converter.

(b) A person may not operate a vehicle that displays an unauthorized temporary [~~cardboard~~] tag.

(c) A person other than a dealer or converter may not purchase a temporary [~~cardboard~~] tag.

(d) A person may not sell or distribute a temporary [~~cardboard~~] tag or an item represented to be a temporary [~~cardboard~~] tag unless the person is:

(1) a dealer issuing the tag in connection with the sale of a vehicle; or

(2) a printer or distributor engaged in the business of selling temporary [~~cardboard~~] tags solely for uses authorized under this chapter.

SECTION ____ .15. Sections 503.068(a), (b), and (c), Transportation Code, are amended to read as follows:

(a) A dealer or an employee of a dealer may not use a dealer's temporary [~~cardboard~~] tag as authorization to operate a vehicle for the dealer's or the employee's personal use.

(b) A person may not use a metal dealer's license plate or dealer's temporary [~~cardboard~~] tag on:

(1) a service or work vehicle; or

(2) a commercial vehicle that is carrying a load.

(c) For purposes of this section, a boat trailer carrying a boat is not a commercial vehicle carrying a load. A dealer complying with this chapter may affix to the rear of a boat trailer the dealer owns or sells a metal dealer's license plate or temporary [~~cardboard~~] tag issued under Section 503.061, 503.062, or 503.063.

SECTION ____ .16. Section 503.069(a), Transportation Code, is amended to read as follows:

(a) A license plate, other than an in-transit license plate, or a temporary [~~cardboard~~] tag issued under this chapter shall be displayed in accordance with commission [board] rules.

SECTION ____ .17. Section 601.002(12), Transportation Code, is amended to read as follows:

(12) "Vehicle registration" means:

(A) a registration certificate, registration receipt, or number plate issued under Chapter 502; or

(B) a dealer's license plate or temporary [~~cardboard~~] tag issued under Chapter 503.

SECTION ____ .18. The changes in law made by this article to Section 503.067, Transportation Code, apply to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed 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. 148 was withdrawn.

Amendment No. 149

Representative Gallego offered the following amendment to **CSHB 300**:
Floor Packet Page No. 149

Amend **CSHB 300** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS as appropriate:

SECTION ____ . Sections 502.1725(a), (f), and (g), Transportation Code, are amended to read as follows:

(a) This section applies only to:

(1) a county:

(A) [~~(+)~~] that borders the United Mexican States;

(B) [~~(2)~~] that has a population of more than 300,000; and

(C) [~~(3)~~] in which the largest municipality has a population of less than 300,000; and

(2) a county that has a population of less than 50,000 that:

(A) borders the United Mexican States; and

(B) contains at least one federal military base.

(f) The county assessor-collector of a county imposing a fee under this section shall collect the additional fee for a vehicle when other fees imposed under this chapter are collected. If the county is included in a regional mobility authority, the [The] county shall send the fee revenue to the regional mobility authority [of the county] to fund long-term transportation projects in the county.

(g) The department shall collect the additional fee on a vehicle that is owned by a resident of a county imposing a fee under this section and that, under this chapter, must be registered directly with the department. The department shall send all fees collected for a county under this subsection to:

(1) the regional mobility authority of the county to fund long-term transportation projects in the county if the county is included in an authority; or

(2) the county treasurer to be credited to the county public transportation fund if the county is not included in an authority.

Amendment No. 149 was adopted.

Amendment No. 150

Representative Phillips offered the following amendment to **CSHB 300**:
Floor Packet Page No. 351

Amend **CSHB 300** (House committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering the remaining ARTICLES of the bill accordingly:

ARTICLE ____ . SPECIALTY LICENSE PLATES

SECTION ____ .01. Section 504.003, Transportation Code, is amended by amending Subsection (c) and adding Subsection (c-1) to read as follows:

(c) If a ~~the~~ souvenir license plate issued before September 1, 2009, is personalized, the fee for the plate is \$40. Of the fee:

(1) \$20 shall be deposited to the credit of the state highway fund;

(2) \$10 shall be deposited to the credit of the designated account if the souvenir license plate is a replica of a specialty license plate issued under Subchapter G or I for which the fee is deposited to a designated account other than the state highway fund; and

(3) the remainder shall be deposited to the credit of the general revenue fund.

(c-1) The fee for a souvenir license plate issued on or after September 1, 2009, is the amount established under Section 504.851(c).

SECTION ____ .02. Section 504.102, Transportation Code, is amended to read as follows:

Sec. 504.102. PERSONALIZATION OF ~~[OTHER]~~ SPECIALTY LICENSE PLATE ~~[PLATES]~~. Unless expressly prohibited by this chapter or department rule, any specialty license plate issued under this chapter may be personalized. If a ~~another~~ specialty license plate is personalized, the fee for personalization of the specialty license plate ~~[established by Section 504.101(c)]~~ shall be added to the fee for issuance of that specialty license plate.

SECTION ____ .03. Section 504.601, Transportation Code, is amended to read as follows:

Sec. 504.601. GENERAL PROVISIONS APPLICABLE TO ~~[ALL]~~ SPECIALTY LICENSE PLATES FOR GENERAL DISTRIBUTION. (a) Unless expressly provided by this subchapter or department rule:

(1) the fee for issuance of a license plate under this subchapter is \$30;

and

(2) of each fee received under this subchapter, the department shall use \$8 to defray its administrative costs in complying with this subchapter.

(b) This section does not apply to a specialty license plate marketed and sold by a private vendor at the request of the specialty license plate sponsor under Section 504.6011.

SECTION ____ .04. Subchapter G, Chapter 504, Transportation Code, is amended by adding Section 504.6011 to read as follows:

Sec. 504.6011. GENERAL PROVISIONS APPLICABLE TO SPECIALTY LICENSE PLATES FOR GENERAL DISTRIBUTION SOLD THROUGH PRIVATE VENDOR. (a) The sponsor of a specialty license plate authorized to be issued under this subchapter before September 1, 2009, may contract with the private vendor authorized under Subchapter J for the marketing and sale of the specialty license plate.

(b) The fee for issuance of a specialty license plate described by Subsection (a) is the amount established under Section 504.851.

(c) Notwithstanding any other law, from each fee received for the issuance of a specialty license plate described by Subsection (a), the department shall:

(1) deduct the administrative costs described by Section 504.601(a)(2);

(2) deposit to the credit of the account designated by the law authorizing the specialty license plate the portion of the fee for the sale of the plate that the state would ordinarily receive under the contract described by Section 504.851(a); and

(3) pay to the private vendor the remainder of the fee.

SECTION ____ .05. Section 504.801, Transportation Code, is amended by amending Subsections (d), (e), and (f) and adding Subsection (d-1) to read as follows:

(d) The fee for issuance of license plates created ~~authorized~~ under this subchapter before September 1, 2009, is \$30 unless the department sets a higher fee. This subsection does not apply to a specialty license plate marketed and sold by a private vendor at the request of the specialty license plate sponsor.

(d-1) The fee for issuance of license plates created under this subchapter on or after September 1, 2009, is the amount established under Section 504.851.

(e) For each fee collected for a license plate issued by the department under this section:

(1) \$8 shall be used to reimburse the department for its administrative costs; and

(2) the remainder shall be deposited to the credit of:

(A) the specialty license plate fund, which is an account in the general revenue fund, if the sponsor nominated a state agency to receive the funds; or

(B) the state highway fund if the sponsor did not nominate a state agency to receive the funds or if there is no sponsor.

(f) Subchapter D, Chapter 316, Government Code, and Section 403.095, Government Code, do not apply to fees collected under this subchapter ~~section~~.

SECTION ____ .06. Subchapter I, Chapter 504, Transportation Code, is amended by adding Section 504.802 to read as follows:

Sec. 504.802. MARKETING AND SALE BY PRIVATE VENDOR OF SPECIALTY LICENSE PLATES CREATED BEFORE SEPTEMBER 1, 2009.

(a) A sponsor of a specialty license plate created under this subchapter before September 1, 2009, may contract with the private vendor authorized under Subchapter J for the marketing and sale of the specialty license plate.

(b) The fee for issuance of a specialty license plate described by Subsection (a) is the amount established under Section 504.851(c).

(c) Notwithstanding any other law, from each fee received from the issuance of a specialty license plate marketed and sold by the private vendor under this section, the department shall:

(1) deduct the administrative costs described by Section 504.801(e)(1);

(2) deposit the portion of the fee for the sale of the plate that the state would ordinarily receive under the contract described by Section 504.851(a) to the credit of:

(A) the specialty license plate fund, if the sponsor nominated a state agency to receive the funds; or

(B) the general revenue fund, if the sponsor did not nominate a state agency to receive the funds or if there is no sponsor; and

(3) pay to the private vendor the remainder of the fee.

SECTION _____.07. Section 504.851, Transportation Code, is amended by amending Subsections (a), (b), (c), (d), and (j) and adding Subsections (a-1), (a-2), and (c-1) to read as follows:

(a) The department shall enter into a contract with the private vendor whose proposal is most advantageous to the state, as determined from competitive sealed proposals that satisfy the requirements of this section, for the marketing and sale of:

(1) personalized license plates [~~authorized by Section 504.101~~]; or

(2) with the agreement of the private vendor, other specialty license plates authorized by this chapter [~~subchapter~~].

(a-1) The department may not issue specialty, personalized, or souvenir license plates with background colors other than white, unless the plates are marketed and sold by the private vendor.

(a-2) Specialty license plates authorized for marketing and sale under Subsection (a) must include:

(1) specialty license plates created under Subchapters G and I on or after September 1, 2009; and

(2) at the request of the specialty license plate sponsor, an existing specialty license plate created under Subchapters G and I before September 1, 2009.

(b) The director [~~Instead of the fees established by Section 504.101(e), the commission~~] by rule shall establish fees for the issuance or renewal of personalized license plates that are marketed and sold by the private vendor. Fees must be reasonable and not less than the greater of:

(1) the amounts necessary to allow the department to recover all reasonable costs to the department associated with the evaluation of the competitive sealed proposals received by the department and with the implementation and enforcement of the contract, including direct, indirect, and administrative costs; or

(2) the amount established by Section 504.853(b) [~~504.101(c)~~].

(c) The director [~~commission~~] by rule shall establish the fees for the issuance or renewal of souvenir license plates, specialty license plates, or souvenir or specialty license plates that are personalized that are marketed and sold by the private vendor. Fees must be reasonable and not less than the amounts necessary to allow the department to recover all reasonable costs to the department associated with the evaluation of the competitive sealed proposals received by the department and with the implementation and enforcement of the contract, including direct, indirect, and administrative costs. A fee established under this subsection is in addition to:

(1) the registration fee and any optional registration fee prescribed by this chapter for the vehicle for which specialty license plates are issued;

(2) any additional fee prescribed by this subchapter for the issuance of specialty license plates for that vehicle; and

(3) any additional fee prescribed by this subchapter for the issuance of personalized license plates for that vehicle.

(c-1) Subsections (b) and (c) do not apply to the sale at auction of a license to display an alphanumeric pattern.

(d) At any time as necessary to comply with Subsection (b) or (c), the director [~~commission~~] may increase [~~or decrease~~] the amount of a fee established under the applicable subsection.

(j) From amounts received by the department under the contract described by Subsection (a), the department shall deposit to the credit of the state highway fund an amount sufficient to enable the department to recover its administrative costs for all license plates issued under this section, [~~including~~] any payments to the vendor under the contract [~~Subsection (a)~~], and any other amounts allocated by law to the state highway fund [~~by another law~~]. To the extent that the disposition of other amounts received by [~~from~~] the department is [~~vendor are~~] governed by another law, those amounts shall be deposited in accordance with the other law. The fee [~~and~~] for each type of license plate issued under this chapter [~~the amount charged for the license plate~~] may not be less than the fee [~~amount~~] in effect on January 1, 2003. Any additional amount received by [~~from~~] the department under the contract [~~vendor~~] shall be deposited to the credit of the general revenue fund.

SECTION ____ .08. Subchapter J, Chapter 504, Transportation Code, is amended by adding Sections 504.853 and 504.854 to read as follows:

Sec. 504.853. PERSONALIZED LICENSE PLATES ISSUED BEFORE SEPTEMBER 1, 2009. (a) A personalized license plate issued before September 1, 2009, may be issued for a subsequent registration period only if the applicant submits an application and pays the required fee for the applicable registration

period. A person who is issued a personalized license plate has first priority on that license plate for each subsequent registration period for which the person submits a new application for that plate.

(b) The fee for issuance of a personalized license plate issued before September 1, 2009, is \$40, unless the director adopts by rule a higher fee.

(c) A person who is issued a personalized license plate by the department before September 1, 2009, may:

(1) submit an application for the plate under Subsection (a) and pay the required fee for each subsequent registration period under Subsection (b); or

(2) purchase through the private vendor a license to display the alphanumeric pattern on a license plate for any term allowed by law.

(d) The department may not issue a replacement set of personalized license plates to the same person before the sixth anniversary of the date of issuance unless the applicant for issuance of replacement plates pays an additional fee of \$30.

(e) Of each fee collected by the department under this section:

(1) \$1.25 shall be used to defray the cost of administering this section;

and

(2) the remainder shall be deposited to the credit of the general revenue

fund.

Sec. 504.854. AUCTION. (a) The private vendor may sell at auction a license to display a unique alphanumeric pattern on a license plate.

(b) Only a license to display an alphanumeric pattern purchased under this section or a license to display an alphanumeric pattern sold by the private vendor under Section 504.853(c)(2) may be transferred to another person. The transferee is entitled to the same rights and privileges as the transferor.

(c) The transferee shall file a form prescribed by the department to notify the department of the transfer.

SECTION ____ .09. The following provisions of the Transportation Code are repealed:

(1) Section 504.101; and

(2) Section 504.851(m).

SECTION ____ .10. The changes in law made by this article do not require the rebidding of a contract that is in effect on the effective date of this Act.

Amendment No. 150 was adopted.

Amendment No. 151

Representative Gallego offered the following amendment to **CSHB 300**:
Floor Packet Page No. 145

Amend **CSHB 300** by adding the following appropriately numbered SECTIONS to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION ____ . The heading to Section 504.401, Transportation Code, is amended to read as follows:

Sec. 504.401. STATE OFFICIALS: EXECUTIVE AND LEGISLATIVE BRANCHES.

SECTION _____. Sections 504.401(b) and (d), Transportation Code, are amended to read as follows:

(b) A state official may be issued four [~~three~~] sets of license plates under this section.

(d) In this section, "state official" means:

- (1) a member of the legislature;
- (2) the governor;
- (3) the lieutenant governor;
- (4) ~~a justice of the supreme court;~~
[~~(5) a judge of the court of criminal appeals;~~
- [~~(6)~~] the attorney general;
- (5) [~~(7)~~] the commissioner of the General Land Office;
- [~~(6)~~] [~~(8)~~] the comptroller;
- [~~(7)~~] [~~(9)~~] a member of the Railroad Commission of Texas;
- [~~(8)~~] [~~(10)~~] the commissioner of agriculture;
- [~~(9)~~] [~~(11)~~] the secretary of state; or
- [~~(10)~~] [~~(12)~~] a member of the State Board of Education.

SECTION _____. The heading to Section 504.402, Transportation Code, is amended to read as follows:

Sec. 504.402. FEDERAL OFFICIALS: LEGISLATIVE BRANCH [~~MEMBERS OF CONGRESS~~].

SECTION _____. Section 504.402(b), Transportation Code, is amended to read as follows:

(b) A person may be issued four [~~three~~] sets of license plates under this section.

SECTION _____. The heading to Section 504.403, Transportation Code, is amended to read as follows:

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

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

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

(d) In this section, [:

- (1) "Federal judge" means:
 - [~~(A)~~] a judge of the Fifth Circuit Court of Appeals;
 - [~~(B)~~] a judge or magistrate of a United States district court; or
 - [~~(C)~~] a judge of a United States bankruptcy court.
- [~~(2)~~] "state [State] judge" means:
 - (1) [~~(A)~~] a justice of the supreme court;
 - [~~(2)~~] [~~(B)~~] a judge of the court of criminal appeals;
 - [~~(3)~~] [~~(C)~~] a judge of a court of appeals;
 - [~~(4)~~] [~~(D)~~] a district court judge;

(5) ~~(F)~~ a presiding judge of an administrative judicial district; or

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

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

Sec. 504.4031. FEDERAL OFFICIALS: JUDICIAL BRANCH. (a) The department shall issue without charge specialty license plates for a current federal judge. The license plates must include the words "U.S. Judge."

(b) A person may be issued three sets of plates under this section.

(c) The license plates remain valid until December 31 of each year.

(d) In this section, "federal judge" means:

(1) a justice of the United States Supreme Court whose primary residence is in Texas;

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

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

SECTION _____. The heading to Section 504.405, Transportation Code, is amended to read as follows:

Sec. 504.405. COUNTY OFFICIALS: COUNTY JUDGES.

SECTION _____. Section 504.405, Transportation Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) A person may be issued two ~~three~~ sets of license plates under this section.

(b-1) The license plates remain valid until December 31 of each year.

SECTION _____. Section 504.406, Transportation Code, is amended to read as follows:

Sec. 504.406. COUNTY OFFICIALS: [TEXAS] CONSTABLES. (a) The department shall issue without charge specialty license plates for current [Texas] constables of this state. The license plates shall bear the words "County [Texas] Constable."

(b) A person may be issued only one set of license plates under this section.

(c) The license plates remain valid until December 31 of each year.

SECTION _____. Subchapter E, Chapter 504, Transportation Code, is amended by adding Section 504.4061 to read as follows:

Sec. 504.4061. COUNTY OFFICIALS: SHERIFFS. (a) The department shall issue without charge specialty license plates for current sheriffs of this state. The license plates shall bear the words "County Sheriff."

(b) A person may be issued one set of license plates under this section.

(c) The license plates remain valid until December 31 of each year.

SECTION _____. Section 504.404, Transportation Code, is repealed.

SECTION _____. The changes to Sections 504.401, 504.402, 504.403, 504.405, and 504.406, Transportation Code, as amended by this Act, and Sections 504.4031 and 504.4061, Transportation Code, as added by this Act, take effect January 1, 2010.

Amendment No. 151 was adopted. (Phillips recorded voting no.)

Amendment No. 152

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

Floor Packet Page No. 51

Amend **CSHB 300** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering the remaining ARTICLES of the bill accordingly:

ARTICLE ____ . SPECIALTY LICENSE PLATES

SECTION ____ .01. Section 504.409, Transportation Code, is amended to read as follows:

Sec. 504.409. ~~VOLUNTEER~~ FIREFIGHTERS. (a) The department shall issue specialty license plates for:

(1) volunteer firefighters certified by:

(A) ~~(+)~~ the Texas Commission on Fire Protection; or

(B) ~~(=)~~ the State Firemen's and Fire Marshals' Association of Texas; and

(2) fire protection personnel as that term is defined by Section 419.021, Government Code.

(b) The fee for issuance of each set of ~~the~~ license plates is:

(1) \$4 for volunteer firefighters; and

(2) \$30 for fire protection personnel.

(c) A person may be issued not more than three sets ~~[only one set]~~ of ~~the~~ license plates.

Amendment No. 152 was adopted.

Amendment No. 153

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

Floor Packet Page No. 294

Amend **CSHB 300** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE ____ . SPECIALTY LICENSE PLATES

SECTION ____ .01. Subchapter E, Chapter 504, Transportation Code, is amended by adding Sections 504.415 and 504.416 to read as follows:

Sec. 504.415. JUSTICES OF THE PEACE. (a) The department shall issue specialty license plates for current justices of the peace of this state. The license plates shall bear a depiction of the scales of justice and the words "Justice of the Peace."

(b) The fee for issuance of the license plates is:

(1) \$10 for the first set of license plates; and

(2) \$15 for each additional set of license plates.

Sec. 504.416. MUNICIPAL JUDGES. (a) The department shall issue specialty license plates for current municipal judges in this state. The license plates shall bear a depiction of the scales of justice and the words "Municipal Judge."

(b) The fee for issuance of the license plates is:

(1) \$10 for the first set of license plates; and

(2) \$15 for each additional set of license plates.

Amendment No. 153 was adopted.

Amendment No. 154

Representative Martinez Fischer offered the following amendment to **CSHB 300**:

Floor Packet Page No. 29

Amend **CSHB 300** (House committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering the remaining ARTICLES of the bill accordingly:

ARTICLE ____ . SPECIALTY LICENSE PLATES

SECTION ____ . ____ . Section 504.614, Transportation Code, is amended by adding Subsection (d) to read as follows:

(d) Notwithstanding any other provision of this section, the department shall issue specialty license plates that include the name and insignia of the San Antonio Spurs. After deduction of the department's administrative costs, the remainder of the fee for issuance of the license plates issued under this subsection shall be deposited to the credit of the Texas parks and wildlife conservation and capital account established by Section 11.043, Parks and Wildlife Code. Money deposited in the Texas parks and wildlife conservation and capital account under this section is supplementary and is not income for the purposes of reducing general revenue appropriations to the Parks and Wildlife Department.

Amendment No. 154 was adopted. (Flynn recorded voting no.)

Amendment No. 155

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

Floor Packet Page No. 203

Amend **CSHB 300** (House committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE ____ . SPECIALTY LICENSE PLATES

SECTION ____ .01. Subchapter G, Chapter 504, Transportation Code, is amended by adding Section 504.659 to read as follows:

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

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

SECTION ____ .02. Subchapter B, Chapter 402, Government Code, is amended by adding Sections 402.035 and 402.036 to read as follows:

Sec. 402.035. CHOOSE LIFE AND CHOOSE ADOPTION ACCOUNT.

(a) The Choose Life and Choose Adoption account is a separate account in the general revenue fund. The account is composed of:

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

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

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

(1) make grants to an eligible organization; and

(2) defray the cost of administering the account.

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

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

(e) The attorney general by rule shall establish:

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

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

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

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

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

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

(3) does not charge for services provided;

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

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

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

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

(b) The committee shall:

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

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

(3) review and make recommendations to the attorney general on applications submitted to the attorney general for grants funded with money credited to the Choose Life and Choose Adoption 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. 155 was adopted.

Amendment No. 156

Representative Martinez offered the following amendment to **CSHB 300**:
Floor Packet Page No. 89

Amend **CSHB 300** by inserting the following appropriately-numbered SECTION:

SECTION _____. Subchapter E, Chapter 504, Transportation Code, is amended by adding Section 504.4011 to read as follows:

Sec. 504.4011. ELECTED MUNICIPAL OFFICIALS. (a) The department shall issue specially designed license plates for a passenger car or light truck owned by an elected person who is a member of the governing body of a municipality.

(b) Licence plates issued under this section must include the words "City Official."

(c) A person may be issued three sets of license plates under this section.

Amendment No. 157

Representative Martinez offered the following amendment to Amendment No. 156:

Amend Floor Amendment No. 156 to **CSHB 300** by Martinez (page 89, prefiled amendment packet), as follows:

(1) On line 5, between "OFFICIALS" and the underlined period, insert "; JUSTICES OF THE PEACE".

(2) On line 8, between "municipality" and the underlined period, by insert "; a popularly elected municipal judge, or a justice of the peace".

(3) On line 10, strike "'City Official.'", and substitute "'City Official,' 'Municipal Judge,' or 'Justice of the Peace,' as applicable".

Amendment No. 157 was adopted.

Amendment No. 156, as amended, was adopted.

Amendment No. 158

Representative Hughes offered the following amendment to **CSHB 300**:
Floor Packet Page No. 42

Amend **CSHB 300** (house committee report) by adding the following appropriately numbered article to the bill and renumbering subsequent articles of the bill as appropriate:

ARTICLE ____ . SPECIALTY LICENSE PLATES

SECTION ____ . Subchapter E, Chapter 504, Transportation Code, is amended by adding Section 504.4095 to read as follows:

Sec. 504.4095. PROFESSIONAL FIREFIGHTERS. (a) The sponsor of a specialty license plate created under Section 504.801 for professional firefighters may nominate a state agency for receipt of funds under Section 504.801(b).

(b) After deduction of the department's administrative costs in accordance with Section 504.801, the remainder of the fee for issuance of a license plate described by Subsection (a) shall be deposited to the credit of the specialty license plate fund to be used by the nominated state agency in making grants to support the activities of an organization of professional firefighters located in this state that provides emergency relief and college scholarship funds to professional firefighters and dependents.

Amendment No. 159

Representative Hughes offered the following amendment to Amendment No. 158:

Amend Amendment No. 158 to **CSHB 300** by Hughes (page 42 of the pre-filed amendment packet) by striking lines 5 through 18 of the amendment and substituting the following:

SECTION ____ . Subchapter E, Chapter 504, Transportation Code, is amended by adding Section 504.414 to read as follows:

Sec. 504.414. PROFESSIONAL FIREFIGHTER PLATES. (a) The professional firefighter plate may be issued to qualified firefighters. The sponsor of the plate may nominate a state agency for receipt of funds under Section 504.801(e)(2)(A).

(b) After deduction of the department's administrative costs in accordance with Section 504.801, the remainder of the fees from the sale of professional firefighter plates shall be deposited to the credit of an account in the state treasury to be used by the nominated state agency for the purpose of making grants to support the activities of an organization of professional firefighters located in this state that provides emergency relief and college scholarship funds to the professional firefighters and their dependents.

Amendment No. 159 was adopted.

Amendment No. 158, as amended, was adopted.

Amendment No. 160

Representative Leibowitz offered the following amendment to **CSHB 300**:
Floor Packet Page No. 28

Amend **CSHB 300** (House committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE ____ . SPECIALTY LICENSE PLATES

SECTION ____ .01. Subchapter G, Chapter 504, Transportation Code, is amended by adding Section 504.6151 to read as follows:

Sec. 504.6151. NOTRE DAME ALUMNI ASSOCIATION LICENSE PLATES. The department shall issue specialty license plates that include the words "Notre Dame Alumni Association." The department shall design the license plates in consultation with the Notre Dame Alumni Association.

Amendment No. 160 was adopted. (Cook, Flynn, and Jackson recorded voting no.)

Amendment No. 161

On behalf of Representative Coleman, Representative Pickett offered the following amendment to **CSHB 300**:

Floor Packet Page No. 77

Amend **CSHB 300**, by adding the following section and numbering accordingly:

SECTION ____ . Section 521.142(e), Transportation Code, is amended to read as follows:

(e) The application must include any other information the department requires to determine the applicant's identity, competency, and eligibility, except the application may not include an inquiry as to whether the applicant has been diagnosed with, treated, or hospitalized for a psychiatric disorder.

Amendment No. 161 was adopted. (Flynn recorded voting no.)

Amendment No. 162

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

Floor Packet Page No. 202

Amend **CSHB 300** (house committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES accordingly:

ARTICLE ____ . TRAFFIC-CONTROL SIGNALIZATION STUDY

SECTION ____ .01. Chapter 544, Transportation Code, is amended by adding Section 544.014 to read as follows:

Sec. 544.014. STUDY. (a) The department shall conduct a study regarding improvement of traffic-control signalization.

(b) In conducting the study, the department shall consider:

(1) methods to promote more efficient traffic flow, including a reduction in vehicle idling time, by:

(A) synchronizing or eliminating traffic-control signals;

(B) adopting smart light technologies, including cameras; and

(C) adopting alternatives to red light signals;

(2) the funding sources available to municipalities wishing to implement new traffic control programs; and

(3) the economic and environmental effects of idling vehicles.

(c) The department may not spend more than \$200,000 on the study conducted under this section.

(d) Not later than December 1, 2010, the department shall report the results of the study conducted under this section to the governor, the lieutenant governor, the speaker of the house of representatives, and the appropriate oversight committees of each house of the legislature.

(e) This section expires September 1, 2011.

Amendment No. 162 was adopted.

Amendment No. 163

Representative Hughes offered the following amendment to **CSHB 300**:
Floor Packet Page No. 49

Amend **CSHB 300** (House committee printing) by adding the following ARTICLE to the bill, appropriately numbered, and renumbering subsequent ARTICLES accordingly:

ARTICLE _____. USE OF SAFETY BELTS BY VEHICLE OPERATORS

SECTION _____.01. Section 545.413(e), Transportation Code, is amended to read as follows:

(e) It is a defense to prosecution under this section that:

(1) the person possesses a written statement from a licensed physician stating that for a medical reason the person should not wear a safety belt;

(2) the person presents to the court, not later than the 10th day after the date of the offense, a statement from a licensed physician stating that for a medical reason the person should not wear a safety belt;

(3) the person is employed by the United States Postal Service and performing a duty for that agency that requires the operator to service postal boxes from a vehicle or that requires frequent entry into and exit from a vehicle;

(4) the person is engaged in the actual delivery of newspapers from a vehicle or is performing newspaper delivery duties that require frequent entry into and exit from a vehicle;

(5) the person is employed by a public or private utility company and is engaged in the reading of meters or performing a similar duty for that company requiring the operator to frequently enter into and exit from a vehicle; ~~[or]~~

(6) ~~the [The]~~ person is operating a commercial vehicle registered as a farm vehicle under the provisions of Section 502.163 that does not have a gross weight, registered weight, or gross weight rating of 48,000 pounds or more; ~~or~~

(7) the person is the operator of or a passenger in a vehicle used exclusively to transport solid waste and performing duties that require frequent entry into and exit from the vehicle.

SECTION _____.02. The change in law made by this Act to Section 545.413(e), Transportation Code, as amended by this Act, applies to an offense under Section 545.413(a) of that code regardless of whether the offense was committed before, on, or after the effective date of this Act.

Amendment No. 164

Representative Naishtat offered the following amendment to Amendment No. 163:

Amend Amendment No. 163 by Hughes to **CSHB 300** (#811548), on page 1 of the amendment, between lines 4 and 5, by inserting the following SECTION in the amendment and renumbering subsequent SECTIONS accordingly:

SECTION _____.01 Sections 545.412(e) and (f), Transportation Code, are amended to read as follows:

(e) This section does not apply to a person:

(1) operating a vehicle transporting passengers for hire, excluding ~~[including]~~ third-party transport service providers when transporting clients pursuant to a contract to provide nonemergency Medicaid transportation; or

(2) transporting a child in a vehicle in which all seating positions equipped with child passenger safety seat systems or safety belts are occupied.

(f) In this section:

(1) "Child passenger safety seat system" means an infant or child passenger restraint system that meets the federal standards for crash-tested restraint systems as set by the National Highway Traffic Safety Administration.

(2) "Passenger vehicle" means a passenger car, light truck, sport utility vehicle, passenger van designed to transport 15 or fewer passengers, including the driver, truck, or truck tractor.

(3) "Safety belt" means a lap belt and any shoulder straps included as original equipment on or added to a vehicle.

(4) "Secured," in connection with use of a safety belt, means using the lap belt and any shoulder straps according to the instructions of:

(A) the manufacturer of the vehicle, if the safety belt is original equipment; or

(B) the manufacturer of the safety belt, if the safety belt has been added to the vehicle.

Amendment No. 164 was adopted.

Amendment No. 163, as amended, was adopted.

Amendment No. 165

Representative Alonzo offered the following amendment to **CSHB 300**:
Floor Packet Page No. 161

Amend **CSHB 300** (House committee printing) by adding the following ARTICLE to the bill, appropriately numbered, and renumbering subsequent ARTICLES accordingly:

ARTICLE _____. MOTOR VEHICLE SAFETY RESPONSIBILITY

SECTION _____.01. Section 601.053, Transportation Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) Except as provided by Subsection (c), an ~~Am~~ operator who does not exhibit evidence of financial responsibility under Subsection (a) is presumed to have operated the vehicle in violation of Section 601.051.

(c) Subsection (b) does not apply if the peace officer determines through use of the verification program established under Subchapter N that financial responsibility has been established for the vehicle.

Amendment No. 165 was adopted. (Flynn recorded voting no.)

Amendment No. 166

Representative Swinford offered the following amendment to **CSHB 300**:
Floor Packet Page No. 162

Amend **CSHB 300** (house committee printing) by adding the following ARTICLE to the bill, appropriately numbered, and renumbering subsequent ARTICLES accordingly:

ARTICLE ____ . MOTOR CARRIER OVERSIZE AND
OVERWEIGHT PERMITS

SECTION ____ .01. Subchapter D, Chapter 623, Transportation Code, is amended by adding Section 623.0711 to read as follows:

Sec. 623.0711. PERMITS AUTHORIZED BY COMMISSION ORDER. (a) The commission by order may authorize the department to issue a permit to a motor carrier, as defined by Section 643.001, to transport multiple loads of the same commodity over a state highway if all of the loads are traveling from and to the same general locations.

(b) The commission may not authorize the issuance of a permit that would violate federal regulations on size and weight requirements or authorize the issuance of a permit for equipment that could reasonably be dismantled for transportation as separate loads.

(c) To be eligible for a permit under this section, the department must determine that the state will benefit from the issuance of this type of expedited permitting process.

(d) Before the commission may adopt an order under this section, the department must complete a route and engineering study that considers:

(1) the estimated number of loads to be transported by the motor carrier under the permit;

(2) the size and weight of the commodity;

(3) available routes that can accommodate the size and weight of the vehicle and load to be transported;

(4) the potential roadway damage caused by repeated use of the road by the permitted vehicle;

(5) any disruption caused by the movement of the permitted vehicle; and

(6) safety to the traveling public.

(e) The commission may impose on the motor carrier any condition regarding routing, time of travel, axle weight, and escort vehicles necessary to ensure safe operation and minimal damage to the roadway.

(f) A permit issued under this section may provide multiple routes to reach the destination to minimize damage to the roadways.

(g) The commission shall require the motor carrier to file a bond in an amount set by the commission, payable to the department and conditioned on the motor carrier paying to the department any damage that is sustained to a state highway because of the operation of a vehicle under a permit issued under this section.

(h) The fee for a permit under this section may not exceed \$7,000.

(i) The executive director or the executive director's designee may suspend a permit issued under this section or alter a designated route because of:

- (1) a change in pavement conditions;
- (2) a change in traffic conditions;
- (3) a geometric change in roadway configuration;
- (4) construction or maintenance activity; or
- (5) emergency or incident management.

(j) Permits issued under this section are subject to the administrative sanctions of Subchapter N.

SECTION _____.02 Section 623.071, Transportation Code, is amended by adding Subsection (h) to read as follows:

(h) On completion of a route and engineering study, a single trip permit that exceeds the length established by Subsection (c) may be issued by the department and used in conjunction with an annual permit issued under Subsection (c) if the department determines that the additional length can be transported safely.

Amendment No. 166 was adopted.

Amendment No. 167

Representative Phillips offered the following amendment to **CSHB 300**:
Floor Packet Page No. 382

Amend **CSHB 300** (House committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE _____. COUNTY TRAFFIC OFFICERS

SECTION _____.01. Section 701.006, Transportation Code, is amended to read as follows:

Sec. 701.006. [~~COMPLAINT; HEARING;~~] DISMISSAL. [~~(a) If a county traffic officer fails to perform the officer's duty to enforce the law, the district engineer of the Texas Department of Transportation district in which the officer operates may send a written, signed complaint to the commissioners court.~~

~~(b) On receipt of the complaint, the commissioners court shall hold a hearing and summon the officer to appear before it.~~

~~(c) If the commissioners court determines at the hearing that the officer has not performed the officer's duty, the commissioners court shall immediately discharge the officer and promptly employ another officer.~~

~~(4)~~ The commissioners court on its own initiative, or on recommendation of the sheriff, may dismiss a county traffic officer if the officer is no longer needed or if the officer's service is unsatisfactory.

SECTION ____ .02. Section 701.002(b), Transportation Code, is repealed.

Amendment No. 167 was adopted.

Amendment No. 168

On behalf of Representative Bohac, Representative Pickett offered the following amendment to **CSHB 300**:

Floor Packet Page No. 1

Amend **CSHB 300** by adding the following ARTICLE to the bill and renumbering subsequent ARTICLES accordingly:

ARTICLE ____ . ABANDONED AND JUNKED VEHICLES

SECTION ____ .01. Section 683.071, Transportation Code, is amended to read as follows:

Sec. 683.071. DEFINITION. In this subchapter, "junked vehicle" means a vehicle that is self-propelled and:

(1) displays an expired license plate or invalid motor vehicle inspection certificate or does not display a license plate or motor vehicle inspection certificate; and [have lawfully attached to it:

~~[(A) an unexpired license plate; and~~

~~[(B) a valid motor vehicle inspection certificate; and]~~

(2) is:

(A) wrecked, dismantled or partially dismantled, or discarded; or

(B) inoperable and has remained inoperable for more than:

(i) 72 consecutive hours, if the vehicle is on public property; or

(ii) 30 consecutive days, if the vehicle is on private property.

Amendment No. 168 was adopted.

Amendment No. 169

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

Floor Packet Page No. 252

Amend **CSHB 300** (House committee printing) by adding the following ARTICLE to the bill, appropriately numbered, and renumbering subsequent ARTICLE accordingly:

ARTICLE ____ . TRANSPORTATION OF FIREWORKS

SECTION ____ .01. Chapter 750, Transportation Code, is amended by adding Section 750.004 to read as follows:

Sec. 750.004. TRANSPORTATION OF FIREWORKS. The transportation of fireworks in unopened and original packaging may not be prohibited or regulated.

Amendment No. 169 was adopted.

Amendment No. 170

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

Floor Packet Page No. 115

Amend **CSHB 300** (House committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES of the bill appropriately:

ARTICLE _____. K-9 LAW ENFORCEMENT VEHICLES

SECTION _____.01. Subchapter A, Chapter 821, Health and Safety Code, is amended by adding Section 821.005 to read as follows:

Sec. 821.005. HEAT ALARM SYSTEM IN K-9 LAW ENFORCEMENT VEHICLES. (a) In this section, "law enforcement agency" means:

- (1) the Department of Public Safety;
- (2) the sheriff's department of a county; or
- (3) the police department of a municipality.

(b) A law enforcement agency may equip each vehicle used in a K-9 law enforcement program with a heat alarm system that is activated when the vehicle stops running or the temperature in the vehicle's interior becomes dangerous to a police dog in the vehicle. The system when activated must:

- (1) activate an audible alarm;
- (2) automatically lower the vehicle's rear windows; and
- (3) page the K-9 law enforcement officer.

(c) This section does not apply to an open-air vehicle used in connection with a K-9 law enforcement program.

SECTION _____.02. A vehicle used in a K-9 law enforcement program equipped with a heat alarm system on the effective date of this Act is not required to meet the standards under Section 821.005, Health and Safety Code, as added by this Act, before January 1, 2011.

Amendment No. 170 was adopted. (Cook, Flynn, and Jackson recorded voting no.)

Amendment No. 171

On behalf of Representative Gallego, Representative Pickett offered the following amendment to **CSHB 300**:

Amend **CSHB 300** (house committee printing) by adding the following ARTICLE to the bill, appropriately numbered, and renumbering subsequent ARTICLES accordingly:

ARTICLE _____. ACCEPTANCE OF ELECTRONIC CHECK AND CREDIT CARD PAYMENTS BY COUNTY TAX ASSESSOR-COLLECTORS

SECTION _____.01. Subchapter A, Chapter 130, Local Government Code, is amended by adding Section 130.0025 to read as follows:

Sec. 130.0025. REQUIRED ACCEPTANCE OF CHECK OR CREDIT CARD PAYMENT. Notwithstanding Section 130.002, a county tax assessor-collector shall accept a check or credit card invoice for the payment of:

- (1) motor vehicle registration fees under Chapter 502, Transportation Code; and
- (2) motor vehicle title transfer fees under Chapter 501, Transportation Code.

SECTION ____02. Subchapter B, Chapter 130, Local Government Code, is amended by adding Section 130.00465 to read as follows:

Sec. 130.00465. REQUIRED ACCEPTANCE OF PAYMENTS BY ELECTRONIC MEANS. Notwithstanding Section 130.00465, a county tax assessor-collector shall accept payment by electronic means as conditional payment of a county or state fee or tax.

Amendment No. 171 was adopted. (Phillips recorded voting no.)

COMMITTEE GRANTED PERMISSION TO MEET

Representative Deshotel requested permission for the Committee on Business and Industry to meet while the house is in session, at 11:15 a.m. today, in 3W.9, for a formal meeting, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Business and Industry, 11:15 a.m. today, 3W.9, for a formal meeting, to consider pending business.

CSHB 300 - (consideration continued)

Amendment No. 172

On behalf of Representative Coleman, Representative Farrar offered the following amendment to **CSHB 300**:

Floor Packet Page No. 72

Amend **CSHB 300** (House committee printing) by adding the following appropriately numbered SECTION to ARTICLE 1 of the bill and renumbering subsequent SECTIONS of that article accordingly:

SECTION 1. ____ . Section 201.109(b), Transportation Code, is amended to read as follows:

(b) In carrying out this section, the commission shall provide for:

(1) ~~maximizing the generation of revenue from existing assets of the department, including real estate;~~

~~(2) increasing the role of the private sector and public-private projects in the leasing of real estate and other assets in the development of highway projects;~~

~~(3)~~ setting and attempting to meet annual revenue enhancement goals;
(2) ~~(4)~~ reporting on the progress in meeting revenue enhancement goals in the department's annual report;

(3) ~~(5)~~ contracting for an independent audit of the department's management and business operations in 2007 and each 12th year after 2007; and

(4) ~~(6)~~ developing a cost-benefit analysis between the use of local materials previously incorporated into roadways versus use of materials blended or transported from other sources~~;~~ and

~~[(7) increasing private investment in the transportation infrastructure, including the acquisition of causeways, bridges, tunnels, turnpikes, or other transportation facilities, in the border region, including the counties of Atascosa, Bandera, Bexar, Brewster, Brooks, Cameron, Crockett, Culberson, Dimmit, Duval, Edwards, El Paso, Frio, Hidalgo, Hudspeth, Jeff Davis, Jim Hogg, Jim Wells, Kenedy, Kerr, Kimble, Kinney, Kleberg, La Salle, Live Oak, Maverick, McMullen, Medina, Nueces, Pecos, Presidio, Real, Reeves, San Patricio, Starr, Sutton, Terrell, Uvalde, Val Verde, Webb, Willacy, Zapata, and Zavala].~~

Amendment No. 172 was adopted. (Flynn and Jackson recorded voting no.)
(McClendon in the chair)

FIVE-DAY POSTING RULE SUSPENDED

Representative Gallego moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Appropriations to consider **HB 1306**.

The motion prevailed.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Gallego requested permission for the Committee on Appropriations to meet while the house is in session, at 12 p.m. today, in 3W.9, for a formal meeting, to consider **HB 1306** and pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Appropriations, 12 p.m. today, 3W.9, for a formal meeting, to consider **HB 1306** and pending business.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Bohac requested permission for the Committee on Environmental Regulation to meet while the house is in session, at 1 p.m. today, in 3W.9, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Environmental Regulation, 1 p.m. today, 3W.9, for a formal meeting, to consider pending business.

CSHB 300 - (consideration continued)

Amendment No. 173

Representative Y. Davis offered the following amendment to **CSHB 300**:
Floor Packet Page No. 313

Amend **CSHB 300** (House committee printing), by striking page 57, line 13, through page 58, line 3, and substituting the following:

Sec. 472.0315. POLICY BOARD MEMBERSHIP AND VOTING REQUIREMENTS; ELIGIBILITY FOR STATE ALLOCATION OF FUNDING.

(a) The policy board of a metropolitan planning organization must consist of at least 5 and not more than 19 members, the exact number to be determined on an equitable geographic-population ratio based on the most recent census.

(b) To be eligible to receive funds from this state for transportation projects under Section 201.668:

(1) at least 75 percent of a metropolitan planning organization's policy board members must be elected officials who are elected in the boundaries of the metropolitan planning organization; and

(2) only elected officials may be voting members of the organization's policy board.

(c) A metropolitan planning organization that is not eligible under Subsection (b) may redesignate the board so as to become eligible to receive an allocation of funds under Section 201.668.

(d) In this section, "elected official" means the presiding officer or a member of the governing body of a municipality, a county judge, a county commissioner, a state representative, or a state senator.

Amendment No. 174

Representative Edwards offered the following amendment to Amendment No. 173:

Amend Floor Amendment No. 173 by Y. Davis to **CSHB 300** (page ____ of the prefiled amendments packet) by adding the appropriately numbered item:

(____) Add the following appropriately numbered SECTION and renumber subsequent SECTIONS accordingly:

SECTION ____ Subchapter H, Chapter 201, Transportation Code, is amended by adding Section 201.6105 to read as follows:

Sec. 201.6105. STUDY ON SOUND BARRIER ON CERTAIN HIGHWAYS. (a) The department shall conduct a study on the construction of sound barrier walls with beautification elements along the east side of State Highway 288 in Houston, from the intersection of State Highway 288 and South MacGregor Way to the intersection of State Highway 288 and West Orem Drive.

(b) The department shall submit the results of the study to the commission not later than December 31, 2010.

Amendment No. 174 was adopted. (Flynn recorded voting no.)

Amendment No. 175

Representative Fletcher offered the following amendment to Amendment No. 173:

Amend Floor Amendment No. 173 by Y. Davis to **CSHB 300** by adding the appropriately numbered item:

(____) Add the following appropriately numbered SECTION and renumber subsequent SECTIONS accordingly:

SECTION _____. Section 504.201, Transportation Code, is amended by amending Subsection (d) and adding Subsection (i) to read as follows:

(d) Subject to Subsection (i), the ~~The~~ initial application for specialty license plates under this section must be accompanied by a written statement from a physician who is licensed to practice medicine in this state or in a state adjacent to this state or who is authorized by applicable law to practice medicine in a hospital or other health facility of the Department of Veterans Affairs. If the applicant has a mobility problem caused by a disorder of the foot, the written statement may be issued by a person licensed to practice podiatry in this state or a state adjacent to this state. In this subsection, "podiatry" has the meaning assigned by Section 681.001. The statement must certify that the person making the application or on whose behalf the application is made is legally blind or has a mobility problem that substantially impairs the person's ability to ambulate. The statement must also certify whether a mobility problem is temporary or permanent. A written statement is not required as acceptable medical proof if:

- (1) the person with a disability:
 - (A) has had a limb, hand, or foot amputated; or
 - (B) must use a wheelchair; and

(2) the applicant and the county assessor-collector processing the application execute an affidavit attesting to the person's disability.

(i) If the initial application for specialty license plates under this section is made by or on behalf of a person with a mobility problem that substantially impairs the person's ability to ambulate, the written statement required by Subsection (d) may be issued by a person licensed to practice chiropractic in this state or a state adjacent to this state. In this subsection, "chiropractic" has the meaning assigned by Section 201.002, Occupations Code.

SECTION 2. Section 681.003, Transportation Code, is amended by amending Subsection (c) and adding Subsection (f) to read as follows:

(c) Subject to ~~Subsection~~ Subsections (e) and (f), the first application must be accompanied by a notarized written statement or written prescription of a physician licensed to practice medicine in this state or a state adjacent to this state, or authorized by applicable law to practice medicine in a hospital or other health facility of the Veterans Administration, certifying and providing evidence acceptable to the department that the person making the application or on whose behalf the application is made is legally blind or has a mobility problem that substantially impairs the person's ability to ambulate. The statement or prescription must include a certification of whether the disability is temporary or permanent and information acceptable to the department to determine the type of disabled parking placard for which the applicant is eligible. The department shall determine a person's eligibility based on evidence provided by the applicant establishing legal blindness or mobility impairment.

(f) If a first application for a disabled parking placard under this section is made by or on behalf of a person with a mobility problem that substantially impairs the person's ability to ambulate, the notarized written statement or written prescription required by Subsection (c) may be issued by a person licensed to

practice chiropractic in this state or a state adjacent to this state. In this subsection, "chiropractic" has the meaning assigned by Section 201.002, Occupations Code.

Amendment No. 175 was adopted.

Amendment No. 173, as amended, was withdrawn.

Amendment No. 54 - Vote Reconsidered

Representative Isett moved to reconsider the vote by which Amendment No. 54, as amended, was adopted.

The motion to reconsider prevailed.

Amendment No. 176

Representative Isett offered the following amendment to Amendment No. 54:

Amend Floor Amendment No. 54 to **CSHB 300** by W. Smith (page 319, prefiled amendment packet), on page 4, line 9, by adding the following:

SECTION _____. Section 371.101, Transportation Code, as added by Chapter 264 (**SB 792**), Acts of the 80th Legislature, Regular Session, 2007, does not apply to a comprehensive development agreement for:

(1) a project located south of Refugio County on the ISTEPA High Priority Corridor identified in Sections 1105(c)(18) and (20) of the Intermodal Surface Transportation Efficiency Act of 1991 (Pub. L. No. 102-240), as amended by Section 1211 of the Transportation Equity Act for the 21st Century (Pub. L. No. 105-178, as amended by Title IX, Pub. L. No. 105-206), if the project remains in a highway corridor designated by those laws; or

(2) a project associated with a project under Subdivision (1), including:

(A) the Corpus Christi Southside Mobility Corridor;

(B) the State Highway 358 managed lanes project and the State Highway 286 managed lanes project in Nueces County; and

(C) the State Highway 550 spur project and the West Loop project in Cameron County.

Amendment No. 176 was adopted.

Amendment No. 177

On behalf of Representative Leibowitz, Representative Isett offered the following amendment to Amendment No. 54:

Amend Floor Amendment No. 54 to **CSHB 300** by W. Smith (page 319, prefiled amendment packet), on page 1 of the amendment, by striking lines 23 and 24 and renumbering subsequent added subdivisions accordingly.

Amendment No. 177 was adopted. (Flynn recorded voting no.)

Amendment No. 54, as amended, was adopted.

Amendment No. 123 - Vote Reconsidered

Representative Isett moved to reconsider the vote by which Amendment No. 123, as amended, was adopted.

The motion to reconsider prevailed.

Amendment No. 178

On behalf of Representatives Paxton, Harper-Brown, and Phillips, Representative Isett offered the following amendment to Amendment No. 123:

Amend Floor Amendment No. 123 to **CSHB 300** by W. Smith (page 317, prefiled amendment packet), on page 2, immediately below line 27, by adding the following:

(e) For the purpose of determining primacy for developing toll projects under applicable law, the following local toll project entities may exercise the right of first option before the North Texas Tollway Authority:

- (1) a municipality acting under Chapter 431;
- (2) Collin County; and
- (3) the Grayson County regional mobility authority.

Amendment No. 178 was adopted.

Amendment No. 123, as amended, was adopted.

Amendment No. 179

Representative Corte offered the following amendment to **CSHB 300**:
Floor Packet Page No. 93

Amend **CSHB 300** by adding the following ARTICLE to the bill, appropriately numbered, and renumbering the subsequent ARTICLES of the bill accordingly:

ARTICLE ____ . TEMPORARY TAGS FOR VEHICLES

SECTION ____ .01. Section 501.022(d), Transportation Code, is amended to read as follows:

(d) Subsection (c) does not apply to a motor vehicle operated on a public highway in this state with a metal dealer's license plate or a dealer's or buyer's temporary [~~cardboard~~] tag attached to the vehicle as provided by Chapter 503.

SECTION ____ .02. Sections 503.038(a) and (c), Transportation Code, are amended to read as follows:

(a) The department may cancel a dealer's general distinguishing number if the dealer:

(1) falsifies or forges a title document, including an affidavit making application for a certified copy of a title;

(2) files a false or forged tax document, including a sales tax affidavit;

(3) fails to take assignment of any basic evidence of ownership, including a certificate of title or manufacturer's certificate, for a vehicle the dealer acquires;

(4) fails to assign any basic evidence of ownership, including a certificate of title or manufacturer's certificate, for a vehicle the dealer sells;

(5) uses or permits the use of a metal dealer's license plate or a dealer's temporary [~~cardboard~~] tag on a vehicle that the dealer does not own or control or that is not in stock and offered for sale;

(6) makes a material misrepresentation in an application or other information filed with the department;

(7) fails to maintain the qualifications for a general distinguishing number;

(8) fails to provide to the department within 30 days after the date of demand by the department satisfactory and reasonable evidence that the person is regularly and actively engaged in business as a wholesale or retail dealer;

(9) has been licensed for at least 12 months and has not assigned at least five vehicles during the previous 12-month period;

(10) has failed to demonstrate compliance with Sections 23.12, 23.121, and 23.122, Tax Code;

(11) uses or allows the use of the dealer's general distinguishing number or the location for which the general distinguishing number is issued to avoid the requirements of this chapter;

(12) misuses or allows the misuse of a temporary [~~cardboard~~] tag authorized under this chapter;

(13) refuses to show on a buyer's temporary [~~cardboard~~] tag the date of sale or other reasonable information required by the department; or

(14) otherwise violates this chapter or a rule adopted under this chapter.

(c) A person whose general distinguishing number is canceled under this chapter shall surrender to a representative of the department each license, license plate, temporary [~~cardboard~~] tag, sticker, and receipt issued under this chapter not later than the 10th day after the date the general distinguishing number is canceled. The department shall direct any peace officer to secure and return to the department any plate, tag, sticker, or receipt of a person who does not comply with this subsection.

SECTION _____.03. Subchapter C, Chapter 503, Transportation Code, is amended by adding Section 503.0619 to read as follows:

Sec. 503.0619. TEMPORARY TAGS; MATERIALS. (a) A temporary tag issued under this chapter must be made of a non-permeable material that, in all weather conditions:

(1) resists deterioration and fading for the period that the tag is displayed on the vehicle; and

(2) maintains structural integrity, including graphic and data adhesion, for the period that the tag is displayed on the vehicle.

(b) Temporary tag materials that satisfy the requirements of Subsection (a) include:

(1) plastic or other weather-resistant materials; or

(2) non-weather-resistant cardstock or cardboard that is at least 0.024 inches thick and is sealed in a two-millimeter polyethylene bag.

SECTION _____.04. The heading to Section 503.062, Transportation Code, is amended to read as follows:

Sec. 503.062. DEALER'S TEMPORARY [~~CARDBOARD~~] TAGS.

SECTION _____.05. Sections 503.062(a) and (d), Transportation Code, are amended to read as follows:

(a) A dealer may issue a temporary [~~cardboard~~] tag for use on an unregistered vehicle by the dealer or the dealer's employees only to:

- (1) demonstrate or cause to be demonstrated to a prospective buyer the vehicle for sale purposes only;
- (2) convey or cause to be conveyed the vehicle:
 - (A) from one of the dealer's places of business in this state to another of the dealer's places of business in this state;
 - (B) from the dealer's place of business to a place the vehicle is to be repaired, reconditioned, or serviced;
 - (C) from the state line or a location in this state where the vehicle is unloaded to the dealer's place of business;
 - (D) from the dealer's place of business to a place of business of another dealer;
 - (E) from the point of purchase by the dealer to the dealer's place of business; or
 - (F) to road test the vehicle; or

(3) use the vehicle for or allow its use by a charitable organization.

(d) The department may not issue a dealer temporary [~~cardboard~~] tag or contract for the issuance of a dealer temporary [~~cardboard~~] tag but shall prescribe:

- (1) the specifications, form, and color of a dealer temporary [~~cardboard~~] tag;
- (2) procedures for a dealer to generate a vehicle-specific number using the database developed under Section 503.0626 and assign it to each tag;
- (3) procedures to clearly display the vehicle-specific number on the tag; and
- (4) the period for which a tag may be used for or by a charitable organization.

SECTION _____.06. The heading to Section 503.0625, Transportation Code, is amended to read as follows:

Sec. 503.0625. CONVERTER'S TEMPORARY [~~CARDBOARD~~] TAGS.

SECTION _____.07. Sections 503.0625(b), (e), and (f), Transportation Code, are amended to read as follows:

(b) A converter may issue a temporary [~~cardboard~~] tag for use on an unregistered vehicle by the converter or the converter's employees only to:

- (1) demonstrate or cause to be demonstrated to a prospective buyer who is an employee of a franchised motor vehicle dealer the vehicle; or
- (2) convey or cause to be conveyed the vehicle:
 - (A) from one of the converter's places of business in this state to another of the converter's places of business in this state;
 - (B) from the converter's place of business to a place the vehicle is to be assembled, repaired, reconditioned, modified, or serviced;
 - (C) from the state line or a location in this state where the vehicle is unloaded to the converter's place of business;

(D) from the converter's place of business to a place of business of a franchised motor vehicle dealer; or

(E) to road test the vehicle.

(e) The department may not issue a converter temporary [cardboard] tag or contract for the issuance of a converter temporary [cardboard] tag but shall prescribe:

(1) the specifications, form, and color of a converter temporary [cardboard] tag;

(2) procedures for a converter to generate a vehicle-specific number using the database developed under Section 503.0626 and assign it to each tag; and

(3) procedures to clearly display the vehicle-specific number on the tag.

(f) A converter or employee of a converter may not use a temporary [cardboard] tag issued under this section as authorization to operate a vehicle for the converter's or the employee's personal use.

SECTION _____.08. Sections 503.0626(a) and (c), Transportation Code, are amended to read as follows:

(a) The department shall develop and maintain a secure, real-time database of information on vehicles to which dealers and converters have affixed temporary [cardboard] tags. The database shall be managed by the vehicle titles and registration division of the department.

(c) Before a dealer's or converter's temporary [cardboard] tag may be displayed on a vehicle, the dealer or converter must enter into the database through the Internet information on the vehicle and information about the dealer or converter as prescribed by the department. The department may not deny access to the database to any dealer who holds a general distinguishing number issued under this chapter or who is licensed under Chapter 2301, Occupations Code, or to any converter licensed under Chapter 2301, Occupations Code.

SECTION _____.09. The heading to Section 503.063, Transportation Code, is amended to read as follows:

Sec. 503.063. BUYER'S TEMPORARY [CARDBOARD] TAGS.

SECTION _____.10. Sections 503.063(a), (g), and (h), Transportation Code, are amended to read as follows:

(a) Except as provided by this section, a dealer shall issue to a person who buys an unregistered vehicle one temporary [cardboard] buyer's tag for the vehicle.

(g) Using the same vehicle-specific number generated under Subsection (e)(2)(A), a dealer may issue an additional temporary [cardboard] buyer's tag to a person after the expiration of 20 working days after the issue of a temporary [cardboard] buyer's tag, and the person may operate the vehicle for which the tag was issued on the additional temporary [cardboard] buyer's tag if the dealer has been unable to obtain on behalf of the vehicle's owner the necessary documents to obtain permanent metal license plates because the documents are in the possession of a lienholder who has not complied with the terms of Section 501.115(a). An additional tag issued under the terms of this subsection is valid for a maximum of 20 working days after the date of issue.

(h) For each buyer's temporary [cardboard] tag other than an additional temporary [cardboard] buyer's tag under Subsection (g), a dealer shall charge the buyer a registration fee of not more than \$5 as prescribed by the department to be sent to the comptroller for deposit to the credit of the state highway fund.

SECTION ____ .11. Section 503.0631(c), Transportation Code, is amended to read as follows:

(c) Except as provided by Subsection (d), before a buyer's temporary [cardboard] tag may be displayed on a vehicle, a dealer must enter into the database through the Internet information about the buyer of the vehicle for which the tag was issued as prescribed by the department and generate a vehicle-specific number for the tag as required by Section 503.063(e). The department may not deny access to the database to any dealer who holds a general distinguishing number issued under this chapter or who is licensed under Chapter 2301, Occupations Code.

SECTION ____ .12. Section 503.0632(a), Transportation Code, is amended to read as follows:

(a) Each dealer shall provide a one-page written notice to a buyer that explains:

(1) the requirements of the law regarding a buyer's temporary [cardboard] tag;

(2) any criminal penalties relating to a buyer's temporary [cardboard] tag;

(3) any action the buyer is required to take concerning a buyer's temporary [cardboard] tag; and

(4) any other information related to the process of purchasing and registering a vehicle as prescribed by the department.

SECTION ____ .13. Section 503.065(a), Transportation Code, is amended to read as follows:

(a) The department may issue or cause to be issued to a person a temporary license plate [~~made of cardboard or similar material~~] authorizing the person to operate a new unregistered vehicle on a public highway of this state if the person:

(1) buys the vehicle from a dealer outside this state and intends to drive the vehicle from the dealer's place of business; or

(2) buys the vehicle from a dealer in this state but intends to drive the vehicle from the manufacturer's place of business outside this state.

SECTION ____ .14. Section 503.067, Transportation Code, is amended to read as follows:

Sec. 503.067. UNAUTHORIZED REPRODUCTION, PURCHASE, USE, OR SALE OF TEMPORARY [CARDBOARD] TAGS. (a) A person may not produce or reproduce a temporary [cardboard] tag or an item represented to be a temporary [cardboard] tag for the purpose of distributing the tag to someone other than a dealer or converter.

(b) A person may not operate a vehicle that displays an unauthorized temporary [cardboard] tag.

(c) A person other than a dealer or converter may not purchase a temporary [cardboard] tag.

(d) A person may not sell or distribute a temporary [cardboard] tag or an item represented to be a temporary [cardboard] tag unless the person is:

- (1) a dealer issuing the tag in connection with the sale of a vehicle; or
- (2) a printer or distributor engaged in the business of selling temporary [cardboard] tags solely for uses authorized under this chapter.

SECTION ____ .15. Sections 503.068(a), (b), and (c), Transportation Code, are amended to read as follows:

(a) A dealer or an employee of a dealer may not use a dealer's temporary [cardboard] tag as authorization to operate a vehicle for the dealer's or the employee's personal use.

(b) A person may not use a metal dealer's license plate or dealer's temporary [cardboard] tag on:

- (1) a service or work vehicle; or
- (2) a commercial vehicle that is carrying a load.

(c) For purposes of this section, a boat trailer carrying a boat is not a commercial vehicle carrying a load. A dealer complying with this chapter may affix to the rear of a boat trailer the dealer owns or sells a metal dealer's license plate or temporary [cardboard] tag issued under Section 503.061, 503.062, or 503.063.

SECTION ____ .16. Section 503.069(a), Transportation Code, is amended to read as follows:

(a) A license plate, other than an in-transit license plate, or a temporary [cardboard] tag issued under this chapter shall be displayed in accordance with commission [board] rules.

SECTION ____ .17. Section 601.002(12), Transportation Code, is amended to read as follows:

- (12) "Vehicle registration" means:
- (A) a registration certificate, registration receipt, or number plate issued under Chapter 502; or
 - (B) a dealer's license plate or temporary [cardboard] tag issued under Chapter 503.

SECTION ____ .18. The changes in law made by this article to Section 503.067, Transportation Code, apply to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed 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. 179 was withdrawn.

LEAVES OF ABSENCE GRANTED

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

Aycock on motion of Veasey.

Darby on motion of Hopson.

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

Eissler on motion of Hancock.

CSHB 300 - (consideration continued)

Amendment No. 180

Representative Y. Davis offered the following amendment to **CSHB 300**:
Floor Packet Page No. 313

Amend **CSHB 300** (House committee printing), by striking page 57, line 13, through page 58, line 3, and substituting the following:

Sec. 472.0315. POLICY BOARD MEMBERSHIP AND VOTING REQUIREMENTS; ELIGIBILITY FOR STATE ALLOCATION OF FUNDING.

(a) The policy board of a metropolitan planning organization must consist of at least 5 and not more than 19 members, the exact number to be determined on an equitable geographic-population ratio based on the most recent census.

(b) To be eligible to receive funds from this state for transportation projects under Section 201.668:

(1) at least 75 percent of a metropolitan planning organization's policy board members must be elected officials who are elected in the boundaries of the metropolitan planning organization; and

(2) only elected officials may be voting members of the organization's policy board.

(c) A metropolitan planning organization that is not eligible under Subsection (b) may redesignate the board so as to become eligible to receive an allocation of funds under Section 201.668.

(d) In this section, "elected official" means the presiding officer or a member of the governing body of a municipality, a county judge, a county commissioner, a state representative, or a state senator.

Amendment No. 181

Representative Y. Davis offered the following amendment to Amendment No. 180:

Amend Floor Amendment No. 180 to **CSHB 300** by Y. Davis (page 313, pre-filing packet) as follows:

(1) On line 5 between "REQUIREMENTS" and the semicolon, insert "IN CERTAIN AREAS".

(2) Strike lines 6-9 and substitute as follows:

"The policy board of a metropolitan planning organization that serves two adjacent counties that each have a population of one million or more must consist of not less than three members of the legislature elected from the area served by the organization."

Amendment No. 181 was adopted. (Flynn recorded voting no.)

LEAVES OF ABSENCE GRANTED

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

Heflin on motion of Homer.

Pitts on motion of Homer.

Villarreal on motion of Homer.

CSHB 300 - (consideration continued)**Amendment No. 182**

Representative Edwards offered the following amendment to Amendment No. 180:

Amend Floor Amendment No. 180 by Y. Davis to **CSHB 300** (page ____ of the prefiled amendments packet) by adding the appropriately numbered item:

(____) Add the following appropriately numbered SECTION and renumber subsequent SECTIONS accordingly:

SECTION _____.____ Subchapter H, Chapter 201, Transportation Code, is amended by adding Section 201.6105 to read as follows:

Sec. 201.6105. STUDY ON SOUND BARRIER ON CERTAIN HIGHWAYS. (a) The department shall conduct a study on the construction of sound barrier walls with beautification elements along the east side of State Highway 288 in Houston, from the intersection of State Highway 288 and South MacGregor Way to the intersection of State Highway 288 and West Orem Drive.

(b) The department shall submit the results of the study to the commission not later than December 31, 2010.

Amendment No. 182 was adopted. (Flynn recorded voting no.)

Amendment No. 183

Representative Fletcher offered the following amendment to Amendment No. 180:

Amend Floor Amendment No. 180 by Y. Davis to **CSHB 300** by adding the appropriately numbered item:

(____) Add the following appropriately numbered SECTION and renumber subsequent SECTIONS accordingly:

SECTION _____.____. Section 504.201, Transportation Code, is amended by amending Subsection (d) and adding Subsection (i) to read as follows:

(d) Subject to Subsection (i), the [The] initial application for specialty license plates under this section must be accompanied by a written statement from a physician who is licensed to practice medicine in this state or in a state adjacent to this state or who is authorized by applicable law to practice medicine in a hospital or other health facility of the Department of Veterans Affairs. If the applicant has a mobility problem caused by a disorder of the foot, the written statement may be issued by a person licensed to practice podiatry in this state or a state adjacent to this state. In this subsection, "podiatry" has the meaning assigned by Section 681.001. The statement must certify that the person making the

application or on whose behalf the application is made is legally blind or has a mobility problem that substantially impairs the person's ability to ambulate. The statement must also certify whether a mobility problem is temporary or permanent. A written statement is not required as acceptable medical proof if:

- (1) the person with a disability:
 - (A) has had a limb, hand, or foot amputated; or
 - (B) must use a wheelchair; and
- (2) the applicant and the county assessor-collector processing the application execute an affidavit attesting to the person's disability.

(i) If the initial application for specialty license plates under this section is made by or on behalf of a person with a mobility problem that substantially impairs the person's ability to ambulate, the written statement required by Subsection (d) may be issued by a person licensed to practice chiropractic in this state or a state adjacent to this state. In this subsection, "chiropractic" has the meaning assigned by Section 201.002, Occupations Code.

SECTION 2. Section 681.003, Transportation Code, is amended by amending Subsection (c) and adding Subsection (f) to read as follows:

(c) Subject to Subsections [Subsection] (e) and (f), the first application must be accompanied by a notarized written statement or written prescription of a physician licensed to practice medicine in this state or a state adjacent to this state, or authorized by applicable law to practice medicine in a hospital or other health facility of the Veterans Administration, certifying and providing evidence acceptable to the department that the person making the application or on whose behalf the application is made is legally blind or has a mobility problem that substantially impairs the person's ability to ambulate. The statement or prescription must include a certification of whether the disability is temporary or permanent and information acceptable to the department to determine the type of disabled parking placard for which the applicant is eligible. The department shall determine a person's eligibility based on evidence provided by the applicant establishing legal blindness or mobility impairment.

(f) If a first application for a disabled parking placard under this section is made by or on behalf of a person with a mobility problem that substantially impairs the person's ability to ambulate, the notarized written statement or written prescription required by Subsection (c) may be issued by a person licensed to practice chiropractic in this state or a state adjacent to this state. In this subsection, "chiropractic" has the meaning assigned by Section 201.002, Occupations Code.

Amendment No. 183 was adopted.

Amendment No. 180, as amended, was adopted. (Flynn recorded voting no.)

CSHB 300 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE GIDDINGS: As you know, I've been very concerned, as is all of the Dallas delegation, because there are a number of amendments that have gone back and forth, and at this point, we're not sure what the effect is. I just want to clarify with you that you will allow us to study this, and for third reading,

if there's an amendment that we need to make, that you won't object to that. What we want to do is to be sure that those projects in Dallas that are designated as toll projects, that have been planned—the work may not have been started—we want to be sure that the DFW connector is not affected. We want to be sure that the north Tarrant express project is not affected. We want to be sure that Interstate Highway 635, from east of Luna Road to Greenville Avenue, and Interstate 35 from south of Loop 12 to the split south of Valwood Parkway, and Trinity Parkway that we have had on the books for a long time, but work has not started, we want to be sure that there's nothing in here that would negatively affect those projects that are already underway. With the Phillips amendment and the Leibowitz amendment, we've been talking about it, but the truth of the matter is, most of us are disagreeing on the effect of those amendments. Would you comment on that?

REPRESENTATIVE ISETT: Yes, Chairman Giddings, I appreciate you bringing it up. I think that the intent of the author of the amendments that affected the state didn't realize that there were so many projects that were inclusive, and you certainly have the weekend to look over those and we can come back and visit about them on Monday when we do third reading, but I don't think it was the intent. We also have the conference committee. The intent of Chairman Pickett, and my intent, would never have been to affect projects that were currently considered, and when I visited Dallas, and they showed me their plans, they brought all of those to my attention.

GIDDINGS: Yes, I just want to be sure, Mr. Isett, and the Dallas delegation just wanted to be sure, that we didn't have any unintended consequences, and as I said, there's so many amendments flying up, down, right, left, and so forth that it's hard to determine what the net effect of this is, and so I appreciate the ability to visit with you after having an opportunity to look at it.

ISETT: We'll continue to work with you.

CSHB 300, as amended, was passed to engrossment.

REMARKS ORDERED PRINTED

Representative Y. Davis moved to print remarks between Representative Isett and Representative Giddings.

The motion prevailed.

CSHB 300 - RULES SUSPENDED

Representative Hochberg moved to suspend Rule 2, Section 1(a)(9) of the House Rules to permit **CSHB 300** to be sent to the senate in the form of engrossed riders in lieu of a full engrossment.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Licensing and Administrative Procedures, upon lunch recess today, Desk 28, for a formal meeting, to consider **HB 4546**.

State Affairs, upon lunch recess today, Desk 7, for a formal meeting, to consider pending legislation.

Rules and Resolutions, upon lunch recess today, 1W.14, for a formal meeting, to consider pending business.

RECESS

At 12:07 p.m., the chair announced that the house would stand recessed until 12:45 p.m. today.

AFTERNOON SESSION

The house met at 12:45 p.m. and was called to order by the speaker.

(Aycock and Darby now present)

HB 2238 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Hamilton called up with senate amendments for consideration at this time,

HB 2238, A bill to be entitled An Act relating to the regulation of manufactured housing.

Representative Hamilton moved to concur in the senate amendments to **HB 2238**.

The motion to concur in the senate amendments to **HB 2238** prevailed by (Record 673): 133 Yeas, 0 Nays, 1 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; Dukes; Dunnam; Dutton; Edwards; Eiland; 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; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, T.; Kleinschmidt; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Naishtat; Olivo; Orr; Ortiz; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Quintanilla; 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; Vo; Walle; Weber; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bolton; Branch; Eissler; Kolkhorst; Oliveira; Otto.

Absent, Excused, Committee Meeting — Heflin; Pitts; Raymond; Villarreal; Zerwas.

Absent — Driver; Hilderbran; King, S.; Morrison; Veasey.

STATEMENTS OF VOTE

When Record No. 673 was taken, I was temporarily out of the house chamber. I would have voted yes.

Hilderbran

When Record No. 673 was taken, I was excused to attend a meeting of the Conference Committee on **SB 1**. Had I been present, I would have voted yes.

Zerwas

Senate Committee Substitute

CSHB 2238, A bill to be entitled An Act relating to the regulation of manufactured housing.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 1201, Occupations Code, is amended by adding Section 1201.009 to read as follows:

Sec. 1201.009. ELECTRONIC MEANS AUTHORIZED. If feasible, any action required under this chapter may be accomplished by electronic means.

SECTION 2. Section 1201.058, Occupations Code, is amended by adding Subsection (e) to read as follows:

(e) If the governor by executive order or proclamation declares a state of disaster under Chapter 418, Government Code, the director, in accordance with rules adopted by the board, may waive the imposition of any fee under this chapter in the affected area.

SECTION 3. Sections 1201.104(c), (e), and (f), Occupations Code, are amended to read as follows:

(c) An applicant for a salesperson's license may apply for a license without having completed the course of instruction if ~~[provided that]~~ the person successfully completes the ~~[next scheduled]~~ course not later than the 90th day ~~[offered]~~ after the date of the person's licensure. If the person fails to complete such course successfully and in a timely manner, the person's license is automatically suspended until the person successfully completes the course.

(e) The board shall adopt rules relating to course content and approval. ~~[Classes must be live. Online or other electronic classes are not permitted.]~~

(f) An applicant for an initial installer's license shall receive a license on a provisional ~~[probationary]~~ basis. The person's provisional ~~[probationary]~~ status remains ~~[shall remain]~~ in effect until [such time as] a sufficient number of installations completed by the person have been inspected by the department and found not to have any identified material violations of the department's rules. The board, with the advice of the advisory committee to be established under Section 1201.251, shall adopt rules to establish what constitutes a sufficient number of installations under this subsection.

SECTION 4. Section 1201.113(b), Occupations Code, is amended to read as follows:

(b) Completion of [Attendance at] an approved or administered continuing education course described by Subsection (a) is a prerequisite to renewal of a license.

SECTION 5. Section 1201.114, Occupations Code, is amended to read as follows:

Sec. 1201.114. LICENSE EXPIRATION[~~PROBATIONARY LICENSE~~]. ~~(a)~~ Any license under this chapter ~~[other than a probationary license]~~ is valid for two years. A license may be renewed as provided by the director. A person whose license has been suspended or revoked or whose license has expired may not engage in activities that require a license until the license has been reinstated or renewed.

~~[(b) If the director determines that a licensed salesperson or installer should receive a probationary license, the director may issue a probationary license on such terms and for such period as are deemed reasonable. The issuance of a license on a probationary basis, any one or more of the specific terms of the probation, or the period of probation may be appealed before the 31st day after issuance of the probationary license by written notice to the director. If appeal is made, the director shall set the matter for a hearing before the State Office of Administrative Hearings, and all administrative proceedings relating to the issuance of the probationary license shall be deemed to be a contested case under Chapter 2001, Government Code. If no appeal is made, the probationary license shall be issued and shall remain in effect in accordance with the terms specified.]~~

SECTION 6. Sections 1201.116(a) and (c), Occupations Code, are amended to read as follows:

(a) The department shall renew a license if the department receives the renewal application and payment of the required ~~annual~~ fee before the expiration date of the license.

(c) The renewal license expires on the second ~~first~~ anniversary of the date the license was renewed.

SECTION 7. Section 1201.204(c), Occupations Code, is amended to read as follows:

(c) After the first retail sale of a manufactured home, the retailer must submit the original manufacturer's certificate for that home to the department. If an application for an initial statement of ownership is made without the required manufacturer's certificate and the retailer does not provide it as required, the department shall, on or before the issuance of the requested statement of ownership and location, send written notice to each party currently reflected on the department's records as having a recorded lien on the inventory of that retailer with respect to that home. Failure to include the original manufacturer's certificate with such an application does not impair a consumer's ability to obtain, on submittal of an otherwise complete application, a statement of ownership and location free and clear of any liens other than liens created by or consented to by the consumer.

SECTION 8. Section 1201.206(g), Occupations Code, is amended to read as follows:

(g) When ~~[the seller files]~~ an application for the issuance of a statement of ownership and location for a used manufactured home that is not in a retailer's inventory is filed, ~~[the seller shall also file with the department]~~ a statement from the tax assessor-collector for the taxing unit having power to tax the manufactured home shall also be filed with the department. The statement from the tax assessor-collector must indicate that there are no personal property taxes due on the manufactured home that may have accrued on each January 1 that falls within the 18 months before the date of the sale.

SECTION 9. Section 1201.207(c), Occupations Code, is amended to read as follows:

(c) Except with respect to any change in use, servicing of a loan on a manufactured home, or change in ownership of a lien on a manufactured home, but subject to Section 1201.2075, if the department has issued a statement of ownership and location for a manufactured home, the department may issue a subsequent statement of ownership and location for the home only if all parties reflected in the department's records as having an interest in the manufactured home give their written consent or release their interest, either in writing or by operation of law, or the department has followed the procedures provided by Section 1201.206(k) to document ownership and lien status. Once the department issues a statement of ownership and location, the department shall not alter the record of the ownership or lien status, other than to change the record to accurately reflect the proper owner's or lienholder's identity, of a manufactured home for any activity occurring before the issuance of the statement of ownership and location without either the written permission of the owner of record for the manufactured home, their legal representative, or a court order.

SECTION 10. Sections 1201.217(b) and (c), Occupations Code, are amended to read as follows:

(b) Before declaring a manufactured home abandoned, the owner of real property on which the home is located must send a notice of intent to declare the home abandoned to the record owner of the home, all lienholders at the addresses listed on the home's statement of ownership and location on file with the department, ~~and~~ the tax collector for each taxing unit that imposes ad valorem taxes on the real property where the home is located, and any intervening owners of liens or equitable interests. The notice must include the address where the home is currently located. If the person giving such notice knows that a ~~the~~ person to whom the notice is being given no longer resides and is no longer receiving mail at a known ~~[such]~~ address, a reasonable effort shall be made to locate the person and give the person notice at an address where the person is receiving mail. Mailing of the notice by certified mail, return receipt requested, postage prepaid, to the persons required to be notified by this subsection constitutes conclusive proof of compliance with this subsection.

(c) On receipt of a notice of intent to declare a manufactured home abandoned, the record owner of the home, a lienholder, ~~[or]~~ a tax assessor-collector for a taxing unit that imposes ad valorem taxes on the real

property on which the home is located, or an intervening owner of a lien or equitable interest may enter the real property on which the home is located to remove the home. The real property owner must disclose to the record owner, lienholder, ~~or~~ tax assessor-collector, or intervening owner seeking to remove the home the location of the home and grant the person reasonable access to the home. A person removing a home is responsible to the real property owner for any damage to the real property resulting from the removal of the home.

SECTION 11. Section 1201.219, Occupations Code, is amended by amending Subsection (b) and adding Subsection (d) to read as follows:

(b) Except as provided by Subsection (a) and subject to Subsection (d), a lien on a manufactured home is perfected only by filing with the department the notice of lien on a form provided by the department. ~~[The form shall require the disclosure of the original dollar amount of the lien and, if a tax lien, the name and address of the person in whose name the manufactured home is listed on the tax roll.]~~ The department shall disclose on its website the date of each lien filing. ~~A[; the original amount of the lien claimed by each filing, and the fact that the amount shown does not include additional sums including interest, penalties, and attorney's fees. The statement required by Section 1201.205(7) is notice to all persons that the tax lien exists. Except as expressly provided by Chapter 32, Tax Code, a] lien recorded with the department has priority, according to the chronological order of recordation, over another lien or claim against the manufactured home[. Tax liens shall be filed by the tax collector for any taxing unit having the power to tax the manufactured home. A single filing by a tax collector is a filing for all the taxing units for which the tax collector is empowered to collect].~~

(d) Except as provided by Subsection (a), a tax lien on a manufactured home is perfected only by filing with the department the notice of the tax lien on a form provided by the department in accordance with the requirements of Chapter 32, Tax Code. The form must require the disclosure of the original dollar amount of the tax lien and the name and address of the person in whose name the manufactured home is listed on the tax roll. The department shall disclose on its Internet website the date of each tax lien filing, the original amount of the tax lien claimed by each filing, and the fact that the amount shown does not include additional sums, including interest, penalties, and attorney's fees. The statement required by Section 1201.205(7) is notice to all persons that the tax lien exists. A tax lien recorded with the department has priority over another lien or claim against the manufactured home. Tax liens shall be filed by the tax collector for any taxing unit having the power to tax the manufactured home. A single filing by a tax collector is a filing for all the taxing units for which the tax collector is empowered to collect.

SECTION 12. Section 1201.255(b), Occupations Code, is amended to read as follows:

(b) An installer may not install a used manufactured home at a location on a site that has evidence of ponding, runoff under heavy rains, or bare uncompacted soil unless the installer first obtains the owner's signature on a form promulgated

by the board disclosing that such conditions may contribute to problems with the stabilization system for that manufactured home, including possible damage to that home, and the owner accepts that risk.

SECTION 13. Section 1201.358(c), Occupations Code, is amended to read as follows:

(c) The director may issue an order:

(1) directing a manufacturer, retailer, or installer whose license is not revoked, suspended, or subject to an administrative sanction under Section 1201.357(b) and who is not out of business to perform the warranty obligation of a manufacturer, retailer, or installer whose license is revoked, suspended, or subject to an administrative sanction under Section 1201.357(b) or who is out of business; and

(2) giving the manufacturer, retailer, or installer performing the obligation the right of indemnification against another party.

SECTION 14. Section 1201.404(a), Occupations Code, is amended to read as follows:

(a) Except as otherwise provided by Subchapter C, the trust fund shall be paid directly to a consumer or, at the director's option, to a third party on behalf of a consumer [used] to compensate a consumer who sustains actual damages resulting from an unsatisfied claim against a licensed manufacturer, retailer, broker, or installer if the unsatisfied claim results from a violation of:

(1) this chapter;

(2) a rule adopted by the director;

(3) the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 et seq.);

(4) a rule or regulation of the United States Department of Housing and Urban Development; or

(5) Subchapter E, Chapter 17, Business & Commerce Code.

SECTION 15. The following sections of the Occupations Code are repealed:

(1) Section 1201.160;

(2) Section 1201.2055(b); and

(3) Section 1201.405(b).

SECTION 16. (a) Sections 1201.104(c) and (f), Occupations Code, as amended by this Act, apply only to a license application filed with the executive director of the manufactured housing division of the Texas Department of Housing and Community Affairs on or after the effective date of this Act. An application filed with the executive director of the manufactured housing division of the Texas Department of Housing and Community Affairs before the effective date of this Act is governed by the law in effect immediately before that date, and the former law is continued in effect for that purpose.

(b) Sections 1201.113(b) and 1201.116(a) and (c), Occupations Code, as amended by this Act, apply only to a license that is renewed on or after the effective date of this Act. A license that is renewed before the effective date of this Act is governed by the law in effect immediately before that date, and the former law is continued in effect for that purpose.

(c) Section 1201.206(g), Occupations Code, as amended by this Act, applies only to an application for a statement of ownership and location filed on or after the effective date of this Act. An application for a statement of ownership and location filed before the effective date of this Act is governed by the law in effect immediately before that date, and the former law is continued in effect for that purpose.

SECTION 17. This Act takes effect September 1, 2009.

(Heflin now present)

**CONSTITUTIONAL AMENDMENTS CALENDAR
HOUSE JOINT RESOLUTIONS
THIRD READING**

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

**HJR 112 ON THIRD READING
(by Bolton, Quintanilla, Pickett, Kleinschmidt, and Kent)**

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 Isett moved to postpone consideration of **HJR 112** until 10 a.m. Monday, May 11.

The motion prevailed.

**GENERAL STATE CALENDAR
HOUSE BILLS
THIRD READING**

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

**HB 3477 ON THIRD READING
(by Bolton, et al.)**

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

Representative Isett moved to postpone consideration of **HB 3477** until 10:15 a.m. Monday, May 11.

The motion prevailed.

HB 3646 - COMMITTEE ON CALENDARS RULE ADOPTED

Pursuant to Rule 3, Section 5(2) and Rule 6, Section 16(f) of the House Rules, Representative Hochberg moved to adopt the following rule governing floor consideration of **HB 3646**:

(a) Any amendment to **HB 3646** on second or third reading is not in order unless any cost of an amendment to **HB 3646** is offset by at least an equal dollar reduction in the cost of **HB 3646**.

(b) Any amendment to **HB 3646** on second or third reading is not in order unless any increase in the cost of fully funding the school finance formulas caused by the amendment is offset by at least an equal dollar reduction in the cost of fully funding the school finance formulas.

(c) This rule does not apply to an amendment that makes an adjustment solely to correct a technical or clerical error.

The motion to adopt the Committee on Calendars rule prevailed.

HB 2291 ON THIRD READING

(by Gattis, Oliveira, Paxton, Peña, Harper-Brown, et al.)

HB 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.

HB 2291 was passed by (Record 674): 133 Yeas, 0 Nays, 1 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; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; 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; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, T.; Kleinschmidt; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Olivo; Orr; Ortiz; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Quintanilla; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Veasey; Vo; Walle; Weber; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bolton; Branch; Eissler; Kolkhorst; Oliveira; Otto.

Absent, Excused, Committee Meeting — Pitts; Raymond; Villarreal; Zerwas.

Absent — Corte; Hilderbran; King, P.; King, S.; Mallory Caraway; Vaught.

STATEMENTS OF VOTE

When Record No. 674 was taken, I was in the house but away from my desk. I would have voted yes.

Corte

When Record No. 674 was taken, I was temporarily out of the house chamber. I would have voted yes.

Hilderbran

When Record No. 674 was taken, I was excused to attend a meeting of the Conference Committee on **SB 1**. Had I been present, I would have voted yes.

Zerwas

HB 978 ON THIRD READING

(by Burnam, Lucio, Naishtat, Farrar, et al.)

HB 978, A bill to be entitled An Act relating to the employment rights of certain individuals with disabilities.

HB 978 was passed by (Record 675): 83 Yeas, 44 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Bohac; Bonnen; Brown, F.; Burnam; Castro; Cohen; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; England; Farabee; Farias; Farrar; Flores; Frost; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hartnett; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; Hunter; Jackson; Kent; Leibowitz; Lucio; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Miklos; Moody; Naishtat; Olivo; Orr; Ortiz; Patrick; Peña; Pickett; Pierson; Quintanilla; Rios Ybarra; Ritter; Rodriguez; Rose; Shelton; Smith, T.; Smithee; Solomons; Strama; Swinford; Thibaut; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Vo; Walle.

Nays — Anderson; Aycock; Berman; Brown, B.; Button; Callegari; Chisum; Christian; Cook; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Driver; Elkins; Fletcher; Flynn; Gattis; Geren; Hancock; Hardcastle; Harper-Brown; Howard, C.; Isett; Jones; Keffer; Kleinschmidt; Kuempel; Laubenberg; Legler; Lewis; Madden; Miller, D.; Miller, S.; Parker; Phillips; Riddle; Sheffield; Smith, W.; Taylor; Weber; Woolley.

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

Absent, Excused — Bolton; Branch; Eissler; Kolkhorst; Oliveira; Otto.

Absent, Excused, Committee Meeting — Pitts; Raymond; Villarreal; Zerwas.

Absent — Chavez; Corte; Hilderbran; Hughes; King, P.; King, S.; King, T.; McCall; Morrison; Paxton; Thompson.

STATEMENTS OF VOTE

When Record No. 675 was taken, I was in the house but away from my desk. I would have voted no.

Corte

I was shown voting present, not voting on Record No. 675. I intended to vote no.

Harless

When Record No. 675 was taken, I was in the house but away from my desk. I would have voted no.

Hilderbran

When Record No. 675 was taken, I was in the house but away from my desk. I would have voted no.

Paxton

When Record No. 675 was taken, I was excused to attend a meeting of the Conference Committee on **SB 1**. Had I been present, I would have voted no.

Zerwas

HB 2242 ON THIRD READING

(by Leibowitz, D. Howard, S. Miller, Edwards, et al.)

HB 2242, A bill to be entitled An Act relating to the abolition of the Texas cultural endowment fund.

HB 2242 was passed by (Record 676): 132 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bonnen; Brown, B.; Brown, F.; Button; Callegari; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; 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; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, T.; Kleinschmidt; 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; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Quintanilla; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Vo; Walle; Weber; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bolton; Branch; Eissler; Kolkhorst; Oliveira; Otto.

Absent, Excused, Committee Meeting — Pitts; Raymond; Villarreal; Zerwas.

Absent — Burnam; Castro; Corte; Hilderbran; King, S.; McCall; Strama.

STATEMENTS OF VOTE

When Record No. 676 was taken, I was in the house but away from my desk. I would have voted yes.

Castro

When Record No. 676 was taken, I was in the house but away from my desk. I would have voted yes.

Corte

When Record No. 676 was taken, I was in the house but away from my desk. I would have voted yes.

Hilderbran

When Record No. 676 was taken, I was excused to attend a meeting of the Conference Committee on **SB 1**. Had I been present, I would have voted yes.

Zerwas

HB 556 ON THIRD READING (by Kuempel)

HB 556, A bill to be entitled An Act relating to payment of attorney's fees in certain actions to recover possession of real property.

HB 556 was passed by (Record 677): 131 Yeas, 1 Nays, 1 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; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; 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; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jones; Keffer; Kent; King, P.; Kleinschmidt; Kuempel; Laubenberg; Legler; Leibowitz; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Olivo; Orr; Ortiz; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Quintanilla; 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.

Nays — Lewis.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bolton; Branch; Eissler; Kolkhorst; Oliveira; Otto.

Absent, Excused, Committee Meeting — Pitts; Raymond; Villarreal; Zerwas.

Absent — Corte; Hilderbran; Hochberg; Jackson; King, S.; King, T.; McCall.

STATEMENTS OF VOTE

When Record No. 677 was taken, I was in the house but away from my desk. I would have voted yes.

Corte

When Record No. 677 was taken, I was in the house but away from my desk. I would have voted yes.

Hilderbran

When Record No. 677 was taken, I was excused to attend a meeting of the Conference Committee on **SB 1**. Had I been present, I would have voted yes.

Zerwas

LEAVE OF ABSENCE GRANTED

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

Hochberg on motion of Farabee.

HB 1810 ON THIRD READING (by Pickett)

HB 1810, A bill to be entitled An Act relating to the purposes and designation of a transportation reinvestment zone.

HB 1810 was passed by (Record 678): 130 Yeas, 5 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Aycock; Berman; Bohac; Bonnen; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Cohen; Coleman; Cook; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; 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; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Quintanilla; 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.

Nays — Anderson; Christian; Kleinschmidt; Legler; Parker.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bolton; Branch; Eissler; Kolkhorst; Oliveira; Otto.

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

Absent — Corte; Craddick; Hilderbran.

STATEMENTS OF VOTE

When Record No. 678 was taken, I was in the house but away from my desk. I would have voted yes.

Craddick

When Record No. 678 was taken, I was in the house but away from my desk. I would have voted yes.

Hilderbran

I was shown voting yes on Record No. 678. I intended to vote no.

Laubenberg

I was shown voting yes on Record No. 678. I intended to vote no.

Paxton

When Record No. 678 was taken, I was excused to attend a meeting of the Conference Committee on **SB 1**. Had I been present, I would have voted yes.

Zerwas

(Pitts now present)

HB 3433 ON THIRD READING (by Menendez and Pickett)

HB 3433, A bill to be entitled An Act relating to the extended registration of a fleet of motor vehicles.

Amendment No. 1

Representative Menendez offered the following amendment to **HB 3433**:

Amend **HB 3433** on third reading as follows:

(1) In SECTION 2 of the bill, in added Section 502.0023, Transportation Code, strike Subsection (d-1) and substitute:

(d-1) In addition to all other applicable registration fees, an owner registering a commercial fleet under this section shall pay a one-time license plate manufacturing fee of \$8 for each set of plates issued that includes on the legend the name or logo of the business entity that owns the vehicle.

(2) Strike SECTION 4 of the bill and substitute:

SECTION 4. The Texas Department of Transportation shall adopt the rules and establish the system required under Section 502.0023, Transportation Code, as added by this Act, not later than January 1, 2010.

Amendment No. 1 was adopted.

HB 3433, as amended, was passed by (Record 679): 135 Yeas, 0 Nays, 1 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; Craddock; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; 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; Parker; Patrick; Paxton; Peña; Pickett; Pierson; Pitts; Quintanilla; Riddle; Rios Ybarra; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Vo; Walle; Weber; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bolton; Branch; Eissler; Kolkhorst; Oliveira; Otto.

Absent, Excused, Committee Meeting — Hochberg; Raymond; Villarreal; Zerwas.

Absent — Eiland; Ortiz; Phillips; Ritter.

STATEMENT OF VOTE

When Record No. 679 was taken, I was excused to attend a meeting of the Conference Committee on **SB 1**. Had I been present, I would have voted yes.

Zerwas

HB 1399 ON THIRD READING (by Guillen)

HB 1399, A bill to be entitled An Act relating to the conduct of certain inquests by municipal court judges.

Amendment No. 1

Representative Guillen offered the following amendment to **HB 1399**:

Amend **HB 1399** on third reading (second reading engrossment) as follows:

- (1) On page 1, line 7, between "DUTIES." and "A judge", insert "(a)".
- (2) On page 1, line 12, strike "The" and substitute "Subject to Subsection (b), the".
- (3) On page 1, between lines 15 and 16, insert the following:

(b) This article does not require a judge of municipal court to perform an inquest on receipt of notice from a person under Article 49.07(c-1). A judge of a municipal court who receives notice under that section may decline to perform the inquest by forwarding the notice to another person authorized to perform an inquest under this chapter.

(4) On page 2, line 3, between "49.15(c)" and the underlined period, insert ", unless the commissioners court and the governing body of the municipality enter into an alternate agreement concerning the payment of those fees".

Amendment No. 1 was adopted.

HB 1399, as amended, was passed by (Record 680): 119 Yeas, 18 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anderson; Aycock; Berman; Bohac; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Corte; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; England; Farabee; Farias; Farrar; Fletcher; Flores; Frost; Gallego; Gattis; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hancock; 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, T.; Kleinschmidt; 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; Paxton; Peña; Pickett; Pierson; Pitts; Quintanilla; Rios Ybarra; Ritter; Rodriguez; Rose; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Vo; Walle; Woolley.

Nays — Anchia; Bonnen; Cook; Crabb; Craddick; Creighton; Elkins; Flynn; Geren; Hamilton; Hardcastle; Legler; Parker; Phillips; Riddle; Sheffield; Thibaut; Weber.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bolton; Branch; Eissler; Kolkhorst; Oliveira; Otto.

Absent, Excused, Committee Meeting — Hochberg; Raymond; Villarreal; Zerwas.

Absent — King, S.; Patrick.

STATEMENT OF VOTE

When Record No. 680 was taken, I was excused to attend a meeting of the Conference Committee on **SB 1**. Had I been present, I would have voted yes.

Zerwas

HB 3650 ON THIRD READING
(by Merritt)

HB 3650, A bill to be entitled An Act relating to the creation, administration, powers, duties, operations, and financing of a border region higher-speed rail authority for the Texas-Louisiana and the Texas-Mexico border regions; granting the power to issue bonds; imposing a tax; granting the power of eminent domain.

Amendment No. 1

Representative Merritt offered the following amendment to **HB 3650**:

Amend **HB 3650** on third reading (second reading engrossment) on page 4, line 20 by striking "this state" and substituting "the authority".

Amendment No. 1 was adopted.

HB 3650, as amended, was passed by (Record 681): 103 Yeas, 24 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Brown, B.; Burnam; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Darby; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hardcastle; Harless; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Jackson; Keffer; Kent; King, T.; Kleinschmidt; Kuempel; Leibowitz; Lewis; Lucio; Madden; Maldonado; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Moody; Naishtat; Olivo; Ortiz; Patrick; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Rios Ybarra; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Strama; Swinford; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Vo; Walle.

Nays — Bohac; Bonnen; Brown, F.; Crabb; Craddick; Creighton; Davis, J.; Gattis; Geren; Hamilton; Isett; Laubenberg; Legler; Miller, D.; Miller, S.; Orr; Parker; Paxton; Riddle; Sheffield; Shelton; Solomons; Weber; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bolton; Branch; Eissler; Kolkhorst; Oliveira; Otto.

Absent, Excused, Committee Meeting — Hochberg; Raymond; Villarreal; Zerwas.

Absent — Button; Callegari; Crownover; Davis, Y.; Hancock; Harper-Brown; Jones; King, P.; King, S.; Mallory Caraway; Morrison; Taylor.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 681. I intended to vote no.

Anderson

I was shown voting yes on Record No. 681. I intended to vote no.

Cook

When Record No. 681 was taken, I was in the house but away from my desk. I would have voted no.

Hancock

When Record No. 681 was taken, I was excused to attend a meeting of the Conference Committee on **SB 1**. Had I been present, I would have voted no.

Zerwas

HB 3079 ON THIRD READING (by Hughes)

HB 3079, A bill to be entitled An Act relating to the sale or purchase of certain parts of game animals or birds.

HB 3079 was passed by (Record 682): 135 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Berman; Bohac; Bonnen; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; 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; Morrison; Naishtat; Olivo; Orr; Ortiz; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; 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.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bolton; Branch; Eissler; Kolkhorst; Oliveira; Otto.

Absent, Excused, Committee Meeting — Hochberg; Raymond; Villarreal; Zerwas.

Absent — Alvarado; Corte; Driver; Hilderbran.

STATEMENTS OF VOTE

When Record No. 682 was taken, I was in the house but away from my desk. I would have voted yes.

Corte

When Record No. 682 was taken, I was in the house but away from my desk. I would have voted yes.

Hilderbran

When Record No. 682 was taken, I was excused to attend a meeting of the Conference Committee on **SB 1**. Had I been present, I would have voted yes.

Zerwas

(Woolley in the chair)

HB 3095 ON THIRD READING
(by Harless)

HB 3095, A bill to be entitled An Act relating to the use of a parking space or area designated specifically for persons with disabilities.

HB 3095 was passed by (Record 683): 134 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycocock; Berman; Bohac; Bonnen; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; 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; Morrison; Naishtat; Olivo; Orr; Ortiz; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Vo; Walle; Weber.

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

Absent, Excused — Bolton; Branch; Eissler; Kolkhorst; Oliveira; Otto.

Absent, Excused, Committee Meeting — Hochberg; Raymond; Villarreal; Zerwas.

Absent — Alvarado; Corte; Hilderbran; Shelton.

STATEMENT OF VOTE

When Record No. 683 was taken, I was in the house but away from my desk. I would have voted yes.

Corte

HB 853 ON THIRD READING**(by Laubenberg, Rodriguez, Gutierrez, Leibowitz, Chavez, et al.)**

HB 853, A bill to be entitled An Act relating to inclusion of pets and other companion animals in protective orders; providing a penalty.

HB 853 was passed by (Record 684): 131 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Bolton; Branch; Eissler; Kolkhorst; Oliveira; Otto.

Absent, Excused, Committee Meeting — Hochberg; Raymond; Villarreal; Zerwas.

Absent — Burnam; Corte; Edwards; Gutierrez; Hilderbran; King, S.; Rios Ybarra.

STATEMENTS OF VOTE

When Record No. 684 was taken, I was in the house but away from my desk. I would have voted yes.

Corte

I was shown voting yes on Record No. 684. I intended to vote no.

P. King

HB 155 ON THIRD READING**(by Gutierrez)**

HB 155, A bill to be entitled An Act relating to access to rivers and riverbeds for individuals with physical disabilities.

HB 155 was passed by (Record 685): 135 Yeas, 2 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bonnen; 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; Dutton; Edwards; Eiland; 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.; Hughes; 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; Morrison; Naishtat; Olivo; Orr; Ortiz; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Vo; Walle; Weber.

Nays — Chisum; Shelton.

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

Absent, Excused — Bolton; Branch; Eissler; Kolkhorst; Oliveira; Otto.

Absent, Excused, Committee Meeting — Hochberg; Raymond; Villarreal; Zerwas.

Absent — Howard, D.

STATEMENTS OF VOTE

When Record No. 685 was taken, I was in the house but away from my desk. I would have voted no.

D. Howard

I was shown voting yes on Record No. 685. I intended to vote no.

Laubenberg

When Record No. 685 was taken, I was excused to attend a meeting of the Conference Committee on **SB 1**. Had I been present, I would have voted yes.

Zerwas

HB 2504 ON THIRD READING

(by Kolkhorst, Christian, Aycock, et al.)

HB 2504, A bill to be entitled An Act relating to requiring a public institution of higher education to make available to the public on the institution's Internet website certain undergraduate course information.

HB 2504 was passed by (Record 686): 138 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; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; 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; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; 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.

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

Absent, Excused — Bolton; Branch; Eissler; Kolkhorst; Oliveira; Otto.

Absent, Excused, Committee Meeting — Hochberg; Raymond; Villarreal; Zerwas.

STATEMENT OF VOTE

When Record No. 686 was taken, I was excused to attend a meeting of the Conference Committee on **SB 1**. Had I been present, I would have voted yes.

Zerwas

HB 2308 ON THIRD READING (by Y. Davis, Flores, and Hodge)

HB 2308, A bill to be entitled An Act relating to the establishment of the Texas secure loan pilot program by the Texas Department of Housing and Community Affairs.

HB 2308 was passed by (Record 687): 79 Yeas, 55 Nays, 2 Present, not voting.

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

Nays — Anderson; Aycock; Bohac; Bonnen; Brown, B.; Brown, F.; Button; Callegari; Chisum; Christian; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Driver; Elkins; Flynn; Gattis; Geren; Hancock; Hardcastle; Harless; Hartnett; Hilderbran; Howard, C.; Hunter; Isett; King, P.; Kleinschmidt; Kuempel; Laubenberg; Legler; Lewis; Madden; McCall; Miller, D.; Miller, S.; Morrison; Orr; Parker; Patrick; Paxton; Phillips; Pitts; Riddle; Sheffield; Shelton; Smith, T.; Smith, W.; Taylor; Weber.

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

Absent, Excused — Bolton; Branch; Eissler; Kolkhorst; Oliveira; Otto.

Absent, Excused, Committee Meeting — Hochberg; Raymond; Villarreal; Zerwas.

Absent — Harper-Brown; Jones; King, S.; McReynolds.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 687. I intended to vote no.

Berman

I was shown voting yes on Record No. 687. I intended to vote no.

Smithee

I was shown voting yes on Record No. 687. I intended to vote no.

Swinford

I was shown voting yes on Record No. 687. I intended to vote no.

Truitt

When Record No. 687 was taken, I was excused to attend a meeting of the Conference Committee on **SB 1**. Had I been present, I would have voted no.

Zerwas

HB 1617 ON THIRD READING

(by Swinford)

HB 1617, A bill to be entitled An Act relating to limited agricultural cooperatives; providing penalties.

HB 1617 was passed by (Record 688): 133 Yeas, 3 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; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Giddings; Gonzales; Gonzalez Tourelles; Guillen; Gutierrez; Hamilton; Hancock; 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, 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; Morrison; Naishtat; Olivo; Orr; Ortiz; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Rios Ybarra; Ritter; Rodriguez; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Vo; Walle; Weber.

Nays — Geren; Hardcastle; Riddle.

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

Absent, Excused — Bolton; Branch; Eissler; Kolkhorst; Oliveira; Otto.

Absent, Excused, Committee Meeting — Hochberg; Raymond; Villarreal; Zerwas.

Absent — King, S.; Rose.

STATEMENT OF VOTE

When Record No. 688 was taken, I was excused to attend a meeting of the Conference Committee on **SB 1**. Had I been present I would have voted yes.

Zerwas

HB 1973 ON THIRD READING (by Hamilton)

HB 1973, A bill to be entitled An Act relating to the licensing and regulation of pool-related electrical maintenance.

HB 1973 was passed by (Record 689): 129 Yeas, 5 Nays, 2 Present, not voting.

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

Nays — Bohac; Crabb; Hartnett; Phillips; Weber.

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

Absent, Excused — Bolton; Branch; Eissler; Kolkhorst; Oliveira; Otto.

Absent, Excused, Committee Meeting — Hochberg; Raymond; Villarreal; Zerwas.

Absent — Elkins; Hernandez; King, S.; Madden.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 689. I intended to vote no.

Anchia

I was shown voting yes on Record No. 689. I intended to vote no.

Miklos

When Record No. 689 was taken, I was excused to attend a meeting of the Conference Committee on **SB 1**. Had I been present, I would have voted yes.

Zerwas

HB 456 ON THIRD READING

(by Villarreal, et al.)

HB 456, A bill to be entitled An Act relating to the authority of a dental hygienist to provide services in certain facilities.

Representative Solomons moved to postpone consideration of **HB 456** until the end of today's calendar.

The motion prevailed.

(Farabee in the chair)

HB 130 ON THIRD READING

(by Patrick, Eissler, Anchia, Pitts, Thompson, et al.)

HB 130, A bill to be entitled An Act relating to an enhanced quality full-day prekindergarten program provided by public school districts in conjunction with community providers.

HB 130 was passed by (Record 690): 106 Yeas, 31 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Aycok; Bohac; Burnam; Button; Callegari; Castro; Chavez; Cohen; Coleman; Cook; Crabb; Craddick; Creighton; Darby; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; England; Farabee(C); Farias; Farrar; Flores; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hardcastle; Harless; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hodge; Homer; Hopson; Howard, D.; Hunter; Jackson; Jones; Keffer; Kent; King, T.; Kleinschmidt; Kuempel; Leibowitz; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Naishtat; Olivo; Orr; Ortiz; Patrick; Peña; Pickett; Pierson; Pitts; Quintanilla;

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

Nays — Anderson; Berman; Bonnen; Brown, B.; Brown, F.; Chisum; Christian; Corte; Crownover; Davis, J.; Driver; Elkins; Fletcher; Flynn; Hancock; Harper-Brown; Howard, C.; Isett; King, P.; Laubenberg; Legler; Lewis; Morrison; Parker; Paxton; Phillips; Riddle; Smith, W.; Smithee; Taylor; Weber.

Present, not voting — Mr. Speaker.

Absent, Excused — Bolton; Branch; Eissler; Kolkhorst; Oliveira; Otto.

Absent, Excused, Committee Meeting — Hochberg; Raymond; Villarreal; Zerwas.

Absent — Hughes; King, S.

STATEMENTS OF VOTE

When Record No. 690 was taken, I was temporarily out of the house chamber. I would have voted no.

Hughes

When Record No. 690 was taken, I was excused to attend a meeting of the Conference Committee on **SB 1**. Had I been present, I would have voted yes.

Zerwas

(Woolley in the chair)

HB 4270 ON THIRD READING (by C. Howard and Paxton)

HB 4270, A bill to be entitled An Act relating to the computation of cost of goods sold for purposes of the franchise tax by certain affiliated taxable entities.

HB 4270 was passed by (Record 691): 132 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; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Edwards; Eiland; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Hamilton; Hancock; Harcastle; 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, 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; Morrison; Olivo; Orr; Ortiz; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Riddle; Rios Ybarra; Ritter;

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

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

Absent, Excused — Bolton; Branch; Eissler; Kolkhorst; Oliveira; Otto.

Absent, Excused, Committee Meeting — Hochberg; Raymond; Villarreal; Zerwas.

Absent — Creighton; Dutton; Gutierrez; King, S.; Naishtat; Truitt.

STATEMENTS OF VOTE

When Record No. 691 was taken, I was in the house but away from my desk. I would have voted yes.

Creighton

When Record No. 691 was taken, I was excused to attend a meeting of the Conference Committee on **SB 1**. Had I been present, I would have voted yes.

Zerwas

HB 2360 ON THIRD READING

(by Farias, S. Turner, Elkins, and Thompson)

HB 2360, A bill to be entitled An Act relating to the provision by employers of information regarding employee eligibility for the federal earned income tax credit.

HB 2360 was passed by (Record 692): 85 Yeas, 52 Nays, 1 Present, not voting.

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

Nays — Anderson; Aycock; Berman; Bonnen; Brown, B.; Brown, F.; Button; Callegari; Chisum; Christian; Cook; Corte; Crabb; Craddick; Crossover; Darby; Driver; Fletcher; Flynn; Gattis; Geren; Hamilton; Hancock; Harper-Brown; Hartnett; Hilderbran; Howard, C.; Hughes; Hunter; Jones; King, P.; Kleinschmidt; Laubenberg; Legler; Miller, D.; Miller, S.; Morrison; Orr; Parker; Paxton; Phillips; Riddle; Sheffield; Shelton; Smith, W.; Smithee; Solomons; Swinford; Taylor; Truitt; Weber; Woolley(C).

Present, not voting — Mr. Speaker.

Absent, Excused — Bolton; Branch; Eissler; Kolkhorst; Oliveira; Otto.

Absent, Excused, Committee Meeting — Hochberg; Raymond; Villarreal; Zerwas.

Absent — Isett; King, S.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 692. I intended to vote no.

Harless

When Record No. 692 was taken, I was excused to attend a meeting of the Conference Committee on **SB 1**. Had I been present, I would have voted no.

Zerwas

GENERAL STATE CALENDAR SENATE BILLS THIRD READING

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

SB 562 ON THIRD READING (Bonnen - House Sponsor)

SB 562, 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.

Amendment No. 1

Representative Bonnen offered the following amendment to **SB 562**:

Amend **SB 562** on third reading by adding the following SECTION to the bill, appropriately numbered, and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 1.111, Tax Code, is amended by adding Subsection (j) to read as follows:

(j) A registered senior property tax consultant or an individual exempt from registration as a property tax consultant under Section 1152.002, Occupations Code, who is designated as an agent by a property owner and files a protest with the appraisal review board on behalf of the property owner is entitled to receive all notices from the appraisal district regarding the property subject to the protest until the authority is revoked by the property owner as provided by this section.

Amendment No. 1 was adopted.

SB 562, as amended, was passed by (Record 693): 135 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; Edwards; Eiland; 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, D.; Hughes; Hunter; Isett; Jackson; Jones; 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; Morrison; Naishtat; Olivo; Orr; Ortiz; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; 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.

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

Absent, Excused — Bolton; Branch; Eissler; Kolkhorst; Oliveira; Otto.

Absent, Excused, Committee Meeting — Hochberg; Raymond; Villarreal; Zerwas.

Absent — Dutton; Howard, C.; Keffer.

STATEMENT OF VOTE

When Record No. 693 was taken, I was excused to attend a meeting of the Conference Committee on **SB 1**. Had I been present, I would have voted yes.

Zerwas

SB 1838 ON THIRD READING (Zerwas - House Sponsor)

SB 1838, A bill to be entitled An Act relating to involuntary termination of parental rights based on attempted murder or solicitation of murder of the child's other parent.

SB 1838 was passed by (Record 694): 136 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; Eiland; 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, 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; Morrison; Naishtat; Olivo; Orr; Ortiz; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla;

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.

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

Absent, Excused — Bolton; Branch; Eissler; Kolkhorst; Oliveira; Otto.

Absent, Excused, Committee Meeting — Hochberg; Raymond; Villarreal; Zerwas.

Absent — Edwards; King, S.

STATEMENT OF VOTE

When Record No. 694 was taken, I was excused to attend a meeting of the Conference Committee on **SB 1**. Had I been present I would have voted yes.

Zerwas

POSTPONED BUSINESS

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

SB 1969 ON SECOND READING

(Leibowitz - House Sponsor)

SB 1969, A bill to be entitled An Act relating to nonsubstantive additions to and corrections in enacted codes, to the nonsubstantive codification or disposition of various laws omitted from enacted codes, to conforming codifications enacted by the 80th Legislature to other Acts of that legislature, and to the repeal of certain unconstitutional laws.

SB 1969 was considered in lieu of **HB 3545**.

SB 1969 was read second time and was passed to third reading.

HB 3545 - LAID ON THE TABLE SUBJECT TO CALL

Representative Leibowitz moved to lay **HB 3545** on the table subject to call.

The motion prevailed.

SB 1540 ON SECOND READING

(Phillips - House Sponsor)

SB 1540, A bill to be entitled An Act relating to a nonsubstantive revision of statutes relating to railroads; including conforming amendments.

SB 1540 was considered in lieu of **HB 2987**.

SB 1540 was read second time and was passed to third reading.

HB 2987 - LAID ON THE TABLE SUBJECT TO CALL

Representative Phillips moved to lay **HB 2987** on the table subject to call.

The motion prevailed.

SB 2306 ON SECOND READING
(D. Miller - House Sponsor)

SB 2306, A bill to be entitled An Act relating to rates and methods of depreciation applied to a retired class of property for regulated water utilities.

SB 2306 was considered in lieu of **HB 3610**.

SB 2306 was read second time.

Amendment No. 1

Representative P. King offered the following amendment to **SB 2306**:

Amend **SB 2306** by adding a new SECTION 2, to read:

Section 13.145(a), Water Code, is amended to read as follows:

(a) A utility may consolidate more than one system under a single tariff only if:

(1) the regulatory authority finds that at the time the utility applies for a uniform tariff, all of the systems under the tariff are substantially similar in terms of facilities, quality of service, and cost of service; and

(2) the tariff provides for rates that promote water conservation for single-family residences and landscape irrigation.

Add SECTION 3 to the bill to read:

SECTION 3. The changes in law made by this Act apply only to applications for a uniform tariff filed on or after the effective date of this Act. An application filed before the effective date of this Act is governed by the law in effect on the date the application is filed, and that law is continued in effect for this purpose.

Renumber SECTION 2 of **SB 2306** to SECTION 4.

**PROVIDING FOR A LOCAL, CONSENT,
AND RESOLUTIONS CALENDAR**

Representative Thompson moved to set a local, consent, and resolutions calendar for 10 a.m. Tuesday, May 12.

The motion prevailed.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Thompson requested permission for the Committee on Local and Consent Calendars to meet while the house is in session, at 2:30 p.m. today, in 2W.6, to consider the calendar.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Local and Consent Calendars, 2:30 p.m. today, 2W.6, for a formal meeting, to consider the calendar.

SB 2306 - (consideration continued)

Amendment No. 1 was adopted.

SB 2306, as amended, was passed to third reading.

HB 3610 - LAID ON THE TABLE SUBJECT TO CALL

Representative D. Miller moved to lay **HB 3610** on the table subject to call.

The motion prevailed.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Gonzalez Tourelles requested permission for the Committee on Agriculture and Livestock to meet while the house is in session, at 2:30 p.m. today, in 3W.15, for a formal meeting, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Agriculture and Livestock, 2:30 p.m. today, 3W.15, for a formal meeting, to consider pending business.

CSHB 2864 ON SECOND READING

(by Moody)

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

CSHB 2864 was read second time on May 5 and was postponed until 10 a.m. today.

Representative Moody moved to postpone consideration of **CSHB 2864** until 7 a.m. Monday, May 11.

The motion prevailed.

SB 2126 ON SECOND READING

(D. Miller - House Sponsor)

SB 2126, A bill to be entitled An Act relating to the authority of owners and managers of apartment houses to assess a service charge for the submetering of water and wastewater services.

SB 2126 was considered in lieu of **HB 3501**.

SB 2126 was read second time.

Amendment No. 1

Representative S. Turner offered the following amendment to **SB 2126**:

Amend **SB 2126** (house committee printing) in SECTION 1 of the bill by striking lines 6 through 13, and substituting:

SECTION 1. Section 13.503, Water Code, is amended by amending Subsections (c) and (d) and adding Subsection (c-1) to read as follows:

(c) Except as provided by Subsection (c-1), in ~~[H]~~ addition to the charges permitted under Subsection (b), the rules shall authorize the owner or manager of a manufactured home rental community or apartment house ~~[owner or manager]~~ to impose a service charge of not more than nine percent of the costs related to submetering allocated to each submetered rental or dwelling unit.

(c-1) The rules may not authorize the owner or manager of an apartment house to impose a service charge under Subsection (c) on a resident who:

(1) resides in a unit of an apartment house that has received an allocation of low income housing tax credits under Subchapter DD, Chapter 2306, Government Code; or

(2) receives tenant-based voucher assistance under Section 8, United States Housing Act of 1937 (42 U.S.C. Section 1437f).

Amendment No. 1 was adopted.

SB 2126, as amended, was passed to third reading. (Rose, Solomons, and Thibaut recorded voting no.)

HB 3501 - LAID ON THE TABLE SUBJECT TO CALL

Representative D. Miller moved to lay **HB 3501** on the table subject to call.

The motion prevailed.

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

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, postponed until May 6, and was again postponed until 10 a.m. today.

Representative Martinez moved to postpone consideration of **CSHB 1169** until 7:05 a.m. Monday, May 11.

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, postponed until May 6, and was again postponed until 10 a.m. today.

Amendment No. 1

Representative Hopson offered the following amendment to **CSHB 3670**:

Amend **CSHB 3670** as follows:

(1) On page 3, line 21, between "fluoride" and the semicolon, insert "varnish".

(2) On page 5, line 1, strike "12" and substitute "eight".

(3) On page 5, line 15, strike "12" and substitute "eight".

Amendment No. 1 was adopted.

CSHB 3670, as amended, was passed to engrossment.

**SB 1054 ON SECOND READING
(Hilderbran - House Sponsor)**

SB 1054, A bill to be entitled An Act relating to the Hill Country local mental health authority crisis stabilization unit.

SB 1054 was considered in lieu of **CSHB 1678**.

SB 1054 was read second time and was passed to third reading.

CSHB 1678 - LAID ON THE TABLE SUBJECT TO CALL

Representative Hilderbran moved to lay **CSHB 1678** on the table subject to call.

The motion prevailed.

**HB 537 ON SECOND READING
(by Berman and Naishtat)**

HB 537, A bill to be entitled An Act relating to the transportation of children in passenger vans; creating an offense.

HB 537 was read second time on May 7 and was postponed until 10 a.m. today.

Amendment No. 1

Representative Berman offered the following amendment to **HB 537**:

Amend **HB 537** (House Committee Printing) on page 1, line 18, between "belt" and the period, by inserting ", if the child is occupying a seat that is equipped with a safety belt".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Naishtat offered the following amendment to **HB 537**:

Amend **HB 537** (house committee printing) by striking on page 1 by striking lines 5-10 and substituting:

SECTION 1. Sections 545.412(e) and (f), Transportation Code, are amended to read as follows:

(e) This section does not apply to a person:

(1) operating a vehicle transporting passengers for hire, excluding [~~including~~] third-party transport service providers when transporting clients pursuant to a contract to provide nonemergency Medicaid transportation; or

(2) transporting a child in a vehicle in which all seating positions equipped with child passenger safety seat systems or safety belts are occupied.

(f) In this section:

(1) "Child passenger safety seat system" means an infant or child passenger restraint system that meets the federal standards for crash-tested restraint systems as set by the National Highway Traffic Safety Administration.

(2) "Passenger vehicle" means a passenger car, light truck, sport utility vehicle, passenger van designed to transport 15 or fewer passengers, including the driver, truck, or truck tractor.

(3) "Safety belt" means a lap belt and any shoulder straps included as original equipment on or added to a vehicle.

(4) "Secured," in connection with use of a safety belt, means using the lap belt and any shoulder straps according to the instructions of:

(A) the manufacturer of the vehicle, if the safety belt is original equipment; or

(B) the manufacturer of the safety belt, if the safety belt has been added to the vehicle.

Amendment No. 2 was adopted.

Amendment No. 3

On behalf of Representative Bolton, Representative Berman offered the following amendment to **HB 537**:

Amend **HB 537** as follows:

(1) Amend **HB 537** by striking the caption and substituting the following: relating to the transportation of children in motor vehicles; creating an offense

(2) On page 1, line 19, add a new Section 3 and renumber all following sections:

Section 3. Section 545.416, Transportation Code, is amended by adding Subsections (d) and (e) to read as follows:

(d) Except as provided by Subsection (e), an operator may not carry another person on a motorcycle unless the other person is at least five years of age. An offense under this subsection is a misdemeanor punishable by a fine of not less than \$100 or more than \$200. It is a defense to prosecution under this subsection that the operator was operating the motorcycle in an emergency or for a law enforcement purpose.

(e) Subsection (d) does not prohibit an operator from carrying on a motorcycle a person younger than five years of age who is seated in a sidecar attached to the motorcycle.

Amendment No. 3 was adopted.

(Speaker in the chair)

HB 537, as amended, was passed to engrossment. (Phillips recorded voting no.)

GENERAL STATE CALENDAR HOUSE BILLS SECOND READING

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

HB 2154 ON SECOND READING
(by Edwards)

HB 2154, A bill to be entitled An Act relating to the physician education loan repayment program.

Amendment No. 1

Representative Edwards offered the following amendment to **HB 2154**:

Amend **HB 2154** (house committee printing) as follows:

(1) On page 1, strike lines 4 and 5 and substitute the following:

SECTION 1. Section 153.053, Occupations Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(2) On page 1, line 8, strike \$425 and substitute \$435.

(3) On page 1, line 9, strike ~~\$425~~ and substitute ~~\$435~~.

(4) On page 1, strike lines 13-17 and substitute the following:

(d) Notwithstanding Subsection (c), of each surcharge collected under Subsections (a)(2) and (a)(3), the board shall deposit 25 percent of the amount exceeding \$400 to the credit of the foundation school fund and the remainder of the amount exceeding \$400 to the account created under Section 61.5391, Education Code.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Gonzales offered the following amendment to **HB 2154**:

Amend **HB 2154** on page 2 by striking lines 5 through 11 and substituting the following:

ACCOUNT. The physician education loan repayment program account is an account in the general revenue fund. The account is composed of:

(1) gifts and grants contributed to the fund;

(2) earnings on the principal of the fund; and

(3) other amounts deposited to the credit of the fund, including:

(A) legislative appropriations; and

(B) money deposited under Section 155.2415, Tax Code.

(b) Money in the fund may not be appropriated for any purpose except as provided by this section. Money in the funds shall be used to recruit and retain physicians in health professional shortage areas.

(c) To be eligible to receive repayment assistance, a physician must:

(1) apply to the board;

(2) be licensed in this state in the appropriate field of practice;

(3) have completed one, two, three, or four consecutive years of practice in a health professional shortage area designated by the department; and

(4) provide health care services to:

(A) recipients under the medical assistance program authorized by Chapter 32, Human Resources Code; or

(B) enrollees under the child health plan program authorized by Chapter 62, Health and Safety Code.

(d) A physician may receive repayment assistance under this subchapter in the amount determined by board rule, not to exceed the following amounts for each year for which the physician establishes eligibility for the assistance:

- (1) for the first year, \$25,000;
- (2) for the second year, \$35,000;
- (3) for the third year, \$45,000; and
- (4) for the fourth year, \$55,000.

(e) A physician may not receive repayment assistance under this subchapter for more than four consecutive years.

(Raymond now present)

Representative Edwards moved to table Amendment No. 2.

The motion to table was withdrawn.

Amendment No. 2 was adopted.

Amendment No. 3

Representative Chisum offered the following amendment to **HB 2154**:

Amend **HB 2154** by striking all below the enacting clause and substituting the following:

SECTION 1. Subchapter G, Chapter 403, Government Code, is amended by adding Section 403.1056 to read as follows:

Sec. 403.1056. HEALTH CARE ACCESS FUND. (a) The health care access fund is a special fund in the state treasury outside the general revenue fund.

(b) The fund is composed of:

- (1) gifts and grants contributed to the fund;
- (2) earnings on the principal of the fund; and
- (3) other amounts deposited to the credit of the fund, including:
 - (A) legislative appropriations; and
 - (B) money deposited under Section 155.2415, Tax Code.

(c) Except as provided by Subsections (d) and (e), money in the fund may not be appropriated for any purpose and shall be used only to recruit and retain health care providers in health professional shortage areas as described by Subsection (d).

(d) In each state fiscal biennium, money in the fund shall be appropriated to the Texas Higher Education Coordinating Board to enable the repayment of health care provider education loans under Subchapter FF, Chapter 61, Education Code.

(e) A gift or grant to the fund may be appropriated in the same manner as money in the fund derived from other sources, subject to any limitation or requirement placed on the gift or grant by the donor or granting entity.

(f) Sections 403.095 and 404.071 do not apply to the fund.

SECTION 2. Chapter 61, Education Code, is amended by adding Subchapter FF to read as follows:

SUBCHAPTER FF. REPAYMENT OF CERTAIN HEALTH CARE
PROVIDER EDUCATION LOANS

Sec. 61.9781. DEFINITIONS. In this subchapter:

(1) "Department" means the Department of State Health Services.

(2) "Health care provider" means:

(A) a physician licensed under Subtitle B, Title 3, Occupations

Code;

(B) a dentist licensed under Subtitle D, Title 3, Occupations Code;

(C) a physician assistant licensed under Chapter 204, Occupations

Code;

(D) an advanced practice nurse licensed under Chapter 301,

Occupations Code;

(E) a dental hygienist licensed under Chapter 256, Occupations

Code;

(F) a psychologist licensed under Chapter 501, Occupations Code;

(G) a licensed master social worker, as defined by Section 505.002,

Occupations Code;

(H) a licensed professional counselor, as defined by Section

503.002, Occupations Code; and

(I) a licensed marriage and family therapist, as defined by Section

502.002, Occupations Code.

Sec. 61.9782. REPAYMENT ASSISTANCE AUTHORIZED. (a) The board may provide, in accordance with this subchapter and the rules of the board and the department, assistance in the repayment of education loans for health care providers who apply and qualify for the assistance.

(b) The provision of financial assistance in the repayment of education loans under this subchapter promotes a public purpose.

Sec. 61.9783. ELIGIBILITY. (a) To be eligible to receive repayment assistance, a health care provider must:

(1) apply to the board;

(2) be licensed in this state in the appropriate field of practice;

(3) subject to Subsections (b) and (d), have completed one, two, three, or four consecutive years of practice in a health professional shortage area designated by the department; and

(4) provide health care services to:

(A) recipients under the medical assistance program authorized by Chapter 32, Human Resources Code; or

(B) enrollees under the child health plan program authorized by Chapter 62, Health and Safety Code.

(b) Notwithstanding any other law, a health care provider who, after receiving one or more grants of repayment assistance under this subchapter, fails to complete a second, third, or fourth consecutive year of practice as required by Subsection (a)(3) becomes ineligible to receive any additional grants of education loan repayment assistance under this subchapter or any other education loan repayment assistance program offered by the state.

(c) A health care provider is ineligible to receive repayment assistance under this subchapter based on service that concurrently fulfills a service agreement entered into under another education loan repayment assistance program or contractual arrangement, such as a service agreement described by Section 61.9792.

(d) The board may excuse an otherwise eligible health care provider from the requirement imposed by Subsection (a)(3) that health care services be provided in consecutive years if the break in services results from a hardship or other good cause, including the performance of active duty military service.

Sec. 61.9784. CONDITIONAL APPROVAL. The board may grant prior conditional approval to a person who applies to the board before completing the eligibility requirements under Sections 61.9783(a)(2), (3), and (4) and may withhold approved repayment assistance if the remaining requirements are not completed.

Sec. 61.9785. MAXIMUM AMOUNT OF REPAYMENT ASSISTANCE. (a) A health care provider may receive repayment assistance under this subchapter in the amount determined by board rule, not to exceed the following amounts for each year for which the provider establishes eligibility for the assistance:

- (1) for the first year, \$25,000;
- (2) for the second year, \$35,000;
- (3) for the third year, \$45,000; and
- (4) for the fourth year, \$55,000.

(b) A health care provider may not receive repayment assistance under this subchapter for more than four consecutive years.

(c) The board shall ensure that:

(1) the total amount of repayment assistance available to a health care provider under this subchapter is divided into four separate payments, each of which must be awarded in the same calendar year in which the qualifying year of service was completed; and

(2) the amount of repayment assistance granted to a health care provider is increased for each year the provider receives the assistance.

(d) The total amount of repayment assistance received by a health care provider may not exceed the total amount of principal and interest due on the health care provider's education loans.

(e) Notwithstanding Subsection (a), the board may increase at any time on or after September 1, 2013, the maximum amounts described by Subsection (a), as applicable, based on:

(1) data available from the Association of American Medical Colleges regarding the average physician educational loan debt; or

(2) equivalent data for dentists or other health care providers.

Sec. 61.9786. ELIGIBLE LOANS. (a) Except as provided by Subsection (b), the board may provide repayment assistance for the repayment of any education loan received by the health care provider through any lender, other than a private individual, for:

(1) graduate, postgraduate, or professional education:

(A) at an institution of higher education or an accredited private or independent institution of higher education; and

(B) that satisfies an initial requirement for licensure in the provider's field of practice; and

(2) undergraduate education at an institution of higher education or an accredited private or independent institution of higher education.

(b) The board may not provide repayment assistance for an education loan that is in default at the time of the health care provider's application for the assistance, except that a loan in default may become an eligible loan for the purposes of this section if the loan is rehabilitated to the satisfaction of the lender or any other holder of the loan, as applicable.

(c) Each state fiscal biennium, the board shall attempt to allocate for the purposes of this subchapter all money available to the board under Section 61.9789.

Sec. 61.9787. REPAYMENT. (a) The board shall deliver any repayment assistance under this subchapter:

(1) in accordance with applicable federal law and regulations; and

(2) in a lump sum payable on behalf of the health care provider to the lender or other holder of the affected loan.

(b) Repayment assistance received under this subchapter may be applied to the principal amount of the loan and to interest that accrues.

Sec. 61.9788. ASSISTANCE OF DEPARTMENT OF STATE HEALTH SERVICES. (a) The board and the department shall enter into a memorandum of understanding in which the department agrees to:

(1) identify and recruit persons who may be or could become eligible for repayment assistance under this subchapter; and

(2) accept and review applications by those persons for the assistance.

(b) A memorandum of understanding under Subsection (a) must address the provision of resources for the staffing and technology necessary for the department to perform the duties required by that subsection.

(c) The department, in coordination with the board, shall adopt, publish, and as necessary revise a set of standards governing eligibility for repayment assistance under this subchapter and providing priorities among types of health care providers for grants of that assistance. Priority status shall be given first to licensed dentists who plan to practice in health professional shortage areas and to licensed physicians who plan to practice as primary care providers in health professional shortage areas and second to other health care providers based on which fields of practice are most needed in the health professional shortage area the providers propose to serve.

(d) Not later than December 31 of each year, the board and the department shall publish the following information:

(1) the health professional shortage areas for which the repayment assistance was paid;

(2) the types of health care providers receiving the repayment assistance;

(3) the amount of repayment assistance paid to each health care provider; and

(4) the period for which each health care provider receiving repayment assistance has remained in the health professional shortage area.

Sec. 61.9789. ACCEPTANCE OF FUNDS. For the purposes of this subchapter, the board may solicit and accept gifts, grants, and donations and may use any other available revenue, including money appropriated from the health care access fund created under Section 403.1056, Government Code.

Sec. 61.9790. RULES. (a) The board and the department shall adopt rules necessary for the administration of this subchapter.

(b) The board shall distribute a copy of the rules adopted by the board and the department under this section and a copy of pertinent information in this subchapter to:

(1) each institution of higher education or accredited private or independent institution of higher education;

(2) any appropriate state agency; and

(3) any appropriate professional association.

Sec. 61.9791. COSTS OF ADMINISTRATION. To cover the costs of administering this subchapter, the board may use a reasonable amount of the money available for the purposes of this subchapter, not to exceed 1-1/2 percent of the total amount available.

SECTION 3. Section 61.540, Education Code, is transferred to Subchapter FF, Chapter 61, Education Code, as added by this Act, redesignated as Section 61.9792, Education Code, and amended to read as follows:

Sec. 61.9792 [61.540]. SERVICE AGREEMENTS ENTERED INTO UNDER FORMER LAW; SAVING PROVISION. (a) This section applies only to a person who entered into a written agreement to perform service as a physician in exchange for loan repayment assistance under Subchapter J [~~this subchapter~~] before September 1, 2003.

(b) The agreement continues in effect and Subchapter J [~~this subchapter~~], as it existed when the person entered into the agreement, is continued in effect for purposes of that agreement until the person satisfies all the conditions of the agreement or repays all amounts due under the agreement if the person does not satisfy the conditions of the agreement.

(c) A person to whom this section applies is not eligible to receive repayment assistance under another provision of this subchapter.

SECTION 4. Section 155.0211, Tax Code, is amended by amending Subsection (b) and adding Subsections (b-1), (b-2), (b-3), (b-4), (c), (d), and (e) to read as follows:

(b) Except as provided by Subsection (c), the [~~The~~] tax rate for each can or package of a tobacco product [~~products~~] other than cigars is \$1.22 per ounce and a proportionate rate on all fractional parts of an ounce [~~40 percent of the manufacturer's list price, exclusive of any trade discount, special discount, or deal~~].

(b-1) Notwithstanding Subsection (b) and except as provided by Subsection (c), for the state fiscal year beginning September 1, 2012, the tax rate for each can or package of a tobacco product other than cigars is \$1.19 per ounce and a proportionate rate on all fractional parts of an ounce. This subsection expires December 1, 2013.

(b-2) Notwithstanding Subsection (b) and except as provided by Subsection (c), for the state fiscal year beginning September 1, 2011, the tax rate for each can or package of a tobacco product other than cigars is \$1.16 per ounce and a proportionate rate on all fractional parts of an ounce. This subsection expires December 1, 2012.

(b-3) Notwithstanding Subsection (b) and except as provided by Subsection (c), for the state fiscal year beginning September 1, 2010, the tax rate for each can or package of a tobacco product other than cigars is \$1.13 per ounce and a proportionate rate on all fractional parts of an ounce. This subsection expires December 1, 2011.

(b-4) Notwithstanding Subsection (b) and except as provided by Subsection (c), for the state fiscal year beginning September 1, 2009, the tax rate for each can or package of a tobacco product other than cigars is \$1.10 per ounce and a proportionate rate on all fractional parts of an ounce. This subsection expires December 1, 2010.

(c) The tax imposed on a can or package of a tobacco product other than cigars that weighs less than 1.2 ounces is equal to the amount of the tax imposed on a can or package of a tobacco product that weighs 1.2 ounces.

(d) The computation of the tax under this section and the applicability of Subsection (c) shall be based on the net weight as listed by the manufacturer. The total tax to be imposed on a unit that contains multiple individual cans or packages is the sum of the taxes imposed by this section on each individual can or package intended for sale or distribution at retail.

(e) A change in the tax rate in effect for a state fiscal year that occurs in accordance with this section does not affect taxes imposed before that fiscal year, and the rate in effect when those taxes were imposed continues in effect for purposes of the liability for and collection of those taxes. This subsection expires December 1, 2013.

SECTION 5. Section 155.101, Tax Code, is amended to read as follows:

Sec. 155.101. RECORD OF PURCHASE OR RECEIPT. Each distributor, wholesaler, bonded agent, and export warehouse shall keep records at each place of business of all tobacco products purchased or received. Each retailer shall keep records at a single location, which the retailer shall designate as its principal place of business in the state, of all tobacco products purchased and received. These records must include the following, except that Subdivision (7) applies to distributors only and Subdivision (8) applies only to the purchase or receipt of tobacco products other than cigars:

(1) the name and address of the shipper or carrier and the mode of transportation;

(2) all shipping records or copies of records, including invoices, bills of lading, waybills, freight bills, and express receipts;

- (3) the date and the name of the place of origin of the tobacco product shipment;
- (4) the date and the name of the place of arrival of the tobacco product shipment;
- (5) a statement of the number, kind, and price paid for the tobacco products;
- (6) the name, address, permit number, and tax identification number of the seller;
- (7) the manufacturer's list price for the tobacco products; ~~[and]~~
- (8) the net weight as listed by the manufacturer for each unit; and
- (9) any other information required by rules of the comptroller.

SECTION 6. Section 155.102, Tax Code, is amended by adding Subsection (c) to read as follows:

(c) In addition to the information required under Subsection (b), the records for each sale, distribution, exchange, or use of tobacco products other than cigars must show the net weight as listed by the manufacturer for each unit.

SECTION 7. Section 155.103, Tax Code, is amended by adding Subsection (a-1) and amending Subsection (b) to read as follows:

(a-1) In addition to the information required under Subsection (a), the records for each sale of tobacco products other than cigars must show the net weight as listed by the manufacturer for each unit.

(b) A manufacturer who sells tobacco products to a permit holder in this state shall file with the comptroller, on or before the last day of each month, a report showing the information required to be listed by Subsections ~~[(a) and (a-1)]~~ Subsection (a) and (a-1), if applicable, for the previous month.

SECTION 8. Section 155.105(b), Tax Code, is amended to read as follows:

(b) The wholesaler or distributor shall file the report on or before the 25th day of each month. The report must contain the following information for the preceding calendar month's sales in relation to each retailer:

(1) the name of the retailer and the address of the retailer's outlet location to which the wholesaler or distributor delivered cigars or tobacco products, including the city and zip code;

(2) the taxpayer number assigned by the comptroller to the retailer, if the wholesaler or distributor is in possession of the number;

(3) the tobacco permit number of the outlet location to which the wholesaler or distributor delivered cigars or tobacco products; and

(4) the monthly net sales made to the retailer by the wholesaler or distributor, including:

(A) the quantity and units of cigars and tobacco products sold to the retailer; and

(B) for each unit of tobacco products other than cigars, the net weight as listed by the manufacturer.

SECTION 9. Section 155.111, Tax Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) In addition to the information required under Subsection (b), the report must show the net weight as listed by the manufacturer for each unit of tobacco products other than cigars that is purchased, received, or acquired.

SECTION 10. Section 155.2415, Tax Code, is amended to read as follows:

Sec. 155.2415. ALLOCATION OF CERTAIN REVENUE TO PROPERTY TAX RELIEF FUND AND CERTAIN OTHER FUNDS. Notwithstanding Section 155.241, the ~~net~~ proceeds from the collection of taxes imposed by Section 155.0211 shall be allocated as follows:

(1) the amount of the proceeds that is equal to the amount that, if the taxes imposed by Section 155.0211 were imposed at a rate of 40 percent of the manufacturer's list price, exclusive of any trade discount, special discount, or deal, would be attributable to the portion of that ~~the~~ tax rate in excess of 35.213 percent [of the manufacturer's list price, exclusive of any trade discount, special discount, or deal], shall be deposited to the credit of the property tax relief fund under Section 403.109, Government Code;

(2) the amount of the proceeds that is equal to the amount that would be attributable to a tax rate of 35.213 percent of the manufacturer's list price, exclusive of any trade discount, special discount, or deal, if the taxes were imposed by Section 155.0211 at that rate, shall be deposited to the credit of the general revenue fund; and

(3) the remaining proceeds shall be deposited to the credit of the health care access fund under Section 403.1056, Government Code.

SECTION 11. The following provisions are repealed:

- (1) Subchapters V and AA, Chapter 61, Education Code;
- (2) Sections 61.531, 61.532, 61.533, 61.534, 61.535, 61.536, 61.5361, 61.537, 61.538, and 61.539, Education Code; and
- (3) Section 204.104, Occupations Code.

SECTION 12. The changes in law made by this Act in amending Chapter 155, Tax Code, do not affect tax liability accruing before the effective date of this Act. That liability continues in effect as if this Act had not been enacted, and the former law is continued in effect for the collection of taxes due and for civil and criminal enforcement of the liability for those taxes.

SECTION 13. This Act takes effect September 1, 2009.

Amendment No. 3 - Point of Order

Representative Geren raised a point of order against further consideration of Amendment No. 3 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

The speaker sustained the point of order and submitted the following statement:

On May 8, 2009, Representative Geren raised a point of order against further consideration of an amendment to **HB 2154** that was offered by Representative Chisum on the grounds that it violated Rule 11, Section 2 (germaneness) and Rule 8, Section 3 of the House Rules (limiting a bill to a single subject).

Subject and Purpose of HB 2154. **HB 2154** creates a physician education loan repayment program account in the general revenue fund. The funding mechanism for **HB 2154** is a \$25 surcharge to medical licenses in order to expand the program's ability to encourage primary care physicians to practice in medically underserved areas of the state. Money in the account "may be appropriated only for the physician education loan repayment program under this subchapter." The subchapter that is referenced in the bill is Subchapter J, Chapter 61, Education Code, which creates a framework for the repayment of education loans for physicians, and it is clear from the language referenced below that these statutory provisions are narrow in scope and therefore not intended to apply to any other class of health care professionals:

SUBCHAPTER J. REPAYMENT OF CERTAIN
PHYSICIAN EDUCATION LOANS

Sec. 61.531. REPAYMENT AUTHORIZED. (a) The coordinating board may provide, using funds appropriated for that purpose and in accordance with this subchapter and rules of the board, assistance in the repayment of student loans for physicians who apply and qualify for the assistance. (Chapter 61, Education Code).

Subject and Purpose of the Chisum Amendment. The Chisum amendment, which is a substantial floor substitute for **HB 2154**, creates a new program under Subchapter FF, Chapter 61, Education Code, to repay loans for healthcare providers. The program is funded using the proceeds of a "healthcare access fund" which exists outside of the general revenue fund. The class of individuals covered by the amendment's definition of a "healthcare provider" is substantially broader than the single group that is the subject of **HB 2154** (i.e. physicians):

(2) "Health care provider" means:

(A) a physician licensed under Subtitle B, Title 3, Occupations

Code;

(B) a dentist licensed under Subtitle D, Title 3, Occupations Code;

(C) a physician assistant licensed under Chapter 204, Occupations

Code;

(D) an advanced practice nurse licensed under Chapter 301,

Occupations Code;

(E) a dental hygienist licensed under Chapter 256, Occupations

Code;

(F) a psychologist licensed under Chapter 501, Occupations Code;

(G) a licensed master social worker, as defined by Section 505.002,

Occupations Code;

(H) a licensed professional counselor, as defined by Section

503.002, Occupations Code; and

(I) a licensed marriage and family therapist, as defined by Section

502.002, Occupations Code.

The subject of the amendment is different because it is broader in application and because it would substantially expand the class of persons eligible to participate in a student loan repayment program beyond those covered

by the original bill. Under longstanding house precedent, amendments that have expanded the scope of a bill beyond a narrow class contained in the bill have been held not to be germane. See House Journal, 77th Legislature, Regular Session, (2001), page 1525; House Journal, 73rd Regular Session, (1993), page 1537. Accordingly, the amendment is not germane.

The point of order is sustained.

The ruling precluded further consideration of Amendment No. 3.

Amendment No. 4

Representative Chisum offered the following amendment to **HB 2154**:

Amend **HB 2154** as follows:

(1) On page 1, strike lines 4 through 17 and insert the following:

SECTION 1. Section 155.0211, Tax Code, is amended by amending Subsection (b) and adding Subsections (b-1), (b-2), (b-3), (b-4), (c), (d), and (e) to read as follows:

(b) Except as provided by Subsection (c), the [The] tax rate for each can or package of a tobacco product [products] other than cigars is \$1.22 per ounce and a proportionate rate on all fractional parts of an ounce [40 percent of the manufacturer's list price, exclusive of any trade discount, special discount, or deal].

(b-1) Notwithstanding Subsection (b) and except as provided by Subsection (c), for the state fiscal year beginning September 1, 2012, the tax rate for each can or package of a tobacco product other than cigars is \$1.19 per ounce and a proportionate rate on all fractional parts of an ounce. This subsection expires December 1, 2013.

(b-2) Notwithstanding Subsection (b) and except as provided by Subsection (c), for the state fiscal year beginning September 1, 2011, the tax rate for each can or package of a tobacco product other than cigars is \$1.16 per ounce and a proportionate rate on all fractional parts of an ounce. This subsection expires December 1, 2012.

(b-3) Notwithstanding Subsection (b) and except as provided by Subsection (c), for the state fiscal year beginning September 1, 2010, the tax rate for each can or package of a tobacco product other than cigars is \$1.13 per ounce and a proportionate rate on all fractional parts of an ounce. This subsection expires December 1, 2011.

(b-4) Notwithstanding Subsection (b) and except as provided by Subsection (c), for the state fiscal year beginning September 1, 2009, the tax rate for each can or package of a tobacco product other than cigars is \$1.10 per ounce and a proportionate rate on all fractional parts of an ounce. This subsection expires December 1, 2010.

(c) The tax imposed on a can or package of a tobacco product other than cigars that weighs less than 1.2 ounces is equal to the amount of the tax imposed on a can or package of a tobacco product that weighs 1.2 ounces.

(d) The computation of the tax under this section and the applicability of Subsection (c) shall be based on the net weight as listed by the manufacturer. The total tax to be imposed on a unit that contains multiple individual cans or packages is the sum of the taxes imposed by this section on each individual can or package intended for sale or distribution at retail.

(e) A change in the tax rate in effect for a state fiscal year that occurs in accordance with this section does not affect taxes imposed before that fiscal year, and the rate in effect when those taxes were imposed continues in effect for purposes of the liability for and collection of those taxes. This subsection expires December 1, 2013.

SECTION 2. Section 155.2415, Tax Code, is amended to read as follows:

Sec. 155.2415. ALLOCATION OF CERTAIN REVENUE TO PROPERTY TAX RELIEF FUND AND CERTAIN OTHER FUNDS. Notwithstanding Section 155.241, the [am] proceeds from the collection of taxes imposed by Section 155.0211 shall be allocated as follows:

(1) the amount of the proceeds that is equal to the amount that, if the taxes imposed by Section 155.0211 were imposed at a rate of 40 percent of the manufacturer's list price, exclusive of any trade discount, special discount, or deal, would be attributable to the portion of that [the] tax rate in excess of 35.213 percent [of the manufacturer's list price, exclusive of any trade discount, special discount, or deal], shall be deposited to the credit of the property tax relief fund under Section 403.109, Government Code;

(2) the amount of the proceeds that is equal to the amount that would be attributable to a tax rate of 35.213 percent of the manufacturer's list price, exclusive of any trade discount, special discount, or deal, if the taxes were imposed by Section 155.0211 at that rate, shall be deposited to the credit of the general revenue fund; and

(3) the remaining proceeds shall be deposited to the credit of the health care access fund under Section 403.1056, Government Code.

(2) Renumber all subsequent SECTIONS accordingly.

(3) On page 2, strike lines 12 through 20 and substitute the following:

SECTION 5. The changes in law made by this Act in amending Chapter 155, Tax Code, do not affect tax liability accruing before the effective date of this Act. That liability continues in effect as if this Act had not been enacted, and the former law is continued in effect for the collection of taxes due and for civil and criminal enforcement of the liability for those taxes.

Amendment No. 4 - Point of Order

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

The point of order was withdrawn.

(Zerwas now present)

Representative Edwards moved to postpone consideration of **HB 2154** until 10 a.m. Monday, May 11.

The motion prevailed.

(Chavez in the chair)

HB 2559 ON SECOND READING

(by **Truitt**)

HB 2559, A bill to be entitled An Act relating to the powers and duties of the Employees Retirement System of Texas.

Amendment No. 1

Representative Gallego offered the following amendment to **HB 2559**:

Amend **HB 2559** by adding the following appropriately numbered SECTION and renumbering the SECTIONS of the bill accordingly:

SECTION _____. Subchapter B, Chapter 802, Government Code, is amended by adding Section 802.1035 to read as follows:

Sec. 802.1035. ANNUAL WOMEN AND MINORITY PARTICIPATION REPORT. (a) In this section:

(1) "Minority-owned business" means a business entity at least 51 percent of which is owned by minority group members or, in the case of a corporation, at least 51 percent of the shares of which are owned by minority group members, and that is managed and, in daily operations, controlled by minority group members.

(2) "Minority group members" includes:

(A) African Americans;

(B) American Indians;

(C) Asian Americans;

(D) Americans of Hispanic origin; and

(E) persons with disabilities.

(3) "Women-owned business" means a business entity at least 51 percent of which is owned by women or, in the case of a corporation, at least 51 percent of the shares of which are owned by women, and that is managed and controlled by women in its daily operations.

(b) The Employees Retirement System of Texas shall annually, in accordance with rules adopted by the board, submit to the board a report regarding the participation by minority-owned and women-owned businesses in the management and investment of the assets of the system. At a minimum, the report must detail participation by minority-owned and women-owned businesses, including the participation of minority-owned and women-owned financial services firms, expressed as a percentage of the total assets under management by outside business entities under contract with the system. The report must separately detail types of financial services firms and asset classes.

(c) This section does not require a person to disclose the person's sex, race, ethnicity, or disabled status as a condition of contracting with the Employees Retirement System of Texas.

Representative Truitt moved to postpone consideration of **HB 2559** until 3:20 p.m. today.

The motion prevailed.

CSHB 4360 ON SECOND READING
(by Geren)

CSHB 4360, A bill to be entitled An Act relating to revenue sources for certain venue projects.

CSHB 4360 was passed to engrossment. (Anderson, Christian, Craddick, Flynn, Harper-Brown, Laubenberg, Legler, Parker, and Weber recorded voting no.)

HB 3621 ON SECOND READING
(by Solomons)

HB 3621, A bill to be entitled An Act relating to certain charges included in a motor vehicle installment agreement.

Amendment No. 1

Representative Solomons offered the following amendment to **HB 3621**:

Amend **HB 3621** (house committee printing) as follows:

(1) On page 1, line 5, between "Finance Code" and "is", insert a comma.

(2) On page 3, line 6, between "reasonableness." and "If", insert the following:

In determining whether a fee charged by a retail seller is reasonable, the commissioner may consider the resources required by the retail seller to perform the retail seller's duties under state and federal law with respect to the handling and processing of documents relating to the sale and financing of a motor vehicle.

(3) On page 3, between lines 9 and 10, insert the following:

(f) A documentary fee charged in accordance with this section before September 1, 2009, is considered reasonable for purposes of this section.

(g) This section does not:

(1) create a private right of action; or

(2) require that the commissioner approve a specific documentary fee amount before a retail seller charges the fee.

(4) On page 3, line 10, strike "(f)" and substitute "(h)".

(5) On page 3, line 12, between ";" and "to", insert "necessary".

(6) On page 3, line 12, immediately following the underlined period, insert the following:

A rule adopted under this subsection may not require a retail seller to submit to the commissioner for prior approval the amount of a documentary fee that the retail seller intends to charge under this section.

(i) The commissioner has exclusive jurisdiction to enforce this section.

(Speaker in the chair)

Amendment No. 1 was adopted.

Amendment No. 2

Representative Miklos offered the following amendment to **HB 3621**:

Amend **HB 3621** (House committee printing) on page 2, line 26, between "finalized" and the underlined period, by inserting: "and include the notice in each retail installment agreement. The notice must be conspicuous, in bold-faced type, and capitalized or underlined".

Amendment No. 2 was adopted.

HB 3621, as amended, was passed to engrossment. (Flynn recorded voting no.)

**PROVIDING FOR A CONGRATULATORY
AND MEMORIAL CALENDAR**

Representative Geren moved to suspend all necessary rules and set a congratulatory and memorial calendar for 10 a.m. Monday, May 11.

The motion prevailed.

LEAVE OF ABSENCE GRANTED

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

S. Turner on motion of Zerwas.

**CSHB 3695 ON SECOND READING
(by McReynolds)**

CSHB 3695, A bill to be entitled An Act relating to fees of office for directors of certain water districts.

Amendment No. 1

On behalf of Representative McReynolds, Representative Madden offered the following amendment to **CSHB 3695**:

Amend **CSHB 3695** (house committee report) as follows:

(1) On page 1, line 5, strike "Sections 49.060(a) and (a-1), Water Code, are" and substitute "Section 49.060(a), Water Code, is".

(2) On page 1, strike lines 18-23.

Amendment No. 1 was adopted.

CSHB 3695, as amended, was passed to engrossment. (Creighton and Flynn recorded voting no.)

(Homer in the chair)

**CSHB 3634 ON SECOND READING
(by Geren, Rose, Callegari, Gattis, Ortiz, et al.)**

CSHB 3634, A bill to be entitled An Act relating to creditable service in the Employees Retirement System of Texas and the transfer of that credit between classes of membership for certain state employees.

CSHB 3634 was passed to engrossment.

CSHB 2438 ON SECOND READING
(by McCall)

CSHB 2438, A bill to be entitled An Act relating to requirements regarding motor vehicle retail installment transactions.

Amendment No. 1

Representative McCall offered the following amendment to **CSHB 2438**:

Amend **CSHB 2438** as follows:

(1) On page 5, line 12, strike "Subsections (d) and (e)" and substitute "Subsection (d)".

(2) On page 5, line 15, between "charge" and the period, insert the following:

and may disclose money advanced under Subsection (b) in any manner permitted by 12 C.F.R. Part 226 (Regulation Z) adopted under the Truth in Lending Act (15 U.S.C. Section 1601 et seq.)

(3) On page 5, strike lines 19-22.

Amendment No. 1 was adopted.

CSHB 2438, as amended, was passed to engrossment. (Flynn recorded voting no.)

CSHB 2256 ON SECOND READING
(by Hancock, Martinez Fischer, Rodriguez, T. Smith, et al.)

CSHB 2256, A bill to be entitled An Act relating to mediation of out-of-network health benefit claim disputes concerning enrollees, facility-based physicians, and certain health benefit plans; imposing an administrative penalty.

Amendment No. 1

Representative Hancock offered the following amendment to **CSHB 2256**:

Amend **CSHB 2256** (house committee printing) on page 9, between lines 16 and 17, by inserting the following:

(d) Notwithstanding any other provision of this section, Sections 151.012 and 151.013, Civil Practice and Remedies Code, do not apply to a mediation under this chapter.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Hancock offered the following amendment to **CSHB 2256**:

Amend **CSHB 2256** (house committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 1467.051(a), Insurance Code (page 3, line 17), strike "\$500" and substitute "\$1,000".

(2) In SECTION 1 of the bill, in added Section 1467.051(c), Insurance Code (page 3, line 26), strike "A facility-based physician may" and substitute "Except in the case of an emergency, a facility-based physician shall".

Amendment No. 2 was adopted.

Amendment No. 3

Representative Hancock offered the following amendment to **CSHB 2256**:

Amend **CSHB 2256** (committee printing) on page 12, between lines 21 and 22, by inserting the following:

(d) A facility-based physician who fails to provide a disclosure under Section 1467.051 is not subject to discipline by the Texas Medical Board for that failure and a cause of action is not created by a failure to disclose as required by Section 1467.051.

Amendment No. 3 was adopted.

Amendment No. 4

Representative Eiland offered the following amendment to **CSHB 2256**:

Amend **CSHB 2256** (house committee printing) as follows:

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

(c) Nothing in this chapter prohibits mediation of more than one claim between the parties during a mediation.

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

Amendment No. 4 was adopted.

CSHB 2256, as amended, was passed to engrossment.

HB 2536 ON SECOND READING
(by Creighton)

HB 2536, A bill to be entitled An Act relating to the floodplain management account.

HB 2536 was passed to engrossment.

CSHB 2456 ON SECOND READING
(by Eiland)

CSHB 2456, A bill to be entitled An Act relating to insurance agent qualifications to sell certain products or product lines.

CSHB 2456 was passed to engrossment. (Anderson, Christian, and Laubenberg recorded voting no.)

HB 1259 ON SECOND READING
(by Kolkhorst)

HB 1259, A bill to be entitled An Act relating to hiring outside legal counsel to provide legal services to the Teacher Retirement System of Texas.

Representative Taylor moved to postpone consideration of **HB 1259** until 8 a.m. Monday, May 11.

The motion prevailed.

CSHB 1128 ON SECOND READING
(by McReynolds)

CSHB 1128, A bill to be entitled An Act relating to certain corrective actions by the Texas Board of Nursing, including a pilot program on deferred disciplinary action; providing corrective actions.

Representative Hartnett moved to postpone consideration of **CSHB 1128** until 8 a.m. Wednesday, May 13.

The motion prevailed.

CSHB 808 ON SECOND READING
(by Gallego)

CSHB 808, A bill to be entitled An Act relating to the availability of automated external defibrillators at certain athletic clubs.

Representative Gallego moved to postpone consideration of **CSHB 808** until 11:30 p.m. Thursday, May 14.

The motion prevailed.

CSHB 431 ON SECOND READING
(by Lucio, Alvarado, et al.)

CSHB 431, A bill to be entitled An Act relating to design, construction, and renovation standards for state buildings and facilities.

Amendment No. 1

Representative Bohac offered the following amendment to **CSHB 431**:

Amend **CSHB 431** by:

In SECTION 1, amend Section 2166.409(b), Government Code, by:

deleting the word "and" at the end of paragraph (E);

inserting the word "and" at the end of paragraph (F); and

adding a new paragraph (G) to read as follows:

(G) a list of registered interior designers submitted by the president of the Texas Association of Interior Design.

Amendment No. 1 was adopted.

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).

CSHB 431 - (consideration continued)

Amendment No. 2

Representative Strama offered the following amendment to **CSHB 431**:

Amend **CSHB 431** (house committee report) as follows:

(1) On page 3, strike lines 13 and 14.

(2) On page 3, line 15, strike "(5)" and substitute "(4)".

(3) On page 3, line 17, strike "(6)" and substitute "(5)".

(4) Strike page 5, line 10, through page 6, line 11, and substitute the following:

(b) A building, structure, or other facility to which this section applies must be designed and constructed or renovated so that the building, structure, or other facility complies with high-performance building standards, approved by the board of regents of the institution, that provide minimum requirements for energy use, natural resources use, and indoor air quality. In approving high-performance building standards, a board of regents shall consider the standards approved by the Texas Facilities Commission under Section 2166.409, Government Code, and may solicit and consider recommendations from the advisory committee appointed under that section.

(c) In addition to meeting the requirements of Subsection (b), a building, structure, or other facility to which this section applies must be designed and constructed or renovated to comply with the applicable energy and water conservation design standards established by the State Energy Conservation Office under Section 447.004, Government Code.

Amendment No. 2 was adopted.

Amendment No. 3

Representative Alvarado offered the following amendment to **CSHB 431**:

Amend **CSHB 431**, on page 2, lines 5-6, between "certification" and the semi-colon, by inserting ", or a third-party, post construction, rigorous review of documentation and verification for certification"

Amendment No. 3 was adopted.

CSHB 431, as amended, was passed to engrossment. (Christian, Flynn, Harper-Brown, and C. Howard recorded voting no.)

CSHB 230 ON SECOND READING

(by Pitts, Anderson, Dunnam, Gattis, and Maldonado)

CSHB 230, A bill to be entitled An Act relating to exempting certain schools, nonprofit athletic or sports associations, and municipally owned facilities from certain demand charges by transmission and distribution utilities.

Representative Hilderbran moved to postpone consideration of **CSHB 230** until 8 a.m. Monday, May 11.

The motion prevailed.

(Hochberg now present)

HB 692 ON SECOND READING

(by Solomons)

HB 692, A bill to be entitled An Act relating to the jurisdiction of statutory county courts.

Amendment No. 1

Representative Solomons offered the following amendment to **HB 692**:

Amend **HB 692** (house committee printing) by adding an appropriately numbered SECTION to the bill and renumbering existing SECTIONS of the bill accordingly:

SECTION _____. Section 74.093, Government Code, is amended by adding Subsection (e) to read as follows:

(e) In adopting local rules of administration relating to the assignment or transfer of state jail felony cases or proceedings among district and statutory county courts that have concurrent jurisdiction of those cases and proceedings as provided by Section 25.0003 or by Article 4.07, Code of Criminal Procedure, the judges of those courts shall collectively solicit at the beginning of each fiscal year the advice of district attorneys, county attorneys, defense attorneys, and county commissioners regarding the allocation of state jail felony cases or proceedings among the district and statutory county courts during that year. The district and statutory county court judges may not solicit advice relating to the assignment or transfer of specific state jail felony cases or proceedings among those courts.

Amendment No. 1 was adopted.

HB 692, as amended, was passed to engrossment.

POSTPONED BUSINESS

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

HB 2559 ON SECOND READING

(by Truitt)

HB 2559, A bill to be entitled An Act relating to the powers and duties of the Employees Retirement System of Texas.

HB 2559 was read second 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

Representatives Alvarado and Gallego offered the following amendment to **HB 2559**:

Amend **HB 2559** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill appropriately:

SECTION 1. Section 815.301, Government Code, is amended by adding Subsections (g) and (h) to read as follows:

(g) In awarding contracts to private professional investment managers under Subsection (c) or otherwise acquiring private financial services, the board of trustees shall make a good faith effort to award contracts to or acquire services from qualified emerging fund managers.

(h) For purposes of Subsection (g):

(1) "Emerging fund manager" means a private professional investment manager that manages assets of not more than \$2 billion.

(2) "Private financial services" includes pension fund management, consulting, investment advising, brokerage services, hedge fund management, private equity fund management, and real estate investment.

(i) The retirement system shall report to the board of trustees on the methods and results of the system's efforts to hire emerging fund managers, including data disaggregated by race, ethnicity, gender, and fund size.

Amendment No. 2 was adopted.

HB 2559, as amended, was passed to engrossment.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Calendars, 5 p.m. today, 2W.6, for a formal meeting, to consider the calendar.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Gallego requested permission for the Committee on Criminal Jurisprudence to meet while the house is in session, at 4:15 p.m. today, in 3W.9, for a formal meeting.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Criminal Jurisprudence, 4:15 p.m. today, 3W.9, for a formal meeting.

GENERAL STATE CALENDAR (consideration continued)

HB 4037 ON SECOND READING (by Merritt)

HB 4037, A bill to be entitled An Act relating to the confidentiality of information related to certified handgun instructors.

HB 4037 was passed to engrossment.

CSHB 1357 ON SECOND READING (by Isett, Rios Ybarra, Laubenberg, et al.)

CSHB 1357, A bill to be entitled An Act relating to the regulation of freestanding emergency medical care facilities; providing an administrative penalty; creating an offense.

CSHB 1357 was passed to engrossment.

POSTPONED BUSINESS

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

(Villarreal now present)

HB 456 ON THIRD READING**(by Villarreal, et al.)**

HB 456, A bill to be entitled An Act relating to the authority of a dental hygienist to provide services in certain facilities.

HB 456 was passed by (Record 695): 132 Yeas, 3 Nays, 2 Present, not voting.

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

Nays — Kent; King, P.; Shelton.

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

Absent, Excused — Bolton; Branch; Eissler; Kolkhorst; Oliveira; Otto; Turner, S.

Absent — Callegari; Hardcastle; Hartnett; Laubenberg; Mallory Caraway; McReynolds.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 695. I intended to vote no.

Button

I was shown voting yes on Record No. 695. I intended to vote no.

S. King

I was shown voting yes on Record No. 695. I intended to vote no.

D. Miller

GENERAL STATE CALENDAR
(consideration continued)
CSHB 2013 ON SECOND READING
(by Keffer, et al.)

CSHB 2013, A bill to be entitled An Act relating to tuition and laboratory fee exemptions at public institutions of higher education for certain volunteer firefighters enrolled in fire science courses.

(Speaker in the chair)

Amendment No. 1

Representative Keffer offered the following amendment to **CSHB 2013**:

Amend **CSHB 2013** (House Committee Report) as follows:

(1) In SECTION 1 of the bill (page 2, between lines 8 and 9), insert the following:

(c) Notwithstanding Subsection (a), a student who for a semester or term at an institution of higher education receives an exemption under this section may continue to receive the exemption for a subsequent semester or term at any institution only if the student makes satisfactory academic progress toward a degree or certificate at that institution as determined by the institution for purposes of financial aid.

(d) Notwithstanding Subsection (a), the exemption provided under this section does not apply to any amount of additional tuition the institution elects to charge a resident undergraduate student under Section 54.014(a) or (f).

(e) Notwithstanding Subsection (a), the exemption provided under this section does not apply to any amount of tuition the institution charges a graduate student in excess of the amount of tuition charged to similarly situated graduate students because the student has a number of semester credit hours of doctoral work in excess of the applicable number provided by Section 61.059(1)(1) or (2).

(f) The Texas Higher Education Coordinating Board shall adopt:

(1) rules governing the granting or denial of an exemption under this section, including rules relating to the determination of a student's eligibility for an exemption; and

(2) a uniform listing of degree programs covered by the exemption under this section.

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

SECTION _____. A student who received an exemption under Section 54.208, Education Code, before the 2009 fall semester may continue to receive the exemption under the provisions of that section as it existed immediately before the effective date of this Act as long as the student remains enrolled in the same degree or certificate program and is otherwise eligible to continue to receive the exemption under that former law.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Chisum offered the following amendment to **CSHB 2013**:

Amend **CSHB 2013** on page 2, between lines 8 and 9, by inserting the following:

(c) If the legislature does not specifically appropriate funds to an institution of higher education in an amount sufficient to pay the institution's costs in complying with this section for a semester, the governing board of the institution of higher education shall report to the Senate Finance Committee and the House Appropriations Committee the cost to the institution of complying with this section for that semester.

Amendment No. 2 was adopted.

CSHB 2013, as amended, was passed to engrossment.

POSTPONED BUSINESS

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

SB 45 ON SECOND READING

(Hochberg - House Sponsor)

SB 45, A bill to be entitled An Act relating to tuition exemptions at public institutions of higher education for students enrolled in certain interinstitutional academic programs.

SB 45 was considered in lieu of **HB 1864**.

SB 45 was read second time and was passed to third reading.

HB 1864 - LAID ON THE TABLE SUBJECT TO CALL

Representative Hochberg moved to lay **HB 1864** on the table subject to call.

The motion prevailed.

GENERAL STATE CALENDAR

(consideration continued)

SB 61 ON SECOND READING

(Vaught - House Sponsor)

SB 61, A bill to be entitled An Act relating to the offense of failing to secure a child passenger in a motor vehicle and to fines for the offense.

SB 61 was considered in lieu of **HB 528**.

Representative Vaught moved to postpone consideration of **SB 61** until 4:15 p.m. today.

The motion prevailed.

CSHB 583 ON SECOND READING**(by Dukes)**

CSHB 583, A bill to be entitled An Act relating to expansion of the electronic eligibility information pilot project operated by the Health and Human Services Commission.

CSHB 583 was passed to engrossment.

HB 1083 ON SECOND READING**(by Elkins)**

HB 1083, A bill to be entitled An Act relating to mediation orders in certain arbitration proceedings.

HB 1083 was passed to engrossment.

SB 58 ON SECOND READING**(Vaught - House Sponsor)**

SB 58, A bill to be entitled An Act relating to the administration of the Juvenile Justice Case Management System.

SB 58 was considered in lieu of **HB 1351**.

Amendment No. 1

Representative Vaught offered the following amendment to **SB 58**:

Amend **SB 58** (house committee printing) in SECTION 1 of the bill, in amended Section 58.403, Family Code (page 2, between lines 5 and 6), by inserting:

(d) If the executive director of the Department of Information Resources approves in writing an interlocal contract adopted under Subsection (a), the system created, operated, or maintained under that contract is not subject to rules adopted under, or the requirements of, Chapter 2054, Government Code.

Amendment No. 1 was adopted.

SB 58, as amended, was passed to third reading.

HB 1351 - LAID ON THE TABLE SUBJECT TO CALL

Representative Vaught moved to lay **HB 1351** on the table subject to call.

The motion prevailed.

HB 2093 ON SECOND READING**(by Driver)**

HB 2093, A bill to be entitled An Act relating to the certification of a county jailer as a special officer for offenders with mental impairments.

Amendment No. 1

Representative Driver offered the following amendment to **HB 2093**:

Amend **HB 2093** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS accordingly:

SECTION _____. (a) The Commission on Law Enforcement Officer Standards and Education may certify a county jailer as a special officer for offenders with mental impairments and may issue a certificate to the county jailer if the county jailer meets the requirements of Section 1701.404(b), Occupations Code, as amended by this Act, regardless of whether the county jailer completed the required training and passed the examination before, on, or after the effective date of this Act.

(b) The Commission on Law Enforcement Officer Standards and Education may issue a certificate under Section 1701.404(c), Occupations Code, as amended by this Act, to a justice of the peace who is certified as a special officer for offenders with mental impairments regardless of whether the justice of the peace was certified before, on, or after the effective date of this Act.

Amendment No. 1 was adopted.

HB 2093, as amended, was passed to engrossment.

HB 2656 ON SECOND READING
(by D. Miller, Herrero, Hunter, et al.)

HB 2656, A bill to be entitled An Act relating to the composition of the board of trustees of the Teacher Retirement System of Texas.

Amendment No. 1

Representative D. Miller offered the following amendment to **HB 2656**:

Amend **HB 2656** (house committee printing) as follows:

(1) On page 1, line 14, strike "Sections 825.002(a), (d), (f), and (g)," and substitute "Sections 825.002(a), (c), (d), (e), (f), and (g)".

(2) On page 1, line 17, strike "this section, six" and substitute "Subsection (b) [this section], three".

(3) On page 1, between lines 18 and 19, insert the following:

(c) Two trustees who are [~~The governor shall appoint two members of the board from a slate of three~~] members of the retirement system and who are currently employed by a public school district shall be elected [~~and who have been nominated in accordance with Subsection (f)~~] by the members of the retirement system whose most recent credited service was performed for a public school district. The two trustees [~~members~~] hold office for staggered terms.

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

(e) One trustee who is a member [~~The governor shall appoint one member from a slate of three members~~] of the retirement system and who is [~~are~~] currently employed by an institution of higher education shall be elected [~~and who have been nominated in accordance with Subsection (f)~~] by the members of the retirement system whose most recent credited service was performed for an institution of higher education.

(5) On page 2, strike lines 3 through 6, and substitute the following:

(f) The board of trustees shall adopt rules for the election of trustees [~~Persons considered for nomination~~] under Subsections [~~Subsection~~] (c), (d), and [~~or~~] (e) [~~must have been nominated by written ballot at an election conducted under rules adopted by the board of trustees~~].

(6) On page 3, line 18, strike "appointed or".

(7) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS accordingly:

SECTION _____. Section 825.009(a), Government Code, is amended to read as follows:

(a) A trustee elected [~~appointed from a slate of members nominated~~] by members of the retirement system under Section 825.002 is entitled to leave with pay from the trustee's public school employer to attend to the official business of the retirement system.

Amendment No. 1 was adopted.

HB 2656, as amended, was passed to engrossment.

CSHB 2740 ON SECOND READING
(by Bolton)

CSHB 2740, A bill to be entitled An Act relating to the licensing and regulation of youth camps.

Representative Merritt moved to postpone consideration of **CSHB 2740** until 10 a.m. Monday, May 11.

The motion prevailed.

CSHB 2859 ON SECOND READING
(by D. Miller)

CSHB 2859, A bill to be entitled An Act relating to notice requirements for a county selling surplus or salvage property.

CSHB 2859 was passed to engrossment.

POSTPONED BUSINESS

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

SB 61 ON SECOND READING
(Vaught - House Sponsor)

SB 61, A bill to be entitled An Act relating to the offense of failing to secure a child passenger in a motor vehicle and to fines for the offense.

SB 61 was read second time earlier today and was postponed until this time.

Amendment No. 1

Representative Vaught offered the following amendment to **SB 61**:

Amend **SB 61** (House Committee Printing) as follows:

(1) On page 1, strike lines 5 and 6 and substitute:

SECTION 1. Section 545.412, Transportation Code, is amended by amending Subsections (a) and (b) and adding Subsection (b-1) to read as follows:

(2) On page 1, strike lines 14 through 23 and substitute:

(b) An offense under this section is a misdemeanor punishable by a fine of not ~~less than \$100 or~~ more than \$25 for the first offense and not more than \$250 for a second or subsequent offense [~~\$200~~].

(b-1) In addition to all other fees and court costs, a person shall pay 15 cents as a court cost on conviction of an offense under this section. Court costs due under this section shall be collected in the same manner as other fees, fines, or costs are collected in the case. The clerk at least monthly shall send the court costs collected under this section to the comptroller for deposit in a separate account in the general revenue fund that may be appropriated only to the Texas Department of Transportation and used to purchase child passenger safety seat systems and distribute them to low-income families.

(3) Strike SECTION 2 of the bill (page 1, line 24, through page 3, line 1).

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

SECTION _____. Subchapter F, Chapter 102, Government Code, is amended by adding Section 102.104 to read as follows:

Sec. 102.104. ADDITIONAL COURT COSTS ON CONVICTION IN JUSTICE COURTS: TRANSPORTATION CODE. The clerk of a justice court shall collect 15 cents as a court cost under Section 545.412, Transportation Code, on conviction of an offense under that section.

SECTION _____. Subchapter G, Chapter 102, Government Code, is amended by adding Section 102.122 to read as follows:

Sec. 102.122. ADDITIONAL COURT COSTS ON CONVICTION IN MUNICIPAL COURT: TRANSPORTATION CODE. The clerk of a municipal court shall collect 15 cents as a court cost under Section 545.412, Transportation Code, on conviction of an offense under that section.

Amendment No. 1 was adopted.

SB 61, as amended, was passed to third reading. (Anderson, Craddick, Flynn, Giddings, Harper-Brown, C. Howard, and Woolley recorded voting no.)

HB 528 - LAID ON THE TABLE SUBJECT TO CALL

Representative Vaught moved to lay **HB 528** on the table subject to call.

The motion prevailed.

MESSAGE FROM THE SENATE

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

GENERAL STATE CALENDAR

(consideration continued)

HB 3316 ON SECOND READING

(by McClendon, Madden, and Hodge)

HB 3316, A bill to be entitled An Act relating to venue for certain offenses committed at Texas Youth Commission facilities.

HB 3316 was passed to engrossment.

HB 3499 ON SECOND READING
(by Naishtat)

HB 3499, A bill to be entitled An Act relating to an exemption from private security regulation for social workers engaged in the practice of social work.

HB 3499 was passed to engrossment.

CSHB 300 - RULES SUSPENDED

Representative Aycock moved to suspend Rule 5, Section 52 of the House Rules to allow members to have their votes recorded in the journal as "yea" or "nay" by filing such information with the journal clerk by 5 p.m. Monday, May 11, with the understanding that if the outcome of the vote would be changed by the votes recorded, none of the votes recorded will be printed for such a vote.

The motion prevailed.

PROVIDING FOR ADJOURNMENT

Representative Hughes moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 10 a.m. Monday, May 11.

The motion prevailed.

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

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

(Geren in the chair)

ADJOURNMENT

In accordance with a previous motion, the house, at 4:35 p.m., adjourned until 10 a.m. Monday, May 11.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

HR 1857 (By Anderson), Congratulating Ivan and Brenda Ker of Waco on their 50th wedding anniversary.

To Rules and Resolutions.

HR 1858 (By Anderson), Congratulating David and Ann Cox of Lorena on their 50th wedding anniversary.

To Rules and Resolutions.

HR 1859 (By Anderson), Congratulating William and Mary Krause on their 50th wedding anniversary.

To Rules and Resolutions.

HR 1860 (By Kuempel), Congratulating the Mid-Texas Symphony on its receipt of a grant from the National Endowment for the Arts.

To Rules and Resolutions.

HR 1861 (By Eiland), Honoring the Reverend David L. Everson, Sr., on his 10th anniversary with First Union Baptist Church in Galveston.

To Rules and Resolutions.

HR 1862 (By Eiland), Honoring the Reverend N. D. Burkley, Sr., on his 15th pastoral anniversary with Mt. Olive Missionary Baptist Church in Galveston.

To Rules and Resolutions.

HR 1863 (By Eiland), Congratulating Patricia Burns on receiving the 2009 Steel Oleander Award from the Galveston Historical Foundation.

To Rules and Resolutions.

HR 1864 (By Veasey), Honoring the Eta Chapter of Eta Phi Beta Sorority, Inc., on the occasion of its 2009 Founders Day celebration.

To Rules and Resolutions.

HR 1865 (By Veasey), Honoring Vera G. Berry, a charter member of the Eta Chapter of Eta Phi Beta Sorority, Inc.

To Rules and Resolutions.

HR 1866 (By Veasey), Honoring Eta Phi Beta Sorority, Inc., on the occasion of its 2009 Founders Day celebration.

To Rules and Resolutions.

HR 1867 (By D. Howard), Honoring the AusTin Cans robotics team from Anderson High School in Austin.

To Rules and Resolutions.

HR 1868 (By D. Howard), Commemorating World Falun Dafa Day on May 13, 2009, and the special observance to be held on the Capitol grounds on May 16, 2009.

To Rules and Resolutions.

HR 1869 (By D. Howard), Welcoming the Chap Robotics team of Westlake High School to the State Capitol.

To Rules and Resolutions.

HR 1870 (By Christian), Honoring Petty Officer 3rd Class Christopher Wayne Sacia of Wimberley for his service in the U.S. Navy and welcoming him home to Texas.

To Rules and Resolutions.

HR 1871 (By Mallory Caraway), Honoring the life of Derrick Lanier Geter of Dallas.

To Rules and Resolutions.

HR 1872 (By Mallory Caraway), Recognizing May 10 through 16, 2009, as National Women's Health Week in Dallas.

To Rules and Resolutions.

HR 1873 (By Hopson), Congratulating Jimmy Goolsbee of Arlington on his receipt of a Cherokee County Soil and Water Conservation District award.

To Rules and Resolutions.

HR 1874 (By Hopson), Congratulating Bruce Mehlenbacher of Jacksonville on his receipt of a Cherokee County Soil and Water Conservation District award.

To Rules and Resolutions.

HR 1875 (By Marquez), Honoring Dr. Cirilo Madrid of El Paso for his contributions as CEO of Aliviane, Inc.

To Rules and Resolutions.

HR 1877 (By Harper-Brown), Congratulating Dr. Francis M. Lazarus on his retirement as president of the University of Dallas.

To Rules and Resolutions.

HR 1878 (By Harper-Brown), Congratulating Joyce Pittman and Clyde Pittman, Jr., of Irving on their 50th wedding anniversary.

To Rules and Resolutions.

HR 1879 (By Burnam), Congratulating the Muslim Legal Fund of America for its dedicated defense of the Constitution of the United States.

To Rules and Resolutions.

HR 1881 (By Anderson), Congratulating William and Sondra Harper of Bruceville on their 50th wedding anniversary.

To Rules and Resolutions.

HR 1882 (By Anderson), Congratulating Jimmie Joe and Gloria Helleson of Waco on their 50th wedding anniversary.

To Rules and Resolutions.

HR 1883 (By Anderson), Congratulating Patrick and Patricia Stroman on their 50th wedding anniversary.

To Rules and Resolutions.

HR 1884 (By Anderson), Congratulating James and Jean Vorderkunz of Robinson on their 50th wedding anniversary.

To Rules and Resolutions.

HR 1885 (By Anderson), Congratulating Bob and Jean Chapman of Lorena on their 50th wedding anniversary.

To Rules and Resolutions.

HR 1886 (By Anderson), Congratulating Ken and Pat James of Waco on their 50th wedding anniversary.

To Rules and Resolutions.

HR 1887 (By Anderson), Congratulating Carl and Dee Rucker of Waco on their 50th wedding anniversary.

To Rules and Resolutions.

HR 1888 (By Anderson), Congratulating Jerry and Ruth McKethan of Waco on their 50th wedding anniversary.

To Rules and Resolutions.

HR 1889 (By Anderson), Congratulating Joe and Linda Gough on their 50th wedding anniversary.

To Rules and Resolutions.

HR 1890 (By Anderson), Congratulating Lawrence and Evelyn Hlavaty of West on their 55th wedding anniversary.

To Rules and Resolutions.

HR 1891 (By Phillips), Honoring Texas pilot Chesley Burnett "Sully" Sullenberger III for his heroism in landing a crippled plane on the Hudson River on January 15, 2009.

To Rules and Resolutions.

HR 1892 (By Phillips), Honoring Bethel Baptist Church in Whitewright on its 125th anniversary.

To Rules and Resolutions.

HR 1893 (By D. Miller), Congratulating Jordan Wimberley, Michelle Reininger, and Elise Massey of Smithson Valley High School in Spring Branch for taking first place at the 2009 FCCLA state competition.

To Rules and Resolutions.

HR 1894 (By Kent), Recognizing Akiba Academy for its many years of service to the Dallas community.

To Rules and Resolutions.

HR 1895 (By Flynn), Congratulating Jean and James Pickney of Wills Point on their 65th wedding anniversary.

To Rules and Resolutions.

HR 1896 (By Riddle), Honoring the National Foundation for Women Legislators for its assistance with Hurricane Ike relief efforts.

To Rules and Resolutions.

HR 1897 (By Riddle), Honoring Office Depot for its assistance with Hurricane Ike relief efforts.

To Rules and Resolutions.

HR 1898 (By Riddle), Honoring Nourish America for its assistance with Hurricane Ike relief efforts.

To Rules and Resolutions.

HR 1899 (By Leibowitz), Congratulating the Brandeis High School JROTC drill teams on their achievements during the 2008-2009 school year.

To Rules and Resolutions.

HR 1901 (By Woolley), Congratulating Mark Joseph Trevino on his graduation from The University of Texas Health Science Center at Houston.

To Rules and Resolutions.

HR 1902 (By Chavez), Honoring Wilma Hudson for her longtime service as a board member of the El Paso YWCA.

To Rules and Resolutions.

HR 1903 (By Dutton), Honoring the Fifth Ward Enrichment Program on the occasion of its 2009 Heart of Houston luncheon.

To Rules and Resolutions.

HR 1904 (By Dutton), Congratulating Fidel and Manuela Nuñez of Houston on their 58th wedding anniversary.

To Rules and Resolutions.

HR 1905 (By Rodriguez), In memory of Hannah Isabella Rose Kiely.

To Rules and Resolutions.

HR 1906 (By Anderson), Congratulating Gene and Kay Wenzel on their 50th wedding anniversary.

To Rules and Resolutions.

HR 1907 (By Anderson), Congratulating Daniel Bristow of McGregor on attaining the rank of Eagle Scout.

To Rules and Resolutions.

HR 1908 (By Anderson), Congratulating the Riverside Dental Center in Waco on the first anniversary of its partnership with the City of Waco, the Waco-McLennan County Public Health District, and the Heart of Texas Community Health Center.

To Rules and Resolutions.

HR 1909 (By Anderson), In memory of Ethelee Huey of Waco.

To Rules and Resolutions.

HR 1910 (By Anderson), Congratulating Melanie Decker of Midway High School in Waco for being named 2008-2009 Teacher of the Year.

To Rules and Resolutions.

HR 1911 (By Chavez), Congratulating the delegation from North Loop Elementary School in El Paso on their participation in the Texas Capitol Schoolhouse event.

To Rules and Resolutions.

HR 1912 (By Anderson), Congratulating Dr. Holly Kunert on being named High School Counselor of the Year by Texas State Technical College.

To Rules and Resolutions.

HR 1913 (By Anderson), Honoring Chase Alexander Giles on attaining the rank of Eagle Scout.

To Rules and Resolutions.

HR 1914 (By Anderson), Congratulating Caitlin Smith of Crawford High School on being named a Commended Student in the 2008 National Merit Scholarship Program.

To Rules and Resolutions.

HR 1915 (By Anderson), Congratulating Marvin Lane Dameron on being named a Distinguished Alumnus by the Midway High School Alumni Association.

To Rules and Resolutions.

HR 1916 (By Anderson), Honoring Jesse's Tortilla Factory in Waco on its 50th anniversary in 2008.

To Rules and Resolutions.

HR 1917 (By Anderson), Congratulating Ray and Irene Boman on their 50th wedding anniversary.

To Rules and Resolutions.

HR 1918 (By Anderson), Congratulating Richard and Rita Jurek of Woodway on their 50th wedding anniversary.

To Rules and Resolutions.

HR 1919 (By Anderson), Congratulating Sharron Zachry on her receipt of a National PTA Life Achievement Award.

To Rules and Resolutions.

HR 1920 (By Anderson), In memory of Sandra Kay "Sandy" Nutt of West.

To Rules and Resolutions.

HR 1921 (By Anderson), Commemorating the 125th anniversary of the founding of First Lutheran Church in Waco.

To Rules and Resolutions.

HR 1922 (By D. Miller), In memory of Oscar Hardy Smith of New Braunfels.

To Rules and Resolutions.

HR 1923 (By Hilderbran), In memory of Deby Lang of Kerrville.

To Rules and Resolutions.

HR 1924 (By Hilderbran), In memory of Josephine Schreiner Parker of Kerrville.

To Rules and Resolutions.

HR 1925 (By Craddick), Congratulating MaryAnna and Elmer Brimberry on their 50th wedding anniversary.

To Rules and Resolutions.

HR 1926 (By Craddick), Honoring Bobby Trimble, founder and president of Christmas in Action, for his 40 years of service to the Midland community.
To Rules and Resolutions.

SB 10 to Public Health.

SB 18 to Land and Resource Management.

SB 63 to Human Services.

SB 97 to Public Health.

SB 679 to Urban Affairs.

SB 710 to Criminal Jurisprudence.

SB 815 to Insurance.

SB 841 to Human Services.

SB 845 to Defense and Veterans' Affairs.

SB 958 to Ways and Means.

SB 994 to Natural Resources.

SB 1120 to Criminal Jurisprudence.

SB 1176 to Criminal Jurisprudence.

SB 1204 to Natural Resources.

SB 1244 to Public Safety.

SB 1245 to Public Safety.

SB 1257 to Insurance.

SB 1383 to Transportation.

SB 1391 to Criminal Jurisprudence.

SB 1429 to Ways and Means.

SB 1454 to Criminal Jurisprudence.

SB 1483 to Natural Resources.

SB 1506 to Criminal Jurisprudence.

SB 1530 to Criminal Jurisprudence.

SB 1598 to Judiciary and Civil Jurisprudence.

SB 1600 to Technology, Economic Development, and Workforce.

SB 1645 to Public Health.

SB 2507 to Ways and Means.

SCR 71 to Rules and Resolutions.

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 27**HB 752, HB 782, HB 1213, HB 1615, HB 1637, HB 2546, HCR 205****Senate List No. 26****SB 405, SB 1071, SB 1253, SB 1371, SB 1711, SB 1755, SB 1811, SB 2163****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
 Friday, May 8, 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 2101 Pierson SPONSOR: Davis,
 Wendy

Relating to the place for the convening of a county convention.

HB 2560 Kuempel SPONSOR: Seliger

Relating to delinquent payment of an alcoholic beverage retailer's account for liquor.

HCR 137 Gonzalez Toureilles SPONSOR: Hinojosa

Commending Orange Grove High School Family, Career, and Community Leaders of America students for their efforts to raise awareness of cancer of unknown primary (CUP) origin and for choosing zebra stripes as the ribbon color to symbolize this rare form of cancer.

THE SENATE HAS CONCURRED IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 872 (30 Yeas, 0 Nays)

SB 1373 (30 Yeas, 0 Nays)

Respectfully,
 Patsy Spaw
 Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Friday, May 8, 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 37 Zaffirini
Relating to providing home-based and community-based support services under the Medicaid program to persons who are deaf-blind with multiple disabilities.

SB 204 Shapleigh
Relating to a prohibition of foods containing trans fat.

SB 1707 West
Relating to the use of proceeds from criminal asset forfeiture to provide college scholarships to children of peace officers killed in the line of duty and to an annual report regarding the total value of forfeited property in this state.

SB 1723 Van de Putte
Relating to an informational manual for voluntary caregivers who provide temporary care for children who are the subject of an investigation by the Department of Family and Protective Services.

SB 1861 Ellis
Relating to certain programs and pilot programs administered by the Texas Department of Housing and Community Affairs.

SB 2080 Uresti
Relating to the establishment of a strategy for reducing child abuse and neglect and improving child welfare.

SB 2151 Patrick, Dan
Relating to ambulatory surgical centers and to the provision of services at those centers by certain designated physician groups.

SB 2222 Van de Putte
Relating to authorizing the creation of regional military sustainability commissions around military installations.

SB 2235 Seliger
Relating to the names of persons included on a permit or license for certain solid waste facilities under the Solid Waste Disposal Act.

SCR 63 Patrick, Dan SPONSOR: Chisum

Commending the Governor William P. Clements, Jr., Scholars on their service to their state.

Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

May 7

Business and Industry - **HB 3960, HB 4103, SB 238, SB 241, SB 472, SB 2481**

Corrections - **SB 58, SB 223, SB 1206, SB 1652, SB 2134, SJR 11**

County Affairs - **HB 599, HB 694, HB 1686, HB 3705, HB 4704, HCR 173**

Criminal Jurisprudence - **HB 2213, SB 595, SB 1832**

Culture, Recreation, and Tourism - **HB 4214, SB 495**

Defense and Veterans' Affairs - **HB 1550**

Elections - **HB 2511, HB 4033**

Higher Education - **HB 91, HB 2140, HB 3940, SB 45, SB 473**

Insurance - **HB 1582, SB 963, SB 1403, SB 1771**

Judiciary and Civil Jurisprudence - **HB 856, HB 889, HB 998, HB 1296, HB 1338, HB 1581, HB 2232, HB 2260, HB 2331, HB 2473, HB 2517, HB 4249, HB 4518, HB 4709, HB 4750, HB 4833, SB 555, SB 917, SB 918, SB 1838**

Land and Resource Management - **HB 4175, HB 4438**

Licensing and Administrative Procedures - **HB 3180**

Natural Resources - **HB 2053, SB 752, SB 1241, SB 1299, SB 1464, SB 1979, SB 2284, SB 2460, SB 2466, SB 2470**

Pensions, Investments, and Financial Services - **SB 894**

Public Education - **HB 1375, SB 33, SB 283, SB 451, SB 891**

Public Health - **HB 3816, SB 704, SB 1054**

Public Safety - **HB 819, HB 1491, HB 2287, HB 2370, HB 2798, HB 3770, HB 3875**

State Affairs - **HB 4263, SB 1182, SB 2298**

Transportation - **HB 4315, SB 481, SB 1507**

Urban Affairs - **HB 722**

Ways and Means - **HB 507, HB 3359, HB 3498, HB 4429, SB 562**

ENGROSSED

May 7 - HB 136, HB 192, HB 200, HB 221, HB 233, HB 319, HB 459, HB 570, HB 626, HB 770, HB 912, HB 999, HB 1041, HB 1090, HB 1309, HB 1358, HB 1420, HB 1425, HB 1457, HB 1533, HB 1796, HB 1890, HB 1966, HB 1968, HB 2121, HB 2240, HB 2295, HB 2547, HB 2548, HB 2584, HB 2649, HB 2682, HB 2697, HB 2888, HB 2954, HB 2994, HB 3005, HB 3119, HB 3181, HB 3226, HB 3276, HB 3287, HB 3356, HB 3526, HB 3674, HB 3829, HB 3850, HB 3861, HB 3977, HB 4343, HB 4412, HB 4424, HB 4492, HB 4525, HB 4754

ENROLLED

May 7 - HB 328, HB 3456

SENT TO THE GOVERNOR

May 7 - HB 328, HB 3456